

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of the Proposed Water)	FINAL ORDER APPROVING A WATER
Management and Conservation Plan for)	MANAGEMENT AND CONSERVATION
City of Monmouth, Polk County)	PLAN

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department. An approved water management and conservation plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

Findings of Fact

1. The City of Monmouth submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on May 5, 2022. The required statutory fee for review of the plan was received by the Department on May 14, 2022. The plan was required by a condition set forth under Permit S-54332.
2. The Department published notice of receipt of the plan on May 17, 2022, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to the City on July 8, 2022. In response, the City submitted a revised plan on November 28, 2022.
4. The Department provided written comments on the revised plan to the City on August 18, 2023. In response, the City submitted a second revised plan on December 4, 2023.
5. On December 15, 2023, the Department provided written comments on the second revised plan to the City, accompanied by a letter outlining the consequences of failing to submit a final plan that complies with OAR 690-086 requirements. In response, the City submitted a third revised plan on May 31, 2024, which did not meet the requirements of OAR 690-086.
6. On June 28, 2024, the Department called the City of Monmouth to discuss the issues with the plan.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

7. On October 18, 2024, the Department sent an email requesting a meeting with the City to discuss necessary revisions to the plan and written notice that the Department would proceed with a denial of the plan unless necessary revisions were received by November 18, 2024.
8. On October 28, 2024, the City contacted the Department and requested a meeting, which was held on October 31, 2024.
9. In response, the City submitted a fourth and final revised plan on January 9, 2025. The Department reviewed the final revised plan and finds that it contains all the elements required under OAR 690-086-0125 and OAR 690-086-0130.
10. The projections of future water needs in the plan demonstrate a need for an additional **1.66 cfs** of water available under **Permit G-8579** to help meet overall projected 20-year demands. These projections are reasonable and consistent with the City's land use plan.
11. The system is fully metered and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at 7.89 percent.
12. The plan includes 5-year benchmarks for implementation or continuation of meter replacement program to automatic meter reading (AMR); an annual water audit; an irrigation reseeding program at Western Oregon University to reduce water use; a water reuse program for the city's splash pad; and a public education program that encourages xeriscaping;
13. The final revised plan includes benchmarks for evaluation, development, and implementation of the following Conservation Measures:
 - a. Technical and Financial Assistance
 - i. Within two (2) years of approval of this plan, the City shall introduce a program to notify residents of high water use outside of their normal usage.
 - ii. The City will provide guidance to the residents on how to locate and repair leaks for residents who received notice.
 - b. Supplier Financed Retrofitting or Replacement of Inefficient Fixtures
 - i. Within two (2) years of approval of this plan, the City shall begin providing toilet tank leak color dye kits for free.
 - ii. Upon request, the City will provide assistance to residents when a leak is detected

14. The plan identifies groundwater as the primary source of the City's water rights and the Willamette River, Teal Creek, and unnamed springs as additional future sources of water for the City. The plan accurately and completely describes the listed fish species that occur in the vicinity of the City's point of diversion as well as water quality parameters for which this portion of the City's water sources have been listed by the Oregon Department of Environmental Quality. The City's groundwater sources are not in a designated critical groundwater area.
15. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of four stages of alert with concurrent curtailment actions.
16. The diversion of water under Permit G-8579 will be increased during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:
 - a. As evidenced by the benchmarks described in Findings of Fact #12 and #13, the final revised plan includes a schedule for continuation and/or implementation of conservation measures that would provide water at a cost that is equal to or lower than other identified sources;
 - b. Considering that water savings alone from identified conservation and curtailment measures cannot fully meet the City's water demand projects, access to an increased diversion under Permit G-8579 is the most feasible and appropriate alternative available to the supplier;
 - c. The City is not legally required to provide mitigation or address limitation or restriction on the development of Permit G-8579 as no resource issues were identified under OAR 690-086-0140(5)(i).

Conclusion of Law

The Water Management and Conservation Plan submitted by the City of Monmouth is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The City of Monmouth Water Management and Conservation Plan is approved and shall remain in effect until **February 12, 2035**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation(s):

2. The limitation of the diversion of water under **Permit G-8579** established by the extension of time approved on August 18, 2011, is modified and, subject to other limitations or conditions of the permit, the City of Monmouth is authorized to divert up to **5.0 cfs** (*out of the total permitted 5.0 cfs*) under Permit G-8579.

3. Failure to meet the conservation benchmarks listed below may result in the reduction of the quantity of water authorized for diversion under **Permit G-8579** during review of the City's next plan update and progress report.
 - a. Meter Replacement Program (Finding of Fact #12)
 - b. Technical and Financial Assistance (Finding of Fact #(13)(a))
 - c. Supplier Financed Retrofitting or Replacement of Inefficient Fixtures (Finding of Fact #(13)(b))
4. The limitation of the diversion of water under **Permit G-12976** established in the Final Order approving an Extension of Time for **Permit G-12976** (*issued on January 6, 2012*) remains unchanged. Subject to other limitations or conditions of the permit, therefore, the City of Monmouth remains authorized to divert only up to **0.0 cfs** (*out of the total permitted 6.0 cfs*) of water under **Permit G-12976**.

Plan Update Schedule:

5. The City of Monmouth shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 (effective December 23, 2018) no later than **August 12, 2034**.

Progress Report Schedule:

6. The City of Monmouth shall submit a progress report containing the information required under OAR 690-086-0120(4) by **February 12, 2030**.

Other Requirements for Plan Submittal:

7. The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve the City of Monmouth from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

Dated at Salem, Oregon this day FEB 25 2025


Lisa J. Jaramillo, Transfer and Conservation Section Manager for
IVAN GALL, DIRECTOR
Oregon Water Resources

Mailing date: FEB 26 2025

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.