

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

In the Matter of the Proposed Water)	FINAL ORDER APPROVING WATER
Management and Conservation Plan for)	MANAGEMENT AND
City of Sherwood, Washington County)	CONSERVATION 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 plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

Background

On September 5, 2006, the City of Sherwood submitted a draft Water Management and Conservation Plan (WMCP) for review under OAR Chapter 690, Division 086 (November 2002). Submittal of the plan was required as an update of the previous WMCP under Permit G 12546. The City of Sherwood is also required to submit a WMCP consistent with a settlement agreement in order to gain access to water under an extension of Permit S 49240. Sherwood is one of the cities identified to develop water under this Permit S 49240 through the settlement agreement.

The Department published notice of receipt of the plan on September 12, 2006. No public comments were received. The Department provided written comments on the plan to the City on March 5, 2007. In response, the City submitted a revised plan on January 22, 2008 and supplemental materials on October 8, 2008.

Findings of Fact

1. The City of Sherwood Water Management and Conservation Plan contains all of the plan elements required under OAR 690-086-0125.
2. The projections of future water needs in the plan demonstrate a need for over 23.20 cfs of water available under permit S 49240 to meet demands for the population anticipated in 20 years. These projections are reasonable and consistent with the City's land use plan.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

3. The plan includes continued implementation of conservation activities such as: an annual water audit; a two-tiered water rate system with an updated rate study; annual testing of 2" and larger meters; joint public education materials with the Regional Water Providers Consortium and Tualatin Valley Water District (including a web link from the City web site); bi-monthly educational inserts in billing materials; and an annual "Sherwood Conservation News" direct mailing. The system is fully metered and the rate structure includes a base rate and volumetric charge. System leakage is estimated at 6.4 percent.
4. The plan shows implementation of required conservation activities under OAR 690-86-150(6) and includes 5-year benchmarks for evaluation of existing conservation activities and an updated rate study.
5. The plan identifies ground water, water service contracts and the Willamette River as the sources of the City's water rights. The plan accurately and completely describes Upper Willamette River Chinook salmon and Upper Willamette River steelhead as the affected listed species because portions of their migratory habitat are in source areas of permit S 49240.
6. 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.
7. The diversion of water under permit S 49240 will be initiated during the next 20 years and consistent with OAR 690-086-0130(7):
 - a. The plan meets OAR 690-086-0130(7)(a) by continued implementation of conservation measures that provide water at a cost that is equal to or lower than the cost of other identified sources, and the supplier has provided sufficient justification for the factors used in selecting other sources for development;
 - b. The plan meets OAR 690-086-0130(7) (b) as initiation of use under this regional supply source is the most feasible and appropriate water supply alternative available to the supplier; and
 - c. The plan meets OAR 690-086-0130(7) (c), because it contains documentation that, at this time, no mitigation is required and reflects a willingness by the City to perform mitigation if required in the future. The City also included the requirements of the settlement agreement as part of the planned conservation activities.

Conclusion of Law

The water management and conservation plan submitted by the City of Sherwood is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

1. The City of Sherwood Water Management and Conservation Plan is approved and shall remain in effect until January 22, 2018, unless this approval is rescinded pursuant to OAR 690-086-0920.

2. The limitation of the diversion of water under Permit S 49240 established by the extension of time approved on June 26, 2007 is removed and, subject to other limitations or conditions of the permit, the City of Sherwood is authorized to divert up to 23.20 cfs under Permit S 49240.
3. The City of Sherwood shall submit an updated plan within ten years and no later than January 22, 2018 and shall submit progress reports containing the information required under OAR 690-086-0120(4) by January 22, 2013.

Dated at Salem, Oregon this 19th day of December, 2008.



Phillip C. Ward, Director
PCW

Appeals should be addressed to the attention of: Bill Fujii

Appeals deadline: 2-27-09
Minimum of 60 days from issuance of FO