

**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 Portland, Multnomah 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 March 31, 2008, the City of Portland submitted a draft Water Management and Conservation Plan (WMCP) for review under OAR Chapter 690, Division 086 (November 2002). Submittal of the plan is required under a previously approved WMCP, under conditions of various permits and an order extending the authorized date on those permits.

The Department published notice of receipt of the plan on April 1, 2008. Comments were received from WaterWatch of Oregon.

The Department provided comments on the plan to the City on June 27, 2008 and, in response, the City submitted a revised plan on March 8, 2010.

Findings of Fact

1. The City of Portland Water Management and Conservation Plan contains all plan elements required under OAR 690-086-0125. The projections of future water needs in the plan demonstrate a need for over 53.39 million gallons per day of water available under Permits G-8755, G-10124, G-10455, and G-10479 to meet demands for the population anticipated in 20 years. These projections are reasonable and consistent with the City's land use plan. The City requires wholesale customers to submit a WMCP. This WMCP addresses the City of Portland's land use plan; the wholesale customer's meet obligations to work with land use entities through concurrent processes.
2. The plan includes 5-year benchmarks for implementation of a rate study, pilot test of reuse, education program, technical services, meter testing and replacement. The system is fully

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.

metered and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at six percent.

3. The plan includes 5-year benchmarks for evaluation, development, and implementation of programs to perform a rate study and a pilot test of reuse.
4. The plan identifies the Bull Run River, ground water and Crystal Springs Creek as the source of the City's water rights and accurately and completely describes the City's Habitat Conservation Plan (HCP) consistent with the Federal Endangered Species Act.
5. 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.
6. The diversion of water in the existing well field will be expanded under Permits G-8755, G-10124, G-10455, and G-10479. Use from these permits will be initiated during the next 20 years and consistent with OAR 690-086-0130(7):
 - a. The plan includes a schedule for development of a combination of existing and new conservation measures that provide water at a cost that is equal to or lower than the cost the use of the existing and expanded well field.
 - b. Use of the additional wells in the well field increases the reliability of the City's water supplies particularly in times of shortage due to drought or catastrophe. Increased use from the source is the most feasible and appropriate water supply alternative available to the supplier.
 - c. The plan contains documentation that the supplier is complying with mitigation requirements under the HCP developed in cooperation with the Federal action agencies.

Determination and Proposed Action

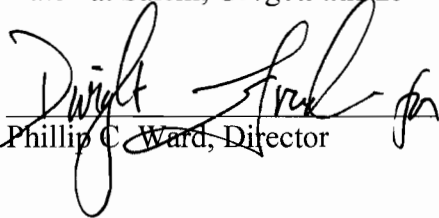
The water management and conservation plan submitted by the City of Portland appears to be consistent with the criteria in OAR Chapter 690, Division 086. If appeals are not filed pursuant to OAR 690-086-0915(10), the water management and conservation plan will be approved.

If the water management and conservation plan is approved, the final order will include the following:

1. The City of Portland Water Management and Conservation Plan is approved and shall remain in effect until May 25, 2020 unless this approval is rescinded pursuant to OAR 690-086-0920.
2. The limitation of the diversion of water under Permits G-8755, G-10124, G-10455, and G-10479 established by the extension of time approved on October 6, 2009 is removed and, subject to other limitations or conditions of the permit, the City of Portland is authorized to divert up to 82.59 cfs under Permits G-8755, G-10124, G-10455, and G-10479. This use does not allow the use of water in excess of any individual permit limitations.

3. The City of Portland shall submit an updated plan within ten years and no later than May 25, 2020 and shall submit a progress report containing the information required under OAR 690-086-0120(4) by May 25, 2015.

Dated at Salem, Oregon this 25th day of May 2010.


Phillip C. Ward, Director

Mailing date: **MAY 28 2010**