

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

In the Matter of the Proposed Water)	FINAL ORDER APPROVING A
Management and Conservation Plan for)	WATER MANAGEMENT AND
City of Harrisburg, Linn 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 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. On August 18, 2014, the City of Harrisburg (City) submitted a Water Management and Conservation Plan (WMCP) to the Oregon Water Resources Department (Department). The required statutory fee for review of the WMCP was received by the Department on September 2, 2014. At that time, the WMCP was required by a condition set forth under the City's previously approved WMCP issued on June 23, 2010 (*Sp. Or. Vol. 81, Pg. 200*), and by a condition set forth in the Final Order issued on July 15, 2011, approving an Extension of Time for Permit G-15927.
2. The Department published notice of receipt of the WMCP on September 9, 2014, as required under OAR Chapter 690, Division 086. No comments were received.
3. The following provides background information specific to the City Permit G-15927:
 - a. The Department issued Permit G-15927 on June 16, 2005, authorizing the City to appropriate up to 1.11 cfs of water from Wells 6 and 7 for Municipal Use;
 - b. On June 17, 2010, the Department issued Certificate 86310 recognizing the partial perfection of 0.41 cfs of water (*being 0.15 cfs from Well 6 and 0.26 cfs from Well 7*) under Permit G-15927. The remaining unperfected portion of Permit G-15927 is 0.7 cfs of water;
 - c. The Department issued a Final Order on July 15, 2011, granting the City an Extension of Time through October 1, 2027, in which to accomplish full beneficial use of the remaining unperfected portion of water under Permit G-15927. The Final Order required the City to submit a WMCP to the Department by July 15, 2014. It also included a "Development Limitations" condition specifying the appropriation of water under Permit G-15927 is limited to no more than 0.41 cfs (*out of the total permitted 1.11 cfs*) until access to water beyond that amount is authorized by the Department as part of the approval of the required WMCP; and

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.

- d. Considering the partial perfection evidenced by Certificate 86310 of 0.41 cfs under Permit G-15927 (*described in Finding of Fact #3-b*) and the “Development Limitations” condition of 0.41 cfs established by the Extension of Time for Permit G-15927 (*described in Finding of Fact #3-c*), the City was not legally authorized at that time to appropriate any of the remaining unperfected portion of Permit G-15927.
4. The following provides background information specific to the City’s Permit G-16414:
 - a. The Department issued Permit G-16414 on December 4, 2008, authorizing the City to appropriate up to 0.89 cfs of water from Well 8 for Municipal Use;
 - b. On June 17, 2010, the Department issued Certificate 86309 recognizing the partial perfection of 0.482 cfs of water under Permit G-16414. The remaining unperfected portion of Permit G-16414 is 0.408 cfs of water;
 - c. The Department issued a Final Order on April 24, 2015, granting the City an Extension of Time through October 1, 2027, in which to complete construction and accomplish full beneficial use of the remaining unperfected portion of water under Permit G-16414. The Final Order required the City to submit a WMCP to the Department by April 24, 2018. It also included a “Development Limitations” condition specifying the appropriation of water under Permit G-16414 is limited to no more than 0.482 cfs (*out of the total permitted 0.89 cfs*) until access to water beyond that amount is authorized by the Department as part of the approval of the required WMCP; and
 - d. Considering the partial perfection evidenced by Certificate 86309 of 0.482 cfs under Permit G-16414 (*described in Finding of Fact #4-b*) and the “Development Limitations” condition of 0.482 cfs established by the Extension of Time for Permit G-16414 (*described in Finding of Fact #4-c*), the City was not legally authorized at that time to appropriate any of the remaining unperfected portion of Permit G-16414.
5. The Department issued Permit S-54727 on August 31, 2011, authorizing the City to divert up to 2.61 cfs of water from the Willamette River for Municipal Use. The permit also specifies that completion of construction and application of the water to full beneficial use is to be accomplished by August 31, 2031.
6. The Department reviewed the WMCP submitted on August 18, 2014 (see Finding of Fact #1) and provided written comments on the WMCP to the City on November 28, 2014. In response, the City submitted a revised WMCP on December 14, 2015.
7. The Department reviewed the revised WMCP and finds that it contains all of the elements required under OAR 690-086-0125 and OAR 690-086-0130.
8. The system is fully metered and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at 13.6 percent (*June 2013 through May 2014*).
9. The revised WMCP includes 5-year benchmarks for the continuation and/or implementation of the following water conservation measures: maintaining a fully metered system; performing annual water audits; having a leak detection/repair and line replacement program; having a meter testing and replacement program; utilizing a rate structure that is based, in part, on the amount of water metered at service connections; designing water bills to promote conservation through such things as comparing the customer’s current water use with that of the same period

from the previous year and providing space for conservation messages; having a public education program designed to promote efficient indoor and outdoor water use; offering low water use plumbing fixtures; and developing a program to prohibit water waste.

10. The water curtailment element included in the revised WMCP satisfactorily promotes water curtailment practices and includes a list of three stages of alert with corresponding curtailment actions.
11. The revised WMCP identifies ground water and the Willamette River as the sources of the City's water rights, and accurately describes that the City's ground water sources are not located within the designated boundaries of any critical ground water area. It also accurately and completely identifies the streamflow-dependent species occurring in the Willamette River that are state- and/or federally-listed as sensitive, threatened or endangered, namely Chum salmon, Coho salmon, Steelhead, Chinook salmon, Oregon chub, Coastal Cutthroat trout, Western Brook lamprey, Pacific lamprey, and Pacific eulachon. In addition, the revised WMCP identifies the parameters for which the Willamette River in the vicinity of the City's authorized point of diversion is listed as being water quality limited (*i.e.*, *dioxin (2, 3, 7, 8-TCDD); iron; manganese; mercury; dissolved oxygen, temperature; e. Coli*), and that Total Maximum Daily Loads (TMDL) have been approved for temperature, mercury, and bacteria in the middle Willamette River.
12. As described in the revised WMCP, the City is currently in the process of performing a major feasibility study to determine the most suitable supply option for meeting its future water demands. The City must decide whether to further develop its ground water supply, or to construct a new raw water intake and treatment facility to utilize its Willamette River water use permit. Once the feasibility study is completed, estimated at approximately one year, the City will have a clearer picture of which water source, or combination of sources, will be most advantageous to pursue.
13. The projections of future water demands in the revised WMCP demonstrate a need for 0.294 cfs of water available under Permit G-15927 and for 0.408 cfs of water available under Permit G-16414 to help meet overall projected 20-year demands. These projections are reasonable and consistent with applicable land use plans. However, the WMCP also indicates that, if the results of the City's ongoing feasibility study are more favorable to the Willamette River, the City may pursue development of its Permit S-54727 to help meet future water demands before (or in combination with) further developing their ground water sources.
14. Depending on the results of the City's Feasibility Study, the diversion of water under Permits G-15927 and G-16414 may be increased during the next 20 years. Increased diversion of water under these permits is consistent with OAR 690-086-0130(7), as follows:
 - a. As evidenced by the five-year benchmarks described in Finding of Fact #9 above, the revised WMCP includes a schedule for the continuation and/or development of water conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources;

- b. Implementation of water conservation measures alone cannot fully meet the City's projected 20-year demands. Additionally, due to lack of proximity, interconnection with other municipal water supply systems is not a financially or logistically feasible water supply option for the City. For these reasons, increased appropriation of water under extended ground water Permits G-15927 and G-16414 and/or initiating the diversion of water from the Willamette River under Permit S-54727 (*depending upon the results of the ongoing feasibility study described in Finding of Fact #12*) is the most feasible water supply alternative available to the City at this time: and
- c. No resource issues have been identified under OAR 690-086-0140(5)(i) for the City's extended ground water Permits G-15927 and G-16414. Willamette River Permit S-54727, however, requires the City to comply with conditions set forth in the permit, including (*among other things*): installation, maintenance, and operation of fish screening and by-pass device(s) consistent with Oregon Department of Fish and Wildlife (ODFW) standards to prevent fish from entering the system; and monitoring streamflow in the Willamette River and diverting water contingent on minimum designated flows being met downstream.

15. Given the current status of the City's feasibility study and in order to not authorize more water than is demonstrated in the WMCP as being necessary to meet the City's projected 20-year demands, the Department has determined the combined total appropriation and/or diversion of water at any one time under the City's extended Permits G-15927 and G-16414 and Willamette River Permit S-54727 **must be limited to a maximum rate of 0.702 cfs** (*See Condition #4 below*).

Conclusion of Law

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

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The City of Harrisburg Water Management and Conservation Plan is approved and shall remain in effect until **January 3, 2026**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation Conditions:

2. **Permit G-15927 (Wells 6 & 7)** – The limitation of the appropriation of water under Permit G-15927 established by the Extension of Time Final Order approved on July 15, 2011, is removed and, subject to other limitations or conditions of the permit, in addition to the 0.41 cfs under Certificate 86310 (Permit G-15927), the City of Harrisburg is now authorized to appropriate up to **0.294 cfs** (*of the remaining unperfected portion*) under Permit G-15927.

The appropriation of water under Permit G-15927 beyond 0.294 cfs may only be authorized upon the City's submittal of an updated WMCP (*consistent with OAR 690-086*) that requests and provides sufficient justification for appropriating more water and upon the Department's subsequent issuance of a final order approving the updated WMCP and granting authorization to appropriate water under Permit G-15927 at a rate beyond 0.294 cfs.

3. **Permit G-16414 (Well 8)** – The limitation of the appropriation of water under Permit G-16414 established by the Extension of Time Final Order approved on April 24, 2015, is removed and, subject to other limitations or conditions of the permit, in addition to the 0.482 cfs under Certificate 86309 (Permit G-16414), the City of Harrisburg is now authorized to appropriate up to **0.408 cfs** (*being the entirety of the remaining unperfected portion*) under Permit G-16414.
4. The combined total rate of water appropriated and/or diverted at any one time under the City's extended Permits G-15927 and G-16414 and Willamette River Permit S-54727 **shall not exceed 0.702 cfs**.

Plan Update Schedule:

5. The City of Harrisburg shall submit an updated Water Management and Conservation Plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than **July 3, 2025**.

Progress Report Schedule:

6. The City of Harrisburg shall submit a progress report containing the information required under OAR 690-086-0120(4) by **January 3, 2021**.

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 Harrisburg 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 5 day of January, 2016.



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: JAN 13 2016