

**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 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 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 Sherwood submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on June 14, 2018. The required statutory fee for review of the plan was received by the Department on July 3, 2018. The plan was required by a condition set forth under the City's previously approved plan (Sp. Or. Vol. 76, Pg. 869-871 issued on December 19, 2008).
2. The Department published notice of receipt of the plan on July 10, 2018, 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 September 11, 2018. In response, the City submitted a revised plan on November 21, 2018.
4. The Department reviewed the revised plan and finds that it contains all of the elements required under OAR 690-086-0125 and OAR 690-086-0130.
5. On December 19, 2008, the Department issued a final order approving the City's previous plan and authorizing diversion of up to 23.20 cfs (out of the total permitted 31.0 cfs) under Permit S-49240. The projections of future water needs in the City's 2018 plan demonstrate a need for a total of 9.04 cfs of water under Permit S-49240 to help meet overall projected 20 year demands. As stated in their 2018 plan, the City has diverted 6.34 cfs to date and are requesting an additional 2.7 cfs to help meet overall projected needs until the year 2037 for a total of 9.04 cfs. Therefore, the quantity authorized for diversion will be reduced accordingly. These projections are reasonable and consistent with the City's land use 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.

6. The system is fully metered and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at 5.18 percent for the year 2016.
7. The plan includes 5-year conservation benchmarks to: continue to perform annual water system audits; continue to install meters on all new connections; implement a meter accuracy pilot program for meters less than 2-inches in size; continue to sustain a leak detection and repair program that includes surveying 25% of the system annually; continue to bill customers based, in part, on the quantity of water metered at the service connection; continue to provide the public with free water conservation items; decide whether to expand the toilet rebate program; continue to look for ways to conserve water at City facilities and properties; continue to implement its public education program, which includes promoting water conservation in the City's newsletters, utility bills, and website and retaining membership in the Regional Water Providers Consortium.
8. The plan identifies groundwater and the Willamette River as the sources of the City's water rights and accurately and completely describes the upper Willamette River Chinook salmon, Upper Willamette River winter steelhead, Lower Columbia River Chinook salmon, Cutthroat salmon, Coho salmon, Columbia River Chum salmon, Western Brook lamprey, Pacific lamprey and Pacific eulachon as the affected listed species because portions of their migratory habitat are in source areas of Permit S-49240
9. 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.
10. The diversion of water under Permit S-49240 will be increased during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:
 - 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 expanded 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 no mitigation is required and 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**:

Duration of Plan Approval:

1. The City of Sherwood Water Management and Conservation Plan is approved and shall remain in effect until **December 11, 2028**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation:

2. The limitation of the diversion of water under Permit S-49240 established in the Final Order approving the City's previous WMCP issued on December 19, 2008 is now modified. Subject to other limitations or conditions of the permit, the City of Sherwood is now authorized to divert up to 9.04 cfs (*out of the total permitted 31.0 cfs*) of water under Permit S-49240.

Plan Update Schedule:

3. The City of Sherwood shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within **10 years** and no later than **July 11, 2028**.

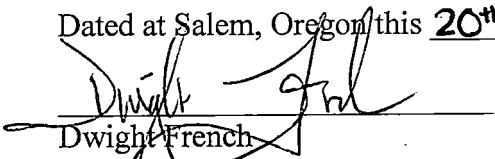
Progress Report Schedule:

4. The City of Sherwood shall submit a progress report containing the information required under OAR 690-086-0120(4) by **December 11, 2023**.

Other Requirements for Plan Submittal:

5. 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 Sherwood 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 20th day of December, 2018.


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

Mailing date: DEC 21 2018

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>