

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

In the Matter of the Proposed Water)	ORDER ON RECONSIDERATION
Management and Conservation Plan for)	AND SUPERSEDING FINAL ORDER
City of Hermiston, Umatilla County)	APPROVING A WATER
		MANAGEMENT AND
		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 Hermiston submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on March 25, 2019. The plan was required by a condition set forth under the City's previously approved plan (Sp. Or. Vol.85 Pgs. 737-738 issued on December 1, 2011.
2. The Department published notice of receipt of the plan on April 2, 2019, 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 May 24, 2019, and October 3, 2019. In response, the City submitted revised plans on August 29, 2019, December 18, 2019 and January 23, 2020.
4. The Department reviewed the final revised plan and finds that it contains all of the elements required under OAR 690-086-0125 and OAR 690-086-0130.
5. The projections of future water needs in the plan demonstrate a need for an additional 4.36 cfs of water available under Permit G-6831 to help meet overall projected 20-year demands. These projections are reasonable and consistent with the City's land use plan.
6. The system is fully metered and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at 9.1 percent.

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. The plan includes 5-year benchmarks for implementation or continuation of the following: annual water audits; system-wide metering; meter testing and maintenance, leak detection and repair, and public education.
8. The plan includes 5-year benchmarks for evaluation, development, and implementation of programs to service and calibrate master meters; distribute conservation handouts to customers; provide technical assistance when requested; make low-flow showerhead replacements available to customers; require that contractors who utilize water from City fire hydrants meter their usage and evaluate low water use landscaping on city facilities.
9. The plan identifies groundwater and the Columbia River as the sources of the City's water rights. Additionally, the plan accurately and completely describes that the City is located within the boundaries of the Lower Umatilla Basin Groundwater Management Area. The plan also describes the aquatic resource concerns in the Columbia River including state and federal sensitive, threatened, and endangered species as well as the water quality parameters for which this portion of the Columbia River have been listed as water quality limited by the Oregon Department of Environmental Quality.
10. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of three (3) stages of alert with concurrent curtailment actions.
11. The diversion of water under Permit G-6831 will be increased during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:
 - a. As evidenced by the 5-year benchmarks described in Findings of Fact #7 and #8, the final revised plan includes a schedule for the continuation and/or implementation of conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources;
 - b. After evaluating alternative sources, the need to provide resiliency and redundancy in the water system, and that water savings alone from identified conservation measures cannot fully meet the City's water demand projections, the Department has determined that access to an increased diversion of water under Permit G-6831 is the most feasible and appropriate alternative to the supplier.
 - c. The City is not required at this time to provide mitigation related to Permit G-6831.
12. On February 10, 2020, the Department issued a Final Order, recorded at Special Order Volume 116, Pages 83 - 85, approving the City of Hermiston's Water Management and Conservation Plan.
13. On February 19, 2020, it was discovered that the Final Order in Finding of Fact #12 above inadvertently included typographical errors. Therefore, consistent with OAR 137-004-0080(5), the Department on its own initiative is reconsidering the Final Order issued on February 10, 2020 to correct the typographical errors.
14. This Final Order is to supersede and modify the Final Order recorded at Special Order Volume 116, Pages 83 - 85.

Conclusion of Law

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

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The City of Hermiston Water Management and Conservation Plan is approved and shall remain in effect until **February 5, 2030**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation:

2. The limitation of the diversion of water under Permit G-6831 established by the extension of time approved on February 23, 2005 is removed and, subject to other limitations or conditions of the permit, the City of Hermiston is authorized to divert up to 11.04 cfs (*out of the total permitted rate of 11.04 cfs*) under Permit G-6831.

Plan Update Schedule:

3. The City of Hermiston shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within **10 years** and no later than **August 6, 2029**.

Progress Report Schedule:

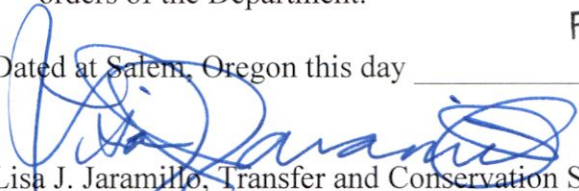
4. The City of Hermiston shall submit a progress report containing the information required under OAR 690-086-0120(4) by **February 5, 2025**.

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 Hermiston 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.

FEB 27 2020

Dated at Salem, Oregon this day _____


Lisa J. Jaramillo, Transfer and Conservation Section Manager for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources

Mailing date: **FEB 28 2020**

Notice Regarding Service Members: Active duty service members have a right to stay these proceedings under the federal service members Civil Relief Act. For more information, contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.