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
Clackamas River Water, Clackamas)	CONSERVATION PLAN
County		

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. Clackamas River Water (CRW) submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on December 17, 2021. The required statutory fee for review of the plan was received by the Department on December 22, 2021. The plan was required by a condition set forth under CRW's previously approved plan (Sp. Or. Vol. 85, Pgs. 986-988) issued on January 30, 2012.
- 2. The Department published notice of receipt of the plan on December 28, 2021, as required under OAR Chapter 690, Division 086. No comments were received.
- 3. The Department provided written comments on the plan to CRW on February 11, 2022 and May 6, 2022. In response, CRW submitted a revised plan on April 21, 2022 and a final revised plan on May 9, 2022.
- 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 need in the plan demonstrate a need for 6.8 cfs of water available under Permit G-6728 to help meet overall projected 20-year demands and provide a source of backup supply. These projections are reasonable and consistent with CRW'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 8.2 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 final revised plan includes 5-year benchmarks for implementation or continuation of the following water conservation programs and activities: annual water audit; meter testing and maintenance program; a leak detection program; a public education program; technical and financial assistance; a retrofit and a fixture replacement assistance program and continuing to report abnormally high water use to customers.
- 8. The final revised plan includes 5-year benchmarks for evaluation, development, and implementation of programs to improve the annual water audit; explore re-establishing the residential meter replacement program; and explore reuse and recycling of water.
- 9. The final revised plan identifies the Clackamas River and one groundwater well as the primary source of CRW's water rights and accurately and completely describes the listed fish species that occur in Clackamas River in the vicinity of the CRW's point of diversion as well as the water quality parameters for which this portion of the Clackamas River has been 303(d) listed by the Oregon Department of Environmental Quality. CRW's groundwater source is not in a designated critical groundwater area.
- 10. 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.
- 11. The diversion of water under Permit G-6728 will be increased during the next 10 years and is consistent with OAR 690-086-0130(7), as follows:
 - a. As evidenced by the 5-year benchmarks and continuing conservation measures described in Findings of Fact #7 through #9 above, the plan includes a schedule for development of conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources;
 - b. There are reliability and resource issues associated with obtaining any new water rights from the Clackamas River. Having full access to CRW's ground water source to provide a reliable redundant or primary source that can potentially reduce environmental impacts on the Clackamas River. Considering these factors, increased use from CRW's ground water source is the most feasible and appropriate water supply alternative to the supplier at this time; and
 - c. CRW is currently not required to provide mitigation to address limitations or restrictions on the development of Permit G-6728, as no resource issues pertaining to the permit have been identified under OAR 690-086-0140(5)(i).

Conclusion of Law

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

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The CRW Water Management and Conservation Plan is approved and shall remain in effect until **May 24, 2032**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation:

2. The limitation of the diversion of water under **Permit G-6728** established by the extension of time approved on December 15, 2009 is removed and, subject to other limitations or conditions of the permit, CRW is authorized to divert up to **8.9 cfs** (*out of the total permitted 8.9 cfs*) under **Permit G-6728**.

Plan Update Schedule:

3. CRW shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 (effective December 23, 2018) within 10 years and no later than November 24, 2031.

Progress Report Schedule:

4. CRW shall submit a progress report containing the information required under OAR 690-086-0120(4) by **May 24, 2027**.

Other Requirements for Plan Submittal:

Dated at Salem, Oregon this day

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 CRW 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.

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	Transfer and Conservation S	ection Manager fo
	LER, DIRECTOR	
Oregon Water Res	sources	
Mailing date:	IIIN 0 2 2022	

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.