# 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 Fairview, 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 6, 2006, the City of Fairview submitted a draft Water Management and Conservation Plan for review under OAR Chapter 690, Division 086 (November 2002). Submittal of the plan was required under Permit G 14121 and permit extensions for G 7029and G 55594.

The Department published notice of receipt of the plan on March 14, 2006. No public comments were received.

The Department provided comments on the plan to the City on May 5, 2006 and, in response, the City submitted a revised plan on July 20, 2006.

## **Findings of Fact**

- 1. The City of Fairview Water Management and Conservation Plan contains all of the plan elements required under OAR 690-086-0125.
- 2. The projections of future water needs in the plan demonstrate a need for over 2.2 cfs of water available under permit G 7029 and 2.2 cfs of water available under permit G 5594 to meet demands for the population anticipated in 20 years. These projections are reasonable and consistent with the City's land use plan.
- 3. The plan includes 5-year benchmarks for implementation of an annual water audit, leak repair program, public education program, improved meter testing program, rate structure

This is a final order in other than 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 either 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.

studies and membership in the Regional Water Provider's Consortium. The system is fully metered and the rate structure includes a base rate and volumetric charge. System leakage is to be estimated and reported to the Department by January 31, 2007.

- 4. The plan identifies ground water as the source of the City's water rights and accurately and completely describes known resource issues.
- 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 under G 7029 and G 5594 will be initiated during the next 20 years and consistent with OAR 690-086-0130(7):
  - a. The plan meets OAR 690-086-0130(7) (a) by the existing conservation measures, proposed conservation and benchmark related analysis.
  - b. The plan meets OAR 690-086-0130(7)(b) by the increased use from the source which is the most feasible and appropriate water supply alternative available to the supplier for main water supply and redundancy purposes.
  - c. The plan meets OAR 690-086-0130(7)(c) because the source of water is ground water and their consultation with the Department of Fish and Wildlife states no threatened, endangered or sensitive species will be impacted by this ground water use.

#### **Conclusion of Law**

The water management and conservation plan submitted by the City of Fairview is consistent with the criteria in OAR Chapter 690, Division 086.

#### Now, therefore, it is ORDERED:

- 1. The City of Fairview Water Management and Conservation Plan is approved and shall remain in effect until August 1, 2016, unless this approval is rescinded pursuant to OAR 690-086-0920.
- 2. The limitation of the diversion of water under Permit G 7029 established by the extension of time approved on June 13, 2005 is removed and, subject to other limitations or conditions of the permit, the City of Fairview is authorized to divert up to 2.2 cfs under Permit G 7029.
- 3. Increased use from the source is the most feasible and appropriate water supply alternative available to the supplier. The limitation of the diversion of water under Permit G 7029 established by the extension of time approved on June 13, 2005 is removed and, subject to other limitations or conditions of the permit, the City of Fairview is authorized to divert up to 2.2 cfs under Permit G 7029.
- 4. The limitation of the diversion of water under Permit G 5594 established by the extension of time approved on June 13, 2005 is removed and, subject to other limitations or

- conditions of the permit, the City of Fairview is authorized to divert up to 2.2 cfs under Permit G 5594.
- 5. Increased use from the source is the most feasible and appropriate water supply alternative available to the supplier. The limitation of the diversion of water under Permit G 5594 established by the extension of time approved on June 13, 2005 is removed and, subject to other limitations or conditions of the permit, the City of Fairview is authorized to divert up to 2.2 cfs under Permit G 5594.
- 6. The City of Fairview shall submit an updated plan within ten years and no later than July 1, 2016.
- 7. The supplier shall submit progress reports containing the information required under OAR 690-086-0120(4) by July 1, 2011.

Dated at Salem, Oregon this 30 day of November, 2006

Phillip C. Ward, Director

Mailing date: DEC 0 4 2006