

**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 the)	WATER MANAGEMENT AND
Tualatin Valley Water District, Washington)	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. The Tualatin Valley Water District (TVWD) submitted a final draft Water Management and Conservation Plan (WMCP or "plan") to the Water Resources Department (Department) on September 4, 2014. The plan was required by a condition set forth under TVWD's previously approved plan (Sp. Or. Vol. 77, Pg. 845, dated June 21, 2009).
2. The Department published notice of receipt of the final draft plan on September 9, 2014, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the final draft plan to TVWD on December 3, 2014. In response, TVWD submitted a revised plan on December 24, 2014.
4. The Department reviewed the revised plan and finds that it contains all of the elements required under OAR 690-086-0125.
5. The projections of future water needs in the revised plan demonstrate a need for 80.1 cubic feet per second (cfs) of water available under Permit S-49240 to help meet overall projected 20-year demands and to provide source redundancy. These projections are reasonable and consistent with applicable land use plans.

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 water billing rate structure includes a base rate and volumetric charge.
7. Unaccounted-for water is estimated at less than 10 percent; however, malfunctioning supply meters owned and maintained by Portland Water Bureau (PWB) likely reduce the accuracy of this estimate.
8. The revised plan includes the following 5-year benchmarks for implementation of the conservation programs required of all water suppliers by OAR 690-086-0150(4):
 - a) TVWD will continue to perform its rigorous annual water audit. TVWD will continue to communicate with PWB in an effort to address meter malfunctions. Once meter repairs are completed and TVWD has generated enough demand data, TVWD will carry out another Water Loss Audit to re-evaluate water loss results, and based on those results, TVWD will decide its next steps related to water auditing.
 - b) TVWD will continue to install automated meter reading (AMR) in all new meter installations. In the next five years, TVWD will begin to replace current irrigation meters with AMR meters as funding and staff time allow.
 - c) In the next five years, the 12 remaining large (non-data logging) meters will be replaced as they reach the end of their functionality or as parts become difficult to acquire. The meter testing program will continue to test large meters every two years or less and small meters (2 inches or less) upon request. TVWD will continue to coordinate with PWB to fix the Wolf Creek supply meter and Florence Lane meter.
 - d) TVWD will continue to bill customers based on meter size and the quantity of water metered at the service connection. In the next five years, TVWD will conduct another rate review and will consider adjusting charges based on recommendations in that rate review.
 - e) TVWD will continue its leak detection and repair program.
 - f) TVWD will continue its public education program. In the next five years, TVWD will update its Web site.
9. Since TVWD serves a population greater than 7,500, and has proposed expansion or initiation of the diversion of water under an extended permit for which resource issues have been identified, the revised plan includes the following additional benchmarks for conservation measures required under OAR 690-086-0150(6):
 - a) TVWD will continue its leak detection and repair program.
 - b) TVWD Conservation staff will continue to provide indoor and outdoor water use assessment upon request. TVWD will continue the other elements of its technical and financial assistance program.
 - c) TVWD will continue to fund all of its current rebate programs. As the WaterSense program develops and more products are added to the labeling program, TVWD will incorporate the new listings into the criteria for TVWD's rebate programs.

- d) TVWD will continue its rate structure and bi-monthly billing schedule, both of which encourage water conservation. TVWD will continue to provide conservation messages and show recent water use in billing statements.
 - e) TVWD will continue to support regional efforts to develop water reuse and non-potable water use opportunities. TVWD will continue working with business, industry, and government (B.I.G.) customers to investigate opportunities to improve their water reuse and recycling.
 - f) TVWD will continue its current efforts to market the use of weather-based irrigation technology in landscape irrigation practices. TVWD will continue to promote best practices for landscaping and irrigation using its Water Efficient Demonstration Garden. TVWD will continue to use several tools to evaluate conservation programs and measures by cost/benefit value analysis for both TVWD and its customers. TVWD will continue to investigate measures to evaluate and report on rebate and outreach performance from actual customer meter data. TVWD will continue to explore and implement pilot programs with the focus on irrigation scheduling and ET technology. TVWD will continue its active participation and leadership in the promotion of water conservation in the region. TVWD will continue its efforts to provide high quality customer service to facilitate customer participation in water conservation efforts.
10. The revised plan includes a section titled "Willamette River Fish Flows: Public Education and Voluntary Conservation" that contains the elements required by Development Limitation Condition #4 within the *Final Order Incorporating Settlement Agreement Extension of Time for Permit S-49240*, issued on June 26, 2007.
11. The revised plan identifies the sources for TVWD's water rights as being groundwater, the Willamette River, and aquifer storage and recovery (ASR). The plan accurately and completely describes the following listed fish species present in the Willamette River: Fall Chinook, Spring Chinook, Coastal Cutthroat, Coho Salmon, Winter Steelhead, Chum Salmon, Western Brook Lamprey, and Pacific Lamprey. The plan accurately and completely describes the parameters for which the Willamette River at TVWD's point of diversion is listed as being water-quality limited by the Oregon Department of Environmental Quality. These listed water quality parameters are: biological criteria, Chlorophyll a, Aldrin, DDT, Dieldrin, PCB's, Dioxin, and Iron. TVWD's groundwater sources are located within the boundaries of the Cooper Mountain-Bull Mountain Critical Groundwater Area.
12. The water curtailment element included in the revised plan includes a list of four stages of alert with corresponding curtailment actions.
13. TVWD's diversion of water under Permit S-49240 will be initiated 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 8 and 9, the revised plan includes a schedule for the continuation and/or 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. The revised plan describes TVWD's systematic analysis, conducted during 2012 and 2013, of four supply options: Portland Water Bureau contract water, Mid-Willamette River, Tualatin Basin Water Supply Project, and Northern Groundwater. TVWD's evaluation of supply options considered the following criteria: demand uncertainty, source reliability, source redundancy, implementation risk, public acceptance, community impacts, Metzger fluoridation, finished water quality, sustainability, and governance. TVWD determined that the Willamette River is the most feasible and appropriate supply source based on the evaluated criteria.
 - c. As evidenced by the above Finding of Fact #10, the plan contains documentation that TVWD is complying with the requirements to educate the public and voluntarily conserve water to address fish persistence flows established by the *Final Order Incorporating Settlement Agreement Extension of Time for Permit S-49240*, issued on June 26, 2007.
14. Permit S-49240, for use of up to 202.0 cfs from the Willamette River, is held by the Willamette River Water Coalition (WMWC), which currently consists of the Cities of Sherwood, Tigard, Tualatin and TVWD. The Development Limitations in the 2007 *Final Order Incorporating Settlement Agreement Extension of Time for Permit S-49240* provides that the initial diversion of water by each municipal water provider under Permit S-49240 is authorized only after a 60-day period following issuance of a final order approving a Water Management and Conservation Plan that requests access to the water.
15. The City of Sherwood submitted a Water Management and Conservation Plan on September 5, 2006. The Department issued Special Order Volume 76, Page 869, on December 19, 2008, approving the City of Sherwood's plan and granting the City of Sherwood access to divert up to 23.20 cfs under Permit S-49240.

Conclusion of Law

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

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. TVWD's Water Management and Conservation Plan is approved and shall remain in effect until January 16, 2025, unless this approval is rescinded pursuant to OAR 690-086-0920.

Plan Update Schedule:

2. TVWD shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than July 16, 2024.

Progress Report Schedule:

3. TVWD shall submit a progress report containing the information required under OAR 690-086-0120(4) by January 16, 2020.

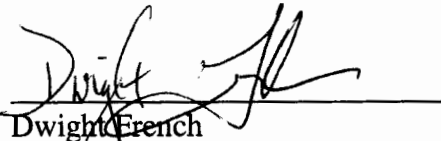
Other Requirements for Plan Submittal:

4. 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 TVWD from any existing or future requirements for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

Development Limitation(s):

5. This final order, together with Special Order Volume 76, Page 869, establishes a new Development Limitation totaling 103.3 cfs under Permit S-49240. The City of Sherwood remains authorized to divert up to 23.20 cfs. TVWD is now authorized to divert up to 80.1 cfs under Permit S-49240, after a period of 60 days from the date of issuance of this final order.

Dated at Salem, Oregon this 16 day of January, 2015.



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

Mailing date: JAN 23 2015