

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

In the Matter of the Proposed Water Management and Conservation Plan for Rivergrove Water District, Clackamas County)))
FINAL ORDER 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 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 Rivergrove Water District (District) submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on January 5, 2010. Notice of availability of the plan for review to all affected local governments was completed on December 1, 2010. The plan was required by a condition set forth in the final orders approving an extension of time for Permits G-3182 and G-6023 issued on August 3, 2006.
2. The Department published notice of receipt of the plan on January 12, 2010, as required under OAR Chapter 690, Division 086. No comments were received in response to the Department’s public notice.
3. The Department provided written comments on the plan to the District on February 8, 2011, and in response, the District submitted plan revisions on September 29, 2011. The final revised plan was submitted on April 17, 2012.
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 plan demonstrate a need for over 2.11 cfs (1.36 mgd) of water available under Permits G-3182 and G-6023 to meet demands for the population anticipated in 20 years. These projections are reasonable and consistent with the District’s land use plan.
6. The system is fully metered and the rate structure includes a base rate and volumetric charge. The District’s most recent data estimates unaccounted-for water at 25.1 percent.
7. The plan describes the District’s continuation of its annual water audit program; annual meter replacement program to replace an average of 60 meters each year; annual water use reporting; and public education program.

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.

8. The plan also includes 5-year benchmarks for the development and implementation of a more detailed water audit to quantify authorized, un-metered water use, as well as a formal leak detection program and a line repair/replacement program. The plan also establishes that the District will perform calibration of its production meters to verify accuracy and will perform a leak detection survey to identify likely leak locations for evaluation and repair.
9. The plan identifies ground water as the source of the District's water rights and accurately and completely describes that the source is not designated as a critical ground water area or as a ground water management area.
10. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of three stages of alert with concurrent curtailment actions.
11. The diversion of water under Permits G-3182 and G-6023 will be initiated and/or expanded during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:
 - a. Conservation measures established in this WMCP will reduce future demand to a certain extent; however, it will not be a sufficient quantity to meet the full projected demand. Development of water under Permits G-3182 and G-6023 will be needed to provide sufficient quantities of water necessary to meet the District's projected 20-year peak demand.
 - b. Considering that water savings generated by the conservation measures established in this WMCP cannot fully meet the District's projected 20-year peak demand, and that wholesale purchases of peak day water from the Cities of Lake Oswego and/or Tualatin are not economically feasible, the increased diversion of water under Permits G-3182 and G-6023 is the most feasible and appropriate water supply alternative available to the District.
 - c. The District is not required to provide mitigation to address limitations or restrictions on the development of their ground water permits, as no resource issues pertaining to those permits have been identified under OAR 690-086-0140(5)(i).

Conclusion of Law

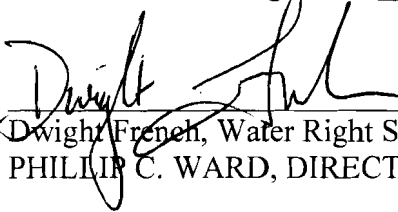
The Water Management and Conservation Plan submitted by the Rivergrove Water District is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

1. The Rivergrove Water District Water Management and Conservation Plan is approved and shall remain in effect until April 23, 2022, unless this approval is rescinded pursuant to OAR 690-086-0920.
2. The limitation of the diversion of water under Permit G-3182 established by the extension of time approved on August 3, 2006 is removed and, subject to other limitations or conditions of the permit, the Rivergrove Water District is authorized to divert up to 1.39 cfs under Permit G-3182.

3. The limitation of the diversion of water under Permit G-6023 established by the extension of time approved on August 3, 2006 is removed and, subject to other limitations or conditions of the permit, the Rivergrove Water District is authorized to divert up to 1.0 cfs under Permit G-6023.
4. The Rivergrove Water District shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 (effective November 1, 2002) within 10 years and no later than October 23, 2021.
5. The Rivergrove Water District shall submit a progress report containing the information required under OAR 690-086-0120(4) by April 23, 2017.

Dated at Salem, Oregon this 23 day of April, 2012.



Dwight French, Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

APR 25 2012

Mailing date: _____