



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

August 6, 2004

Jadene Stensland
City of Newberg
PO Box 970
Newberg, Oregon 97132

Re: Conditional Approval materials

Dear Ms. Stensland:

Thank you for your letter of May 17, 2004 we apologize for the delay in responding. We find that the response in combination with the materials provided on September 30, 2003 correct the deficiencies in the City's water management and conservation plan. These materials fulfill your obligation under the Conditional Approval of your plan dated August 2, 2002.

The Department agrees with your proposal for the update schedule: *"The City proposes to update their Water Management and Conservation Plan in 2012 or when the annual ADD exceeds 4.1 mgd. As shown in Figure 15 of the plan, the high ADD projection curve indicates that the ADD will reach 4.1 mgd in year 2012. Therefore, a plan update will be triggered either by a 10-year duration or by the average demand reaching the value that is projected to occur in 10 years."*

As we discussed on the phone, ensuing orders of the Department may supercede the update schedule. If you have any questions, please feel free to call (503) 986-0887.

Sincerely,

Bill Fujii
Natural Resources Specialist III

Cc WMCP file

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

IN THE MATTER OF A WATER MANAGEMENT)
AND CONSERVATION PLAN SUBMITTED BY)
THE CITY OF NEWBERG)

CITY OF NEWBERG
CITY RECORDER INDEX NO. 1951

The Water Resources Commission adopted a statewide policy on Conservation and Efficient Water Use (Oregon Administrative Rule (OAR) 690-410-0060). The policy requires major water users and suppliers to prepare water management plans. These rules provide a process to evaluate the effectiveness of water management planning in achieving more efficient water use and preventing waste consistent with water supplier and Department capabilities.

FINDINGS

- 1) The City submitted a water management plan in February 22, 2002. On April 16, 2002, notice of this plan was placed by the Department in the Department's weekly public notice. No comments were received within the 30 day comment period.
- 2) The City holds water rights to and uses water from springs adjacent to the City and from wells to meet its municipal needs.
- 3) The City also supplies municipal water to private land owners and a special district outside the City limits.
- 4) The plan submitted by the City substantially meets the requirements of OAR 690-086-140; with the following exceptions:
 - a) The description of the agreement to share water with the entities outside the City limits must be more specific (no copy of the IGA was supplied as an attachment).
 - b) The description of the reasons for selection of the conservation measures analyzed must be more specific. No schedule of the implementation of the recommended conservation program was supplied.

This is an 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

c) The description of price rate incentives to encourage conservation needs to be expanded upon. The description in the plan does not capture all the programs the City is already implementing; for example, it does not describe the City's accomplishments with the 3 largest irrigation users.

d) The description of the process used to analyze the rate incentives is not specific. The statement that the Rate Committee reviewed the rate study and took action not to implement the rate study does not adequately describe the rate study or the reasons that the Committee decided not to implement alternative rate structures.

ORDER

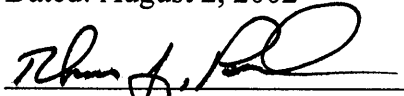
Based upon the findings, the plan is conditionally approved under the provisions of OAR 690-086-0910 based on the following conditions:

- 1) The City shall consult with the Department to establish if interim adjustments to the plan are required related to OAR 690-086-0910 (14) (c) (A) & (B), if the flow targets on the Willamette River for Endangered Species Recovery are changed by the Army Corps of Engineers.
- 2) The City shall include the description of actions taken to correct the deficiencies as listed in 3 a through d above by June 30, 2004.
- 3) The requirement of OAR 690-086-140 (4) is for a 20 year planning horizon. The Department finds that under OAR 690 086 0910 (14) (b) the City has substantially met the 20 year plan requirement. The City shall consult with the Department to establish if interim adjustments to the plan will be required upon substantial change in the status of the scheduled development. Existing water right permits will meet the City's water needs past the 20 year period. The City will need to apply for water right permit extensions to allow continued development through the 20 year planning horizon.

This plan is required to be updated by June 30, 2004. Section updates required under conditions 1, 2 and 3 of this order will not change the June 30, 2004 date. You may, for expediency, incorporate, under OAR 690-086-0120 (4), any changes resulting from a Health Division required update of your Water System Master Plan.

If the conditions of this approval are not acceptable, you may appeal this decision as outlined in our administrative rules (OAR 690-086-0910).

Dated: August 2, 2002



Thomas J. Paul, Administrator
Field Services Division



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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www.wrd.state.or.us

August 2, 2002

Jadene Torren - Stensland
City of Newberg
414 east first
Newberg, Or 97132

Re: Water Management & Conservation Plan

Dear Jadene:

Thank you for all of the time you have spent helping me review the City of Newberg's Water Management & Conservation Plan. I have enclosed the order for conditional approval of the plan. Please feel free to contact me at any time if you have any questions.

Sincerely,

Bill Fujii, Natural Resources Specialist III

Original - vault
cc: Sod
Dan Dacic
Howard Hamilton
Jeff Barry, GSI
Paul Berg, CEM
file