

Lake Oswego and Tigard are partnering on a project to upgrade and expand Lake Oswego’s aging water facilities to serve both communities. Tigard is Lake Oswego’s cost-sharing partner for the needed upgrades and operations and in exchange, Tigard will have access to water from Lake Oswego’s Clackamas River water rights.

Lake Oswego’s water rights that authorize using water from the Clackamas River will provide enough water to meet Tigard’s needs for the next 20 years and Lake Oswego’s needs for the foreseeable future.

In April 2011, the Oregon Water Resources Department issued Final Orders approving Lake Oswego’s application for an extension of time to fully use the water authorized by the City’s water rights. Those Final Orders were challenged by Oregon WaterWatch. In June 2011, WaterWatch petitioned the Oregon Court of Appeals for a judicial review of the Final Orders. A hearing before the Court of Appeals occurred in November 2013.

On December 31, 2014, the Oregon Court of Appeals issued its decision regarding the Final Orders. That decision has raised concerns and questions in the community. **Take a moment to learn the facts.**

QUESTION/CONCERN	FACT
The Court of Appeals ruled that the Oregon Water Resources Department (WRD) Final Orders allow Lake Oswego, Tigard and other communities to withdraw too much water from the river, endangering fish.	False. The Court found that WRD’s Final Orders contained a finding of fact that was not sufficiently supported by substantial evidence. The Court remanded the Final Orders back to WRD to provide a more thorough explanation of how the conditions, as drafted in the Final Orders, would protect fish.
It’s unclear how much water—if any—Lake Oswego and Tigard will be able to draw from the Clackamas River when construction wraps up. Will the Partnership need a backup source?	The court decision does not reduce the amount of water available to the Partnership through Lake Oswego’s water rights. WRD’s Final Orders do require the Partnership to reduce their withdrawals during certain months of the year, if natural streamflows fall below certain levels. WRD’s conditions establish a method to calculate the reductions. In the event reduced withdrawals are required, Lake Oswego and Tigard have backup plans in place and can rely on over 450 million gallons of water stored in underground and above ground reservoirs to supply water to Lake Oswego and Tigard residents.
Shouldn’t project construction be halted until the court challenge is resolved?	No. Halting construction now would burden Lake Oswego and Tigard with millions of dollars in delay costs and jeopardize reliable water delivery service for public health, fire suppression and economic development.
Four drinking water supply intakes are located in the lowest 3.3 miles of the river—the most ecologically sensitive area.	Biologists with the Oregon Department of Fish and Wildlife (ODFW) and recent studies of the lower 3.1 miles of the Clackamas River conducted by the Partnership for the National Marine Fisheries Service (NMFS), conclude this section of the river is not the most ecologically sensitive area of the river.
I’ve heard the Clackamas River stream flow is already over-allocated for irrigation and municipal use. Will the Partnership’s increased withdrawals “dry up the river?”	No. To comply with the federal Endangered Species Act, the Partnership undertook a rigorous scientific study of historic river flows and their relationship to fish migration, wetted area and temperature in the lower three miles of the river. This study, which the National Marine Fisheries Service agreed with, found that the Partnership’s maximum future water withdrawal of 38 million gallons per day would reduce water depth below the intake by less than one inch.
What else is being done to protect the Clackamas River?	Lake Oswego and Tigard are committed to preserving, protecting and enhancing water quality and fish habitat in the Clackamas River. As members of the Clackamas River Water Providers, and in partnership with the Clackamas River Basin Council, U.S. Geological Survey, PGE, and Clackamas County Water Environment Services, Lake Oswego and Tigard are working to protect and improve watershed conditions. From 2006 to the present, the CRWP and its partner agencies have invested more than \$1.2 million dollars in watershed protection and education programs.

For more information, please visit lotigardwater.org, email lotwater@ci.oswego.or.us or call 503-697-6502.