

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

In the Matter of the Proposed Water                    )  
Management and Conservation Plan for                )  
Meadows Utilities, LLC, Hood River                 )  
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 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 Meadows Utilities, LLC submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on September 6, 2005. The required statutory fee for review of the plan was received by the Department on September 7, 2005. The plan was required by a condition set forth under Permit G-13388.
2. The Department published notice of receipt of the plan on September 13, 2005, as required under OAR Chapter 690, Division 086. Timely comments were received from Cascade Resources Advocacy Group on behalf of Friends of Mt. Hood on October 13, 2005.
3. The Department provided written comments on the plan to the Meadow Utilities, LLC on January 26, 2006, September 13, 2019, April 14, 2020, and June 29, 2020. In response, Meadow Utilities, LLC submitted revised plans on July 8, 2019, April 10, 2020, June 4, 2020, and a final revised plan on July 8, 2020.
4. The Department reviewed the final revised plan, as well as the comment received, and finds that it contains all of the elements required under OAR 690-086-0125 and OAR 690-086-0130.
5. The projections of future water needs in the plan demonstrate a need for 0.11 cfs of water available under Permit G-13388, storage of 2.48 AF under Permit R-12758, and 0.27cfs under Permit S-53637 to help meet overall projected 20-year demands. These projections are reasonable and consistent with the Meadow Utilities, LLC's land use plan.

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 rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at eight (8) percent.
7. The final revised Plan includes 5-year benchmarks for implementation and/or continuation of the following: annual water audits; system-wide metering; leak detection and repair, and rebates on replacement of inefficient fixtures.
8. The final revised Plan includes 5-year benchmarks for evaluation, development, and implementation of the following conservation measures:
  - a. Public Education
    - i. Beginning in 2020, Meadows Utilities, LLC will provide employee education annually in November of each year, and will post conservation educational material on the Mt. Hood Meadow's website.
  - b. Meter Testing and Maintenance
    - i. Beginning in 2020, Meadows Utilities, LLC will test every meter every five (5) years and replace or repair as necessary.
9. The final revised Plan identifies groundwater, and the two unnamed springs as the source of Meadows Utilities, LLC's water rights. The final revised Plan also describes the aquatic resource concerns and the water quality parameters for these sources and that the wells are not located in a designated critical groundwater area.
10. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of three (3) stages of alert with concurrent curtailment actions.
11. The diversion of water under Permits G-13388, S-53637 and the fill rate for storage of water under Permit R-12758 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 #7 and #8, the final revised plan includes a schedule for the continuation and/or implementation of conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources;
  - b. Considering that water savings alone from identified conservation and curtailment measures cannot fully meet Meadows Utilities' demand projections, and that the current water sources cannot adequately meet Meadows Utilities' water demand projections, access to increased diversions of water under existing Permits G-13388, G-53637, and R-12758 is the most feasible and appropriate water supply alternative to the supplier; and
  - c. Meadows Utilities, LLC is not legally required to provide mitigation or address limitations or restrictions in the development of permits G-13388, G-53637, and R-12758.

## **Conclusion of Law**

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

**Now, therefore, it is ORDERED:**

### **Duration of Plan Approval:**

1. The Meadows Utilities, LLC Water Management and Conservation Plan is approved and shall remain in effect until **July 24, 2030**, unless this approval is rescinded pursuant to OAR 690-086-0920.

### **Development Limitation(s):**

2. The limitation of the diversion of water under Permit G-13388 established by the extension of time approved on November 8, 2019 is removed and, subject to other limitations or conditions of the permit, Meadows Utilities is authorized to divert up to **0.11 cfs** under **Permit G-13388**.
3. The limitation of the diversion of water under Permit S-53637 established by the extension of time approved on November 8, 2019 is removed and, subject to other limitations or conditions of the permit, Meadows Utilities is authorized to divert up to **0.27 cfs** under **Permit S-53637**.
4. The limitation of storage of water under **Permit R-12758** established by the extension of time approved on November 8, 2019 is removed and, subject to other limitations or conditions of the permit, Meadows Utilities is authorized to store up to **2.48 AF** (being 1.54 AF in an existing reservoir and 0.94 AF in a proposed reservoir).
5. Failure to meet the conservation benchmarks contained in the Findings of Fact listed below may result in the reduction of the quantity of water authorized for diversion under Permits G-1338 and S-53637 and the amount authorized for storage under Permit R-12758 during review of Meadows Utilities, LLC's next plan update.
  - a. Finding of Fact #7 of this final order; and
  - b. Finding of Fact #8 of this final order.

### **Plan Update Schedule:**

6. The Meadows Utilities, LLC shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within **10 years** and no later than **January 24, 2030**.

### **Progress Report Schedule:**

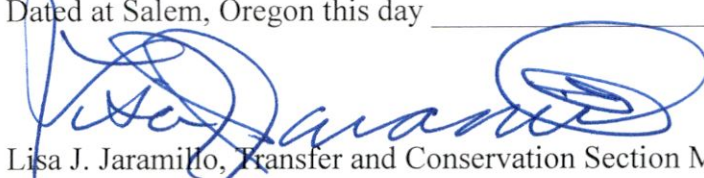
7. The Meadows Utilities, LLC shall submit a progress report containing the information required under OAR 690-086-0120(4) by **July 24, 2025**.

### **Other Requirements for Plan Submittal:**

8. 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 the Meadows Utilities, LLC from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

AUG 11 2020

Dated at Salem, Oregon this day \_\_\_\_\_



Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources

Mailing date: \_\_\_\_\_ AUG 12 2020

**Notice Regarding Service Members:** Active duty service members have a right to stay these proceedings under the federal service members Civil Relief Act. For more information, contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.