

**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	)	WATER MANAGEMENT AND
City of Union, Union County	)	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 City of Union submitted a Water Management and Conservation Plan (plan) and required statutory fee for review of the plan to the Water Resources Department (Department) on August 14, 2020. The plan was required by a condition set forth under the City's previously approved plan (Sp. Or. Vol. 81, Pgs. 100-101) issued on June 10, 2010.
2. The Department published notice of receipt of the plan on August 25, 2020, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to the City on October 1, 2020, November 20, 2020, and a final review on November 8, 2021. In response, the City submitted revised plans on October 23, 2020, November 3, 2021, and a final revised plan on November 15, 2021.
4. The Department reviewed the final revised plan 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 need in the plan demonstrate a need for an additional **0.5 cfs** of water available under **Permit G-11206** to help meet overall projected 20-year demands. These projections are reasonable and consistent with the City's land use plan.
6. The system is fully metered and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at 9.1 percent.

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.

7. The plan includes 5-year benchmarks for implementation or continuation of the following: annual water audits; system-wide metering; meter testing and maintenance; leak detection and repair; use of recycled water and native plantings at Buffalo Peak golf course, and public education on conservation.
8. The plan includes 5-year benchmarks for evaluation, development, and implementation of programs to purchase leak detection equipment; evaluate utilization of the City's Catherine Creek water right for use on Buffalo Peak golf course during high flow in the spring and early summer months; promoting water conservation at community festivals and local schools, and providing technical assistance when requested by customers.
9. The plan identifies the groundwater and Catherine Creek as the source of the City's water rights and accurately and completely describes that the City's wells are not located within a critical groundwater area and also describes the aquatic resource concerns in Catherine Creek including federal sensitive, threatened and endangered species, as well as the water quality parameters for which this portion of Catherine Creek has been listed as water quality limited by the Oregon Department of Environmental Quality.
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 Permit G-11206 will be increased 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. After evaluating alternative sources, the need to provide resiliency and redundancy in the water system, and that water savings alone from identified conservation measures cannot fully meet the City's water demand projections, the Department has determined that access to an increased diversion of water under Permit G-11206 is the most feasible and appropriate alternative to the supplier.
  - c. The City is not required at this time to provide mitigation related to Permit G-11206.

### **Conclusion of Law**

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

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

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

1. The City of Union Water Management and Conservation Plan is approved and shall remain in effect until **January 3, 2032**, unless this approval is rescinded pursuant to OAR 690-086-0920.

**Development Limitation:**

- 2. The limitation of the diversion of water under **Permit G-11206** established by the extension of time approved on April 17, 2008 is *modified* and, subject to other limitations or conditions of the permit, the City of Union is authorized to divert up to **3.36 cfs** (*out of the total permitted 5.57 cfs*) under Permit G-11206
- 3. Failure to meet or maintain the conservation benchmarks listed below may result in the reduction of the quantity of water authorized for diversion under **Permit G-11206** during review of the City's next plan update.
  - a. 5-year Benchmarks under Finding of Fact # (7)
  - b. 5-year Benchmarks under Finding of Fact # (8)

**Plan Update Schedule:**

- 4. The City of Union shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 (*effective December 23, 2018*) within **10 years** and no later than **July 3, 2031**.

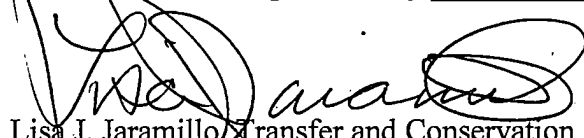
**Progress Report Schedule:**

- 5. The City of Union shall submit a progress report containing the information required under OAR 690-086-0120(4) by **January 3, 2027**.

**Other Requirements for Plan Submittal:**

- 6. 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 City of Union 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.

Dated at Salem, Oregon this day JAN 18 2022



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

Mailing date: JAN 19 2022

**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.