

**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 Keizer, Marion 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 Keizer submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on February 11, 2019. The required statutory fee for review of the plan was received by the Department on February 19, 2019. The notice to affected local government by the City of Keizer was not completed until March 27, 2019. The plan was required by a condition set forth in the final order issued on February 12, 2016 approving an extensions of time for Permits G-1378 and G-15369.
2. The Department published notice of receipt of the plan on April 2, 2019, 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 June 3, 2019, August 21, 2019, January 16, 2020, June 16, 2020, and July 28, 2020. In response, the City submitted revised plans on August 5, 2019, November 20, 2019, May 27, 2020, July 16, 2020 and a final revised plan on August 4, 2020.
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 needs in the plan demonstrate a need for 0.45cfs of water available under Permit G-13784 and 1.34cfs of water under Permit G-15369 to help meet overall projected 20 year demands. These projections are reasonable and consistent with the City'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 10.6 percent.
7. The revised plan includes 5-year benchmarks for continuation of the following: annual water audits, system-wide metering, public education, water reuse opportunities for carwashes, and a technical and financial assistance program for residents.
8. The revised plan includes benchmarks for evaluation, development, and implementation of the following conservation measures:
 - a. Meter Testing and Maintenance
 - i. Within **two (2) years**, the City shall conduct testing on all well production meters for accuracy.
 - b. Leak Detection Program
 - i. Within **two (2) years**, the City shall conduct a system wide, leak detection survey of all steel water main lines in the system.
 - ii. If the described actions do not result in reduction of water loss to ten (10) percent or less continuously, within **five (5) years** of approval of this WMCP, the City shall develop and implement a regularly scheduled and systematic program to detect and repair leaks in the transmission and distribution system or develop and implement a water loss control program consistent with American Water Works Association Standards and expand leak detection to include all older cast and ductile water mains.
9. The revised plan identifies the groundwater as the source of the City's water rights and accurately and completely describes that the City's groundwater sources are not 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 stages of alert with concurrent curtailment actions.
11. The diversion of water under Permits G-13784 and G-15369 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. Considering that water savings alone from identified conservation and curtailment measures cannot fully meet the City's water demand projections, access to an increased diversion of water under Permits G-13784 and G-15369 is the most feasible and appropriate alternative to the supplier.

- c. The City is not legally required to provide mitigation or address limitations or restrictions on the development of permits as no resource issues were identified under OAR 690-086-0140(5)(i).

Conclusion of Law

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

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The City of Keizer Water Management and Conservation Plan is approved and shall remain in effect until **August 14, 2030**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation(s):

2. The limitation of the diversion of water under Permits G-13784 and G-15369 established by the extensions of time approved on February 12, 2016 is removed and, subject to other limitations or conditions of the permits, the City of Keizer is authorized to divert up to 2.23cfs each (*out of the total permitted 2.23cfs*) under both Permit G-13784 and Permit G-15369.
3. Failure to meet the conservation benchmarks listed below may result in the reduction of the quantity of water authorized for diversion under Permit G-13784 and G-15369 during review of the City's next progress report or plan update.
 - a. Meter Testing and Maintenance (Finding of Fact #(8a))
 - b. Leak Detection Program (Finding of Fact #(8b))

Plan Update Schedule:

4. The City of Keizer shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within **10 years** and no later than **February 14, 2030**.

Progress Report Schedule:

5. The City of Keizer shall submit a progress report containing the information required under OAR 690-086-0120(4) by **August 14, 2025**.

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 Keizer 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 AUG 27 2020


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

Oregon Water Resources

Mailing date: AUG 28 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.