

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

In the Matter of the Proposed Water                    )  
Management and Conservation Plan for                )  
City of Ontario, Malheur 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 City of Ontario (City) submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on January 23, 2006. The required statutory fee for review of the plan was received by the Department on February 6, 2006. The plan was required by a condition set forth under the City's previously approved plan (Sp. Or. Vol. 54, Pg. 494) issued on May 25, 2000 and a condition set forth in the final order issued on June 24, 2003 approving an extension of time for Permit G-4485.
2. The Department published notice of receipt of the plan on February 21, 2006, 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 April 19, 2006 and September 13, 2016. In response, the City submitted a revised plan on May 24, 2017.
4. The Department reviewed the 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 1.06 cfs (*out of the total permitted 5.0 cfs*) of water available under Permit G-4485 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 7 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 of annual water audits; system-wide metering; meter testing and maintenance; rate structure that includes a base rate and volumetric charge; leak detection and repair; public education; system pressure management program; water-saving landscape demonstration garden; encourage use of non-potable wells for irrigation; and provide on water-saving landscapes on the City website and other public information.
8. The plan includes 5-year benchmarks for evaluation, development, and implementation of the following programs:
  - a. Water Rate Structure / Billing Schedule to support and encourage conservation.
    - i. Complete a rate study to evaluate rate structure and revenue requirements of the City.
  - b. Technical / Financial Assistance and Retrofit Programs
    - i. The City will include information from applicable sources (e.g., Energy Trust of Oregon) that provide technical and financial assistance on its website.
9. The plan identifies the Snake River, 3 wells, Wells 1,2,4,6,8,9,13,14,15,16,17,18,19,20, 68-1, Gravel Pit No. 1, and Gravel Pit No. 2 as the sources of the City's water rights. Additionally, the plan accurately and completely describes the following aquatic resource issues:
  - a. The Snake River near RM 365 is classified as water quality limited for flow modification, chlorophyll a, temperature, mercury, and habitat modification.
  - b. The City of Ontario is located within the Northern Malheur County Groundwater Management Area.
10. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of five stages of alert with concurrent curtailment actions.

**Conclusion of Law**

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

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

**Duration of Plan Approval:**

1. The City of Ontario's Water Management and Conservation Plan is approved and shall remain in effect until **June 9, 2027**, unless this approval is rescinded pursuant to OAR 690-086-0920.

**Development Limitation:**

2. The limitation of the diversion of water under Permit G-4485 established in the Final Order approving an Extension of Time for Permit G-4485 (*issued on June 24, 2003*) remains unchanged. Subject to other limitations or conditions of the permit, therefore, the City of

Ontario remains authorized to divert only up to **1.06 cfs** (*out of the total permitted 5.0 cfs*) of water under Permit G-4485.

**Plan Update Schedule:**

3. The City of Ontario shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than **December 9, 2026**.

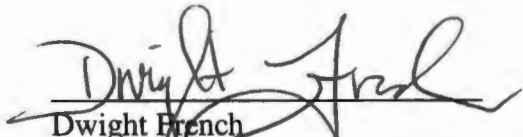
**Progress Report Schedule:**

4. The City of Ontario shall submit a progress report containing the information required under OAR 690-086-0120(4) by **June 9, 2022**.

**Other Requirements for Plan Submittal:**

5. 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 Ontario 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 8 day of June, 2017.



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

**JUN 13 2017**

Mailing date: \_\_\_\_\_