

**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 the) WATER MANAGEMENT AND
City of Prineville, Crook 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.

Findings of Fact

1. The City of Prineville submitted a Water Management and Conservation Plan to the Department on August 11, 2008. The plan was required by Permit G-11993 (Application G-12344) and Permit G-16146 (Application G-15974).
2. Public notice was published on August 19, 2008, as required under OAR Chapter 690, Division 086. Comments were received from WaterWatch of Oregon.
3. The Department provided comments on the plan to the City on November 14, 2008 and, in response, the City submitted a revised plan on April 7, 2009.
4. On June 19, 2009, the Department issued a Proposed Final Order to approve the City's revised plan. The deadline for appeals to the Proposed Final Order was July 23, 2009. The Department received an appeal to the Proposed Final Order on July 22, 2009 from WaterWatch of Oregon.
5. On August 7, 2009, the City of Prineville requested that the Department withdraw its Proposed Final Order on the City's revised Water Management and Conservation Plan.
6. Pursuant to the City's request, on August 14, 2009, the Department issued a Final Order to withdraw the Proposed Final Order to approve the City's revised plan.
7. On May 27, 2011, the Department received further revisions to the City of Prineville's Water Management and Conservation Plan. Furthermore, on August 10, 2011, the Department received additional information from the City providing an update on efforts to address their unaccounted-for water. The Department received the City's Final Water Management and Conservation Plan on September 22, 2011.

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.

8. The Department reviewed the plan and all subsequent revisions, as well as the comments received. Based upon this review, the Department finds that the revised plan is generally consistent with the relevant requirements under OAR Chapter 690, Division 086.
9. The projections of future water demand in the revised plan are reasonable and consistent with the City's land use plan. These projections demonstrate a need for up to approximately 13.4 cubic feet per second (8.6 million gallons per day) to meet demands for the population anticipated in 20 years. The City currently anticipates meeting this demand under a combination of existing permits, certificates and a pending ground water application.
10. The City's system is fully metered and the rate structure includes a base rate and volumetric charge. In 2006, system unaccounted-for water was estimated at 26 percent. As of 2010, the City's water management and conservation efforts resulted in reducing system unaccounted-for water to an estimated 18.3 percent.
11. The revised plan includes 5-year benchmarks for implementation of the following water conservation measures: systematic documentation of production and consumption records to better review and analyze data for annual water audits; install meters on three City properties that are currently unmetered; improve public education outreach to include booths at one county fair, six radio ads and two informational talks at local schools; make toilet leak detection kits and lawn watering measurement devices available to water customers; replace pipelines in the worst shape within the City, at a rate of 2,000 feet per year, with modern PVC pipe (C-900); provide the City's top ten water users with technical information on irrigation efficiencies; and offer 500 low-flow showerheads and faucet aerators to City customers. Furthermore, within 5 years, the City will acquire and begin to use leak detection software that is compatible with all replaced meters.
12. The revised plan also includes 5-year benchmarks for evaluation, development, and/or implementation of the following water conservation activities: evaluation of the opportunity to provide customer rebates for low water-use appliances; evaluation of the option of irrigating Pioneer Park with non-municipal water; and City staff reviewing the current rate structure and presenting recommendations to the City Council for potential adoption.
13. In addition to the conservation benchmarks outlined in Findings of Fact #11 and #12 above, the revised plan indicates the City will continue implementing the following conservation measures: reading meters on a monthly basis; charging water customers based upon meter size plus a commodity rate based on the volume of water used; billing customers on a monthly basis; recording all production and consumption data; replacing approximately 500 meters per year until all older meters are replaced; annually testing all compound meters to AWWA standards, and repairing and/or replacing as needed; conducting visual inspections, noting any leaks and repairing within 72 hours; working to switch all bulk water customers, excluding Prineville Fire Department, to non-potable water sources; and maintaining current public education campaigns.
14. The revised plan identifies the Crooked River and ground water as the sources of the City's water rights, and accurately and completely describes the listed fish species that occur in the Crooked River. Specifically, bull trout and Middle Columbia River steelhead are federally-listed as "threatened," and westslope cutthroat trout and inland redband trout are federally-listed as "sensitive." Additionally, inland redband trout are state-listed as

“sensitive-vulnerable,” and bull trout are state-listed as “sensitive-critical.” The revised plan also identifies the water quality parameters for which the Crooked River has been 303(d) listed by the Oregon Department of Environmental Quality, and describes mitigation obligations under the WRD Deschutes Ground Water Mitigation Program for use of the City’s ground water Permit G-16146. The City states it is unaware of any other mitigation obligations at this time.

15. The water curtailment element included in the revised plan satisfactorily promotes water curtailment practices and includes a list of three stages of alert with concurrent curtailment actions.
16. At this time, the City is not requesting to expand or initiate the diversion of water under any water use permits with approved municipal extensions of time that contain conditions limiting the extent of development by specifying a maximum authorized rate for diversion. Furthermore, the City’s previously approved Water Management and Conservation Plan (*issued on December 10, 2004*) did not specify a maximum authorized rate for diversion under any of the City’s water use permits.
17. Based upon Findings of Fact #5 through #16 above, the Department issued a revised Proposed Final Order on August 11, 2011 to approve the City’s revised plan. The deadline for appeals to the revised Proposed Final Order was September 10, 2011. No appeals to the revised Proposed Final Order were received by the Department.

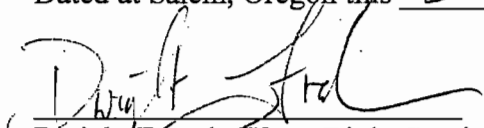
Conclusion of Law

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

Now, therefore, it is ORDERED:

1. The City of Prineville Water Management and Conservation Plan is approved and shall remain in effect until September 22, 2021, unless this approval is rescinded pursuant to OAR 690-086-0920.
2. The City of Prineville shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 86 (effective November 1, 2002) within 10 years and no later than March 22, 2021.
3. The City of Prineville shall submit a progress report containing the information required under OAR 690-086-0120(4) by September 22, 2016.

Dated at Salem, Oregon this 22 day of September, 2011.


Dwight French, Water Right Services Administrator for
PHILLIP C. WARD, DIRECTOR

Mailing date: SEP 23 2011