

**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
Salmon Valley Water Company,)	CONSERVATION PLAN
Clackamas County)	

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 Salmon Valley Water Company (SVWC) submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on June 26, 2017. The plan was required by a condition set forth in the final order issued on June 11, 2002, approving an extension of time for Permit G-11534.
2. The Department published notice of receipt of the plan on July 4, 2017, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to the SVWC on September 8, 2017. In response, the SVWC submitted revised plans on October 24, 2018, January 8, 2019, March 6, 2019, March 8, 2019, and April 3, 2019.
4. The Department reviewed the final revised plan submitted April 3, 2019, and has identified the following concerns:
 - i. The SVWC's system is not fully metered at this time due to one unmetered service connection, and does not have a meter testing and maintenance program.
 - ii. A quantification of non-revenue water* (system loss) is not known at this time, as the SVWC has demonstrated negative water loss in numerous months.
 - iii. The SVWC does not have a public education program to encourage water conservation.
 - iv. The SVWC does not have a leak detection program.

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.

5. The revised plan includes a proposed schedule to complete, within five years, the additional work to address the concerns identified above in Finding of Fact #4, necessary to satisfy the requirements of OAR 690-086.
6. The revised plan identifies groundwater as the source of the SVWC water rights, and accurately and completely describes that SVWC's wells are not located within a critical groundwater area.
7. The system rate structure includes a volumetric charge that encourages conservation. Due to software and/or meter data collection issues, non-revenue water is unknown at this time.
8. The revised plan includes 5-year benchmarks for implementation of, or the continuation of the following Conservation Measures: 1.) requiring all new connections to the water system to be metered; 2.) prompt repair of leaks when they are detected; 3.) billing customers, based on the quantity of water metered at the service connection; 4.) outreach and encouraging all new connections to use indigenous plantings in their landscapes and discouraging non-essential irrigation and recreational use for pools.
9. The revised plan includes benchmarks for evaluation, development, and implementation of the following Conservation Measures:
 - a. Annual Water Audit benchmark
 - i. By **December 1, 2019**, SVWC will repair or replace the production meter on the RBP South Well (CLAC-1843).
 - ii. By **December 1, 2019**, SVWC will complete a customer meter review of the 2018 water year. This will include an end of the month review of the usage for each meter. The readings for each meter will be compared to the previous month, the previous three months, and the same month in 2016 and 2017.
 - iii. If the negative non-revenue water persists after two years, then SVWC will analyze its process of calculating daily demand and look for opportunities to improve the audit process and address any identified water losses.
 - iv. All future water audits will comply with American Water Works Association M36 – Water Audits and Loss Control Program.
 - v. A progress report on the above listed benchmarks shall be submitted to the Department by SVWC annually describing or identifying progress made in resolving the negative non-revenue water until the issue is resolved with the first progress report due **January 31, 2020**.
 - b. Meter Testing and Maintenance
 - i. By **January 31, 2021**, SVWC will test, repair and calibrate the first 50 meters identified to be inaccurate, and the source of the meter failure will be documented in a progress report submitted to the Department.

c. Leak Detection Program

- i. By **January 31, 2022**, if not successful in addressing the negative non-revenue water issue within 2 years and/or if non-revenue water is determined to be greater than 10 percent, SVWC will develop and submit to the Department a leak detection program to be implemented.

d. Public Education

- i. SVWC will make available water conservation flyers developed by the Department for indoor and outdoor conservation measures.
- ii. SVWC will also distribute conservation flyers by mail at least once per year to all customers.
- iii. SVWC, in an effort to reach vacation and rental population customers, will develop sandwich boards with water conservation information to be placed at key intersections around the community and will develop an outreach plan to local rental homes, hotels, etc.
- iv. A progress report on the above listed benchmarks shall be submitted to the Department by **January 31, 2020**.

10. The water curtailment element included in the revised plan satisfactorily promotes water curtailment practices and includes a list of three (3) stages of alert with concurrent curtailment actions.

11. The revised plan demonstrates an anticipated need for 0.29 cfs of water to meet the SVWC's overall water demands for the next 2 years. These projections are reasonable and consistent with the SVWC's land use plan.

12. The diversion of water under Permits G-15209 and G-11422 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 #8 and #9, 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 the current production limitations and/or poor water quality from existing sources, the need to provide resiliency and redundancy in the water system, and that water savings alone from identified conservation and curtailment measures cannot fully meet SVWC's water demand projections, access to an increased diversion of water under Permits G-15209 and G-11422 is the most feasible and appropriate alternative to the supplier; and
- c. The SVWC 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).

13. In accordance with OAR 690-086-0900(3), the revised plan is generally consistent with the relevant requirements under OAR 690-086-0125, and includes a scheduled work plan (*as described in Finding of Fact #9*) for completion of additional work necessary to satisfy the requirements within five years.

Conclusions of Law

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

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The SVWC Water Management and Conservation Plan is approved and shall remain in effect until **July 5, 2024**, 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-11422** established by the extension of time approved on June 7, 2019 is removed and, subject to other limitations or conditions of the permit and previous extension of time, the SVWC is authorized to divert up to **0.5 cfs** (*out of the total permitted 0.5 cfs*) under Permit **G-11422**.
3. The limitation of the diversion of water under Permit **G-15209** established by the extension of time approved on November 29, 2007, is modified and, subject to other limitations or conditions of the permit, the SVWC is authorized to divert up to **0.29 cfs** (*out of the total permitted 0.334cfs*) under Permit **G-15209**.
4. Failure to meet the conservation benchmarks listed below may result in the reduction of the quantity of water authorized for diversion under Permits G-15209 and G-11422 during review of the SVWC's next plan update.
 - a. Annual Water Audit (Finding of Fact #9a)
 - b. Meter Testing and Maintenance (Finding of Fact #9b)
 - c. Leak Detection (Finding of Fact #9c)

Plan Update Schedule:


5. The SVWC shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 5 years and no later than **January 5, 2024**.

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 SVWC 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.

JUL 01 2019

Dated at Salem, Oregon this day _____


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

JUL 02 2019

Mailing date: _____

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.

*non-revenue water (also referred to as system loss or water loss) is water that has been produced and is "lost" before it reaches the customer. Losses can be real losses (through leaks, sometimes also referred to as physical losses) or apparent losses (for example through theft or metering inaccuracies)