

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

In the Matter of the Proposed Water Management)
and Conservation Plan for City of Adair Village,)
Benton 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 Adair Village (City) submitted a Water Management and Conservation Plan (WMCP) to the Oregon Water Resources Department (Department) on September 24, 2015. The plan was required by a condition set forth in the Final Order Incorporating Settlement Agreement issued on February 24, 2014, approving an Extension of Time for the City's Permit S-35819.
2. The Department published notice of receipt of the WMCP on September 29, 2015, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the WMCP to the City on November 12, 2015. In response, the City submitted a revised WMCP on December 23, 2015.
4. The Department reviewed the revised WMCP and finds that it contains all of the elements required under OAR 690-086-0125 and OAR 690-086-0130.
5. The revised WMCP includes a section titled, "*Willamette River Fish Flows: Public Education and Voluntary Conservation*" that contains all of the elements required by Development Limitations Condition #1.A.3 of the Final Order Incorporating Settlement Agreement issued on February 24, 2014, approving an Extension of Time for the City's Permit S-35819.
6. The system is fully metered and the rate structure includes a base rate and volumetric charge. Unaccounted-for water was estimated at 45.4 percent in Year 2013; down from 68.3 percent in Year 2012.

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 revised WMCP includes 5-year benchmarks for implementation of the following water conservation activities required of all municipal water suppliers by OAR 690-086-0150(4):
 - a. Annual Water Audit. The City will continue to conduct annual water audits. In the next five years, the City will install meters at its point of diversion on the Willamette River, where raw water enters the water treatment plant, at the water entry and exit points of the new reservoirs, and several other locations to improve tracking of water. For water customers located outside the UGB, in the next five years the City will install meters where private water lines connect to the City's water distribution lines instead of where water lines enter the home. Upon replacing its two leaking reservoirs, the City will evaluate its unaccounted-for water percentage, and as needed, evaluate opportunities to reduce unaccounted-for water to 15 percent, and if feasible, to 10 percent.
 - b. System-wide Metering. The City will continue to require that all new connections are metered. In the next five years, the City will begin to meter the water used to irrigate the landscaped area around the City's entrance sign.
 - c. Metering Testing and Maintenance. In the next two years, the City will finish replacing all meters within city limits with radio read meters and will establish meter testing and maintenance schedules and protocols for the new meters.
 - d. Water Rate Structure. The City will continue to bill its customers based, in part, on the quantity of water metered at the service connection.
 - e. Leak Detection. The City will continue to promptly repair leaks in water lines upon discovery, replace shut off and air release valves to reduce leaks, and replace the remaining leaky fire hydrants at a rate of three hydrants per year. In 2016, the City will also replace its old leaking reservoirs.
 - f. Public Education. The City will continue to regularly include information about the City's water conservation activities in its customers' monthly newsletters. City staff will continue efforts to have face-to-face discussions about water rate changes with water customers. In the next five years, the City will add information to its website about indoor and outdoor water conservation measures that customers can implement and will direct customers to the monthly newsletters for conservation information, when appropriate. Also in the next five years, the City will make brochures about indoor and outdoor water conservation measures available at City Hall.
8. Because the City serves a population greater than 1,000 and proposes to initiate the diversion of water under an extended permit (i.e., Permit S-35819) for which resource issues have been identified, the revised WMCP includes 5-year benchmarks for implementation of the following additional water conservation activities required by OAR 690-086-0150(5) and (6):
 - a. Leak Repair or Line Replacement. The City will continue to promptly repair leaks in water lines upon discovery, and will continue to replace shut off and air release valves to reduce leaks. In 2016, the City will also replace its old leaking reservoirs.
 - b. Technical and Financial Assistance. The City will continue to provide technical information about water conservation to customers through one-on-one discussions, handouts with technical information, and home visits. After the City installs meters where water customers outside of the UGB connect their private water lines to the City's water distribution lines, the City will provide some technical and financial assistance to these customers to help them reduce leakage in their private water lines.

- c. Supplier Financed Retrofit or Replacement of Inefficient Fixtures. In the next five years, the City will provide up to 100 free faucet aerators and up to 50 low-flow showerheads to interested water customers.
 - d. Rate Structure and Billing Practices that Encourage Conservation. The City will continue to bill its customers based, in part, on the quantity of water metered at the service connection. The City will also continue to provide each customer's monthly water consumption, and occasional water conservation messages in water bills. In 2016, the City will begin conducting annual water rate reviews.
 - e. Water Reuse, Recycling, and Non-potable Opportunities. In the next five years, the City will review its water system infrastructure and water use to determine whether cost-effective opportunities exist to reuse water, recycle water, or use non-potable water. Also in the next five years, the City will explore the possibility of having large commercial customers use reclaimed wastewater, such as for dust control, and will look into installing a purple-pipe system within the 127.5 acres recently annexed in the UGB, which would provide reclaimed wastewater to the new industrial customers.
 - f. Other Conservation Measures: The City will continue to be a member of the Oregon Association of Water Utilities, which provides support and resources for improving water distribution system operation, maintenance, and efficiency.
9. The revised WMCP identifies the Willamette River as the sole source of the City's water rights. It also accurately and completely describes the streamflow-dependent species occurring in the source that are state- and/or federally-listed as sensitive, threatened or endangered, namely Chum salmon, Coho salmon, Chinook salmon, Steelhead, Pacific lamprey, Western Brook lamprey, Coastal cutthroat trout, Oregon chub, and Pacific eulachon. The City does not have a groundwater supply source, nor is it within the designated boundary of any critical groundwater area.
 10. The revised WMCP correctly identifies that the Willamette River in the vicinity of the City's point of diversion (i.e., River Mile 122) is listed by the Oregon Department of Environmental Quality as being water quality limited for the following parameters: *E. coli*, dissolved oxygen, temperature, dioxin (2,3,7,8-TCDD), flow modification, iron, manganese, and mercury. Total Maximum Daily Loads (TMDL) have been approved for *E. coli*, temperature, mercury and dioxin (2,3,7,8-TCDD).
 11. The water curtailment element included in the revised WMCP satisfactorily promotes water curtailment practices and includes a list of four stages of alert with corresponding curtailment actions.
 12. The projections of future water demands in the revised WMCP demonstrate a need for 2.93 cfs of water available under Permit S-35819 to help meet the City's overall projected demands for the next 20 years. These projections are reasonable and consistent with applicable land use plans.
 13. The City's revised WMCP includes a request to initiate the diversion of 2.93 cfs of water under Permit S-35819. This request is consistent with the "Development Limitations" condition contained in the Final Order Incorporating Settlement Agreement issued on February 24, 2014, approving an Extension of Time for the City's Permit S-35819. Per Development Limitations Condition #1.D, the maximum amount of water that may be developed under this permit by the City of Adair Village shall not exceed 8.2 cfs.

14. The diversion of water under Permit S-35819 will be initiated during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:
- a. As evidenced by the 5-year conservation benchmarks described in Findings of Fact #7 and #8 above, the WMCP includes a schedule for implementation and/or continuation of conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources. Additionally, even with already achieving significant reductions in its unaccounted-for water, the City intends to further reduce its unaccounted-for water from current levels (i.e., 45.4 percent) to at most 20 percent by Year 2035;
 - b. The City does not currently have any interconnections with other water suppliers, and their limited funding is currently needed for water system infrastructure improvements to reduce water losses. Developing the new infrastructure necessary to facilitate such interconnection(s) would be a costly endeavor requiring the City's limited funding. Therefore, at this time, further development of water under Permit S-35819 is a more feasible water supply alternative for the City than constructing new infrastructure needed for interconnection with other water suppliers; and
 - c. The revised WMCP identifies the City is subject to conditions establishing flows in the Willamette River (identified by the Oregon Department of Fish and Wildlife) that are necessary to maintain the persistence of listed streamflow-dependent species. These flow requirements are set forth in the Final Order Incorporating Settlement Agreement issued on February 24, 2014, approving an Extension of Time for the City's Permit S-35819. The revised WMCP explains the City is aware of the conditions and will be monitoring streamflows and use as needed to comply with the requirements.
15. As established by Development Limitations Condition #1.A.2 of the Final Order Incorporating Settlement Agreement issued on February 24, 2014, approving an Extension of Time for the City of Adair Village's Permit S-35819, any entity receiving water under Permit S-35819, including those that are authorized to use water under Permit S-35819 pursuant to any contract or Intergovernmental Agreement (IGA) (*excluding short-term or emergency arrangements*¹), are subject to the WMCP requirements of said Final Order Incorporating Settlement Agreement. Any such contract or IGA (*excluding short-term or emergency arrangements*) that allows municipal water suppliers serving more than 1,000 individual residential or end-user business customer accounts to use water under Permit S-35819 shall include a provision that provides notice of the provisions of said Final Order Incorporating Settlement Agreement.

Conclusion of Law

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

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The City of Adair Village Water Management and Conservation Plan is approved and shall remain in effect until **January 5, 2026**, unless this approval is rescinded pursuant to OAR 690-086-0920.

¹ For the purposes of Development Limitations Condition #1.A.2 of the Final Order Incorporating Settlement Agreement issued on February 24, 2014, approving an Extension of Time for the City of Adair Village's Permit S-35819, "**short-term**" means an IGA or contract to provide water for a period that does not exceed one continuous period of two years, and "**emergency arrangement**" means an IGA or contract to provide water to an entity to make up for water supply that the receiving entity has lost due to unforeseen circumstances for a period not to exceed one continuous period of one year.

Development Limitation(s):

2. The limitation of the diversion of water imposed upon Permit S-35819 as set forth in Development Limitations Condition #1.A.1 established by the Extension of Time Final Order Incorporating Settlement Agreement for Permit S-35819 approved on February 24, 2014, is hereby modified, subject to all other limitations and/or conditions of the permit as modified by the aforementioned Final Order Incorporating Settlement Agreement. The City of Adair Village is now authorized to divert up to **2.93 cfs** of water under Permit S-35819.

This modification is consistent with Development Limitations Condition #1.D of the Final Order Incorporating Settlement Agreement issued on February 24, 2014, approving an Extension of Time for the City's Permit S-35819 that specifies the maximum amount of water that may be developed under the permit by the City of Adair Village is 8.2 cfs.

Plan Update Schedule:

3. The City of Adair Village shall submit an updated Water Management and Conservation Plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than **July 5, 2025**.

Progress Report Schedule:

4. The City of Adair Village shall submit a progress report containing the information required under OAR 690-086-0120(4) by **January 5, 2021**.

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 Adair Village 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.

Notification of Contract/Intergovernmental Agreement to Provide Water under Permit S-35819:

6. Upon entering into any contract or Intergovernmental Agreement (IGA), *excluding short-term or emergency arrangements*, to provide water under Permit S-35819 to another entity, the City of Adair Village shall, within 14 days, notify the Oregon Water Resources Department by providing a copy of the signed contract or IGA to Water Management and Conservation Section staff in Salem.

Consistent with Development Limitations Condition #1.A.2 of the Final Order Incorporating Settlement Agreement issued on February 24, 2014, approving an Extension of Time for the City of Adair Village's Permit S-35819, any such contract or IGA (*excluding short-term or emergency arrangements*) that allows municipal water suppliers serving more than 1,000 individual residential or end-user business customer accounts to use water under Permit S-35819 shall include a provision that provides notice of the provisions of said Final Order Incorporating Settlement Agreement.

Dated at Salem, Oregon this 5 day of January, 2016.



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

Mailing date: JAN 13 2016