

**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 Dunes City, Lane 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 Dunes City submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on May 23, 2018. The plan was required by a condition set forth in the final order issued on August 15, 2014 approving an extension of time for Permit S-44501.
2. The Department published notice of receipt of the plan on May 29, 2018, 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 July 31, 2018. In response, the City submitted revised plans on August 8, 2018 and October 12, 2018.
4. The Department reviewed the final revised plan and finds that it is consistent with the relevant requirements under OAR Chapter 690, Division 086.
5. The projections of future water needs in the revised plan do not demonstrate a need for any diversion of water under Permit S-44501 to help meet overall projected 20 year demands and Dunes City has not requested authorization to initiate diversion of water under Permit S-44501 at this time.
6. Prior to diversion of any water under Permit S-44501, the distribution system will be fully metered and a rate structure that includes a base rate and volumetric charge will be developed.
7. The revised plan includes 5-year benchmarks for evaluation, development, and implementation of the following programs:

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.

- a. Annual Water Audit
    - i. The City will conduct the annual water audit when the first connection is made.
  - b. Full Metering of Systems
    - i. Meters will be installed at the time the diversion points are developed and when each connection is made to the future system.
  - c. Meter Testing and Maintenance
    - i. The City will provide annual meter testing of future system connections once the first water service connection is made.
    - ii. Meter testing of the authorized diversion sites will occur every two years or as recommended by the manufacturer once the initial water diversion is successful and annually thereafter.
  - d. Leak Detection
    - i. Prior to the City's first annual water audit, the City will develop a regularly scheduled and systematic program to detect leaks in the transmission and distribution system.
    - ii. Upon completion of the first annual water audit (or any subsequent water audit) if the results indicate system leakage exceeds 10 percent, the City will implement its leak detection program.
  - e. Rate Structure Based on the Quantity of Water Metered
    - i. No water from the diversion source authorized under Permit S-44501 will be delivered to service connections until a rate structure has been formalized.
    - ii. The City will implement a variable rate structure based on consumption in combination with a fixed cost for operations and maintenance.
  - f. Public Education
    - i. The City will include water saving tips and brochures in its customers' bills, on the City's website, in its newsletters, and at City Hall.
8. The revised plan correctly identifies Woahink Lake as the source of the City's water rights. The revised plan also accurately and completely describes flow dependent species listed as Sensitive, Threatened, or Endangered present in the source as well as the parameters for which each source has been listed as water quality limited.
  9. Prior to diversion of any water under Permit S-44501, the City will develop a water curtailment element that satisfactorily promotes water curtailment practices and includes a list of at least 3 stages of alert with concurrent curtailment actions and triggers for enactment of each stage of alert.

10. The City's revised plan does not request to initiate diversion of water under Permit S-44501 at this time. Prior to the diversion of any water under Permit S-44501, the City must submit an updated plan that meets the requirements under OAR 690-086-0130(7).

### **Conclusion of Law**

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

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

### **Duration of Plan Approval:**

1. The City of Dunes City Water Management and Conservation Plan is approved and shall remain in effect until **October 18, 2028**, unless this approval is rescinded pursuant to OAR 690-086-0920.

### **Development Limitation:**

2. The limitation of the diversion of water under Permit S-44501 established in the Final Order approving an Extension of Time for Permit S-44501 (*issued on August 15, 2014*) remains unchanged. Subject to other limitations or conditions of the permit, therefore, the City of Dunes City is not authorized to divert any water under Permit S-44501 at this time.

### **Plan Update Schedule:**

3. The City of Dunes City shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than **April 18, 2028**.

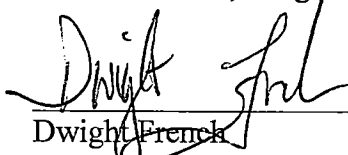
### **Progress Report Schedule:**

4. The City of Dunes City shall submit a progress report containing the information required under OAR 690-086-0120(4) by **October 18, 2023**.

### **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 Dunes City 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 24<sup>th</sup> day of October, 2018.

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

*Mailing date:* OCT 25 2018

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>