

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

In the Matter of the Proposed Water Management and Conservation Plan for Water Wonderland Improvement District, Deschutes 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 Water Wonderland Improvement District submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on July 29, 2019. The plan was required by a condition set forth in the final order issued on December 6, 2007 approving an extension of time for Permit G-12649.
2. The Department published notice of receipt of the plan on August 6, 2019, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to the District on September 27, 2019, and January 24, 2020. In response, the District submitted revised plans on January 7, 2020 and January 27, 2020.
4. The Department reviewed the final 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 final revised plan demonstrate a need for 3.12 cfs of water available under Permit G-12649 to help meet overall projected 20-year demands. These projections are reasonable and consistent with the District’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 31.6 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 revised plan includes 5-year benchmarks for implementation or continuation of the following: annual water audits, system-wide metering, and public education.
8. The revised plan includes 5-year benchmarks for evaluation, development, and implementation of the following conservation measures:
  - a. Meter Testing and Maintenance
    - i. Within five (5) years, the District shall establish a production meter testing and maintenance program to include meter testing and, as warranted, maintenance, consistent with meter manufacturers' recommendations.
  - b. Leak Detection Program
    - i. Within two (2) years, the District shall assess the results of the replacement of the Merganser cistern and meter replacements. The District shall also conduct additional evaluations of potential leaks in the system, particularly during the non-peak season when historically water loss has been highest.
    - ii. Within five (5) years, the District shall provide the Department with a description of activities, audit results from 2019 through the first full year after any leaks have been resolved and if needed, a description and analysis of other potential factors for negative water loss estimates.
    - iii. If the described actions do not result in reduction of water loss to ten (10) percent or less within five (5) years of approval of this WMCP, the District shall develop and implement a regularly scheduled and systematic program to detect and repair leaks in the transmission and distribution system or develop and implement a water loss control program consistent with American Water Works Association Standards.
  - c. Public Education
    - i. Within the next two (2) years, the District shall include information about water-wise indoor practices in its Annual Consumer Confidence report.
    - ii. Within the next three (3) years, the District shall provide a brochure on water conservation at the bill pay desk in the District's administrative building.
9. The revised plan identifies groundwater as the source of the District's water rights and accurately and completely describes that the District's groundwater sources are not in a designated critical groundwater area.
10. The water curtailment element included in the revised plan satisfactorily promotes water curtailment practices and includes a list of four (4) stages of alert with concurrent curtailment actions.

11. The diversion of water under Permit G-12649 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 #7 and #8, 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 that water savings alone from identified conservation and curtailment measures cannot fully meet the District's water demand projections, access to an increased diversion of water under Permit G-12649 is the most feasible and appropriate alternative to the supplier.
- c. The District 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).

### **Conclusion of Law**

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

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

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

1. The Water Wonderland Improvement District Water Management and Conservation Plan is approved and shall remain in effect until **February 10, 2030**, unless this approval is rescinded pursuant to OAR 690-086-0920.

### **Development Limitation:**

2. The limitation of the diversion of water under Permit G-12649 established by the extension of time approved on December 6, 2007 is removed and, subject to other limitations or conditions of the permit, the Water Wonderland Improvement District is authorized to divert up to 3.12 cfs (*out of the total permitted 3.12 cfs*) under Permit G-12649.
3. Failure to meet the conservation benchmarks listed below may result in the reduction of the quantity of water authorized for diversion under Permit G-12649 during review of the District's next plan update and progress report.
  - a. Meter Testing and Maintenance (Finding of Fact #(8a))
  - b. Leak Detection Program (Finding of Fact #(8b))
  - c. Public Education (Finding of Fact #(8c))

### **Plan Update Schedule:**

4. The Water Wonderland Improvement District shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within **10 years** and no later than **August 10, 2029**.

**Progress Report Schedule:**

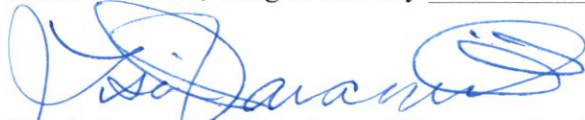
5. The Water Wonderland Improvement District shall submit a progress report containing the information required under OAR 690-086-0120(4) by **February 10, 2025**.

**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 Water Wonderland Improvement District 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.

**FEB 07 2020**

Dated at Salem, Oregon this day \_\_\_\_\_



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

Mailing date: \_\_\_\_\_ **FEB 10 2020** \_\_\_\_\_

**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.