

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

In the Matter of the Proposed Water            )  
Management and Conservation Plan for        )  
River Meadows 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 plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

**Background**

River Meadows Improvement District (District) holds the following two water rights:

- Permit G-11265 (as modified by T-10182) authorizes the use of up to 0.6 cfs (270 gpm) from two wells for Group Domestic Expanded (up to 235 families). The District's pending claim of beneficial use for Permit G-11265, submitted to the Oregon Water Resources Department (Department) on March 18, 2013, reported water use was accomplished for 194 of the 235 families; and
- Permit G-13239 (as modified by T-10182) authorizes the use of up to 0.535 cfs (*this quantity is not in addition to the use allowed under Permit G-11265*) from the same two wells for Quasi-Municipal use. A Final Order approving an Extension of Time for Permit G-13239 through October 1, 2015, was issued by the Department on April 23, 2004. The extension order was conditioned to limit the diversion of water under Permit G-13239 to no more than 0.255 cfs until such time as the Department issues a final order approving a revised/updated Water Management and Conservation Plan under OAR Chapter 690, Division 86.

**Findings of Fact**

1. The District submitted a Water Management and Conservation Plan (plan) to the Department on July 10, 2013. The required statutory fee for review of the plan was received by the Department on August 9, 2013. The plan was required by a condition set forth under Permit G-13239 and by a condition set forth in the final order issued on April 23, 2004, approving an extension of time for Permit G-13239.
2. The Department published notice of receipt of the plan on August 13, 2013, as required under OAR Chapter 690, Division 086. No comments were received.

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.

3. The Department provided written comments on the plan to the District on October 18, 2013. In response, the District submitted plan revisions on January 22 and February 24, 2014. The District's final revised plan incorporating all revisions was submitted on February 25, 2014.
4. The Department reviewed the revised plan and finds that while the District's system is fully metered; it has a flat rate structure that is not based on the quantity of water metered at service connections. Additionally, a quantification of non-revenue water (system loss) is not known at this time, as the District has not yet implemented or conducted an annual water audit. Further, the District does not have a meter testing and maintenance program, a public education program to encourage water conservation, or a leak detection program.
5. The revised plan includes a proposed schedule to complete, within five years, the additional work (identified in Finding of Fact #4) necessary to satisfy the requirements of OAR 690-086.
6. The revised plan identifies ground water (i.e., wells) as the source of the District's water rights, and accurately and completely describes that these wells are not located within the designated boundaries of any designated critical ground water area.
7. The water curtailment element included in the revised plan satisfactorily promotes water curtailment practices and includes a list of four stages of alert with concurrent curtailment actions.
8. The revised plan demonstrates an anticipated need for 0.57 cfs of water to meet the District's overall water demands for the next 20 years. These projections are reasonable and consistent with the District's land use plan.
9. The Department finds that the proposed work plan schedule described in Finding of Fact #5 to complete the additional work is reasonable and appropriate, and that the proposed work plan schedule should be incorporated into the final order approving the District's revised plan.
10. 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 #5*) for completion of additional work necessary to satisfy the requirements within five years.
11. As set forth under OAR 690-086-0900(4), any plan approval that contains a requirement for completion of additional work under OAR 690-086-0900(3) shall preclude additional diversion of water under an extended permit beyond the need quantified for the next two years.
12. The District's revised plan submitted on February 25, 2014, indicates that because of the nature of their two water rights the maximum rate of diversion allowed under Permit G-13239, being 0.535 cfs, will be necessary to meet the peak needs of its quasi-municipal water uses for the next 2 years. These quasi-municipal water uses include: semi-annual high volume system testing and flushing of 22 fire hydrants to ensure their proper function during high fire danger periods; periodic filling of a 33,000 gallon swimming pool that requires water changes during the high season; water use associated with the District's 150.0 acre common area; shower and bathroom services for the District's various recreation, weight room and pool changing facilities; and domestic use associated with new home development on approximately 10 of the remaining 41 lots not covered in the claim of beneficial use for Permit G-11265. The Department finds that this quantity of water is reasonable and necessary for the District.

## Conclusions of Law

The Water Management and Conservation Plan, with the inclusion of the work plan, submitted by River Meadows Improvement District is consistent with the criteria in OAR Chapter 690, Division 086.

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

1. **Duration of WMCP Approval:** River Meadows Improvement District's Water Management and Conservation Plan is approved and shall remain in effect until February 25, 2019, unless this approval is rescinded pursuant to OAR 690-086-0920.
2. **Work Plan Requirements:** To complete additional work necessary to satisfy all of the requirements of OAR 690-086, River Meadows Improvement District shall accomplish and complete the following activities, as scheduled below:
  - a. **Beginning in Year 2014:**
    - Implement regular meter reading (*both customer and source meters*) and recording of water use data.
  - b. **By the end of Year 2014:**
    - Develop an annual water audit utilizing a systematic and documented methodology for estimating any un-metered authorized and unauthorized water use that includes a method to estimate of the District's non-revenue water.
  - c. **By January 2015:**
    - Conduct the District's first annual water audit using Year 2014 data. Each annual water audit will quantify the District's non-revenue water use.
  - d. **By the end of Year 2015:**
    - Institute a scheduled meter testing and calibration program for customer and source production meters;
    - Institute a scheduled meter replacement program based on either the manufacturer's recommendation or exceedance of accuracy limits; and
    - Review and evaluate different rate structures based, at least in part, on metered water use by each service connection, and select the most appropriate rate structure.
  - e. **By the end of Year 2016:**
    - Develop a regularly scheduled and systematic program to detect leaks in the transmission and distribution lines, if upon completion of the first annual water audit, it is found the District's system leakage exceeds 10 percent; and
    - Evaluate and select preferred water conservation educational materials to distribute and/or make available to water users.

f. **By the end of Year 2017:**

- Implement and track a meter testing, replacement and maintenance program;
- Institute and implement the selected rate structure under which customers' bills are based, at least in part, on the quantity of water metered at the service connection; and
- Implement a regularly scheduled and systematic leak detection program if, upon completion of the first annual water audit, it is found that the District's system leakage exceeds 10 percent.

g. **By the end of Year 2018:**

- Implement distribution of the selected water conservation educational materials as part of the District's public education program.

3. **Development Limitations:** The limitation of the diversion of water under Permit G-13239 established by the extension of time approved on April 23, 2004, is removed and, subject to other limitations or conditions of the permit, River Meadows Improvement District is authorized to divert up to 0.535 cfs under Permit G-13239. *(Please note that this quantity of 0.535 cfs of water is not in addition to the use allowed under Permit G-11265.)*
4. **WMCP Update Schedule:** River Meadows Improvement District shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 5 years and no later than August 2, 2018.
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 River Meadows 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.

Dated at Salem, Oregon this 25 day of February, 2014.

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

Mailing date: FEB 27 2014