

6. On November 14, 2023, the Department issued a final order approving the 2021 Final Plan, recorded at Special Order Volume 129, pages 353 – 356.
7. On January 12, 2024, attorney Mark Reinecke, on behalf of Avion Water Company, Inc., submitted a Request for Reconsideration of the final order approving the 2021 plan in accordance with ORS 183.484(2) and OAR 137-004-0080.
8. This order on reconsideration is issued to supersede the final order approving the 2021 Final Plan recorded at Special Order Volume 129, pages 353 – 356.
9. The projections of future water needs in the plan demonstrate a need for **5.0 cfs** of water available under **Permit G-16025**, **10.0 cfs** of water available under **Permit G-17539**, and **10.0 cfs** of water available under **Permit G-18474** to help meet overall projected 20-year demands. These projections are reasonable and consistent with Avion’s land use plan.
10. The system is fully metered and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at 7.1 percent.
11. The plan includes 5-year benchmarks to continue implementation of programs of the following conservation activities: An annual water audit; a meter testing and maintenance program; a rate structure that includes a base rate and volumetric charge; distribution of public education materials (via conservation pamphlets, annual newsletter, annual consumer confidence report and the media) that focus on water saving practices and water-wise landscaping; providing technical support for any commercial or residential customer interested in assistance with implementation of conservation measures. Continued participation in the Blue Water program, which allows Avion customers to donate to the Deschutes River Conservancy through their monthly water bill to protect water in-stream on the middle reach of the Deschutes River. Additionally, Avion will also continue their requirement of an even-odd watering schedule for their customers.
12. The plan identifies the groundwater as the source of Avion’s water rights and accurately and completely describes that there is no designation of the source as being within a critical ground water area.
13. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of three (3) stages of alert with concurrent curtailment actions.
14. The diversion of water under Permits G-16025, G-17539, and G-18474 will be increased during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:
 - a. As evidenced by Finding of Fact #8 above, the plan includes a description of continued 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. Even with Avion’s conservation-related water savings expected by the activities described in Finding of Fact #8 above, based upon Avion’s projected water

demand growth and the limitations in acquiring new surface water and/or ground water permits in the Deschutes Basin, it is apparent that increased use from ground water Permits G-16025 and G-17539, and G-18474 is the most feasible and appropriate water supply alternative to the supplier at this time.

- c. Avion is required to provide mitigation for Permit G-16025 and Permit G-17539, and G-18474 under the Deschutes Basin Ground Water Mitigation Rules and has an approved incremental mitigation plan on file with the Department for each permit and will continue to use water it's permits in compliance with each incremental mitigation plan as required.

Conclusion of Law

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

Now, therefore, it is ORDERED:

The order recorded at Special Order Volume 129, pages 353 – 356 is withdrawn, is of no further force or effect, and is superseded by this order.

Duration of Plan Approval:

1. The Avion Water Company, Inc. Water Management and Conservation Plan is approved and shall remain in effect until **March 8, 2034**, 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-16025 established by the extension of time approved on March 25, 2011, and modified by the final order approving Avion Water Company's previous plan is removed and, subject to other limitations or conditions of the permit, Avion Water Company, Inc. is authorized to divert up to 5.0 cfs (*out of the total permitted 5.0 cfs*) under Permit G-16025.
3. The limitation of the diversion of water under Permit G-17539 established by the extension of time approved on March 25, 2011, and modified by the final order approving Avion Water Company's previous plan is removed and, subject to other limitations or conditions of the permit, Avion Water Company, Inc. is authorized to divert up to 10.0 cfs (*out of the total permitted 10.0 cfs*) under Permit G-17539.
4. The limitation of the diversion of water under Permit G-18474 established by the extension of time approved on July 1, 2022, is modified and, subject to other limitations or conditions of the permit, Avion Water Company, Inc. is authorized to divert up to 10.0 cfs (*out of the total permitted 10.0 cfs*) under Permit G-18474.

5. Failure to continue to meet the conservation benchmarks listed in Finding of Fact No. 11 may result in the reduction of the quantity of water authorized for diversion under Permits G-16025, G-17539, and G-18474 during review of Avion's next plan update.

Plan Update Schedule:

6. Avion Water Company, Inc. shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 (effective December 23, 2018) within **10 years** and no later than **September 8, 2033**.

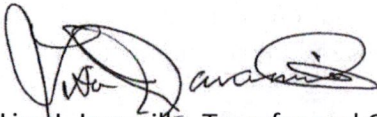
Progress Report Schedule:

7. Avion Water Company, Inc. shall submit a progress report containing the information required under OAR 690-086-0120(4) by **March 8, 2029**.

Other Requirements for Plan Submittal:

8. 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 Avion Water Company, Inc. 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 day MAR 8 - 2024



Lisa J. Jaramiffo, Transfer and Conservation Section Manager for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources

Mailing date: MAR 8 - 2024

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.