

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

In the Matter of the Proposed Water Management and Conservation Plan for City of Lafayette, Yamhill County) RECONSIDERATION OF A FINAL ORDER
) RECORDED IN SPECIAL ORDER VOLUME
) 125, AT PAGE 448, WITHDRAWING THE
) FINAL ORDER AND ISSUING A
) SUPERSEDING FINAL ORDER TO APPROVE
) 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 Lafayette submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on January 6, 2022. The required statutory fee for review of the plan was received by the Department on January 10, 2022. The plan was required by a condition set forth under the City's previously approved plan (Sp. Or. Vol. 87, Pg. 716 – 718), issued on June 1, 2012.
2. The Department published notice of receipt of the plan on January 18, 2022, 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 March 18, 2022. In response, the City submitted a revised plan on May 17, 2022.
4. The Department reviewed the revised plan and finds that it contains all of the elements required under OAR 690-086-0125 and OAR 690-086-0130.
5. On July 26, 2022, the Department approved the plan, as evidenced in Special Order Volume 125, Page 448.

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.

6. On August 20, 2022, the plan consultant notified the Department of a potential error in the Final Order (Special Order Volume 125, Page 448) associated with the development limitations.
7. The Department issued a letter that the department would review the Final Order (Special Order Volume 125, Page 448).
8. The Department is withdrawing the Final Order (Special Order Volume 125, Page 448) and issuing this superseding final order.
9. The projections of future water needs in the plan demonstrate a need for an additional 0.25 cfs of water available under Permit G-10399, 0.34 cfs of water available under Permit G-10400, and 1.55 cfs of water available under Permit G-13839 to help meet overall projected 20 year demands. These projections are reasonable and consistent with the City'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 **43.3 percent**.
11. The plan includes 5-year benchmarks for evaluation, development, and implementation of the following Conservation Measures: annual water audits; meter testing and repair; requiring all new connections to the water system to be metered; prompt repair of leaks when they are detected and providing a credit to customers who promptly repair leaks on their side of the meter; monthly billing that includes historic water use information; billing customers, in part, on the quantity of water metered at the service connection; and distribution of water conservation information in monthly billing, on the reader board, and publishing conservation tips in the CCR and on the web page.
12. The plan includes 2 and 5-year benchmarks for the implementation of the following Conservation Measures:
 - a. Annual Water Audit
 - i. Within two years of issuance of this final order, the City will provide a progress report to the Department with a description and analysis identifying the potential factors for the high-water loss and selected actions for remedy.
 - ii. Within five years of issuance of this final order, the City will conduct an annual system-wide water audit using the systematic and documented methodology that includes estimating unmetered authorized use.
 - iii. The City will continue to analyze its own water use and practices to identify alternatives to increase efficiency.

b. Meter Testing and Maintenance

- i. The City will continue to meter all existing water service connections and require meters at all water connections.
- ii. Within one year of issuance of this final order, the City will replace its master meter that measures diversions from Blue Bird Springs in order to improve the accuracy of reads.
- iii. Within one year of issuance of this final order, the City will install a new meter in its transmission line at the north end of the bridge spanning the Yamhill River and a new meter in the transmission line downstream of the City's 0.5 MG reservoir, immediately north of the city limits.
- iv. Within five years of issuance of this final order, the City will replace all meters at retail connections.

c. Leak Detection Program

- i. Within two years of issuance of this final order, the City will provide a description and analysis to OWRD identifying potential factors for the loss and selected actions for remedy.
- ii. The City will continue to periodically perform leak detection surveys of the water system distribution system.

d. Public Education

- i. The City will continue to send conservation reminders in billing statements, utilizing the reader board to urge conservation, and publishing conservation tips in the CCR and web page.
- ii. The City will continue notifying customers of potential leaks and recommending immediate repair as needed.
- iii. The City will continue providing advice to customers about methods to detect leaks and water efficient practices.

e. Technical and Financial Assistance Programs

- i. The City will continue notifying customers of potential leaks and recommending immediate repair as needed and continue providing advice to customers about methods to detect leaks and water efficient practices.

f. Supplier- Financed Retrofit or Replacement of Inefficient Fixtures

- i. The City will continue to maintain the Appliance Rebate Program.

g. Water Reuse, Recycling, and Non-potable Opportunities

- i. The City will continue to use reclaimed water from its wastewater treatment plan water to clean equipment and irrigate the lawn at the Public Works facility.
- ii. The City will continue exploring opportunities to reuse or recycle water and use non-potable water in place of raw or finished water.
- iii. The City will submit a complete Reclaimed Water Use Registration form to the Oregon Department of Environmental Quality within nine months following the date of signature on OWRD's final order approving this WMCP.

h. Other Conservation Measures

- i. The City will partially reimburse customers to quickly repair leaks discovered on the customers' side of the meter. The City partially reimburses customers for the cost of water attributable to leaks for the first three billing cycles after the leak is discovered.

13. The plan identifies seven groundwater rights and four surface water rights (Henry Creek and Pringle Spring, Big Spring also known as Blue Bird Spring, and Lafayette Spring, which flow into Henry Creek, and the Willamette River) as the sources of the City's water rights and accurately and completely describes the listed fish species that occur in the Lower Columbia River and Upper Willamette Rivers in the vicinity of the City's points of diversion as well as the water quality parameters for which the portion of Willamette Slough to Chehalem Creek along the Willamette River has been 303(d) listed by the Oregon Department of Environmental Quality. The City's groundwater sources are not in a designated critical groundwater area.

14. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of four stages of alert with concurrent curtailment actions.

15. The diversion of water under Permits G-10399, G-10400, and G-13839 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 Nos. 11 and 12, the final revised plan includes a schedule for the continuation and/or implementation of conservation measures that are equal to or lower than the cost of other identified sources.
- b. Considering the need to provide resiliency and redundancy in the water system, and that water savings alone from identified conservation and curtailment measures cannot fully meet the City's water demand projections, access to an

increased diversion of water under Permits G-10399, G-10400, and G-13839, is the most feasible and appropriate alternative to the supplier.

- c. The final orders for the extensions of time for Permits G-10399 and G-10400 include fish persistence conditions. The City is aware of, and will abide by, these conditions.

Conclusion of Law

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

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The City of Lafayette Water Management and Conservation Plan is approved and shall remain in effect until **July 1, 2032**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitations:

2. The limitation of the diversion of water under **Permit G-10399** established by the extension of time approved on May 24, 2012, is removed and, subject to other limitations or conditions of the permit, the City of Lafayette is authorized to divert up to **0.25 cfs** (*out of the total permitted 0.25 cfs*) under **Permit G-10399**.
3. The limitation of the diversion of water under **Permit G-10400** established by the extension of time approved on May 24, 2012, is removed and, subject to other limitations or conditions of the permit, the City of Lafayette is authorized to divert up to **0.49 cfs** (*out of the total permitted 0.49 cfs*) under **Permit G-10400**.
4. The limitation of the diversion of water under **Permit G-13839** established by the extension of time approved on November 29, 2006, is modified and, subject to other limitations or conditions of the permit, the City of Lafayette is authorized to divert up to **1.55 cfs** (*out of the total permitted 3.34 cfs*) under **Permit G-13839**.
5. Failure to meet the conservation benchmarks listed below may result in the reduction of the quantity of water authorized for diversion under **Permit G-13839** during review of the City's next plan update.
 - a. Annual water audit (Finding of Fact #12(a))
 - b. Leak Detection (Finding of Fact #12(c))
6. If water loss has been reduced to 10% or less within 5 years of the date of this order, Permit G-13839 will retain the diversion rate specified in the condition number 4 above.

7. If, within 5 years of the date of this order, water loss has **not** been reduced to 10% or less, the development limitation authorization for Permit G-13839 will be reduced to the rate of diversion specified below as correlates to the City's annual water loss percentage:

Permit	Annual Water Loss Percentage	Development Limitation Rate
G-13839	39.7% or higher	0.95 cfs
	35% - 32%	1.00 cfs
	31% - 26%	1.10 cfs
	25% - 20%	1.25 cfs
	19% - 11%	1.40 cfs
	10% or lower	1.55 cfs

Plan Update Schedule:

8. The City of Lafayette 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 **January 1, 2031**.

Progress Report Schedule:

9. Since the City's water loss is above 10%¹, the City will provide a description and analysis identifying potential factors for the loss and selected action for remedy in a progress report by **July 1, 2024**.
10. The City of Lafayette shall submit a progress report containing the information required under OAR 690-086-0120(4) by **July 2, 2027**.

Other Requirements for Plan Submittal:

11. 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 Lafayette from any existing or future requirements 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 OCT 31 2022


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

Mailing date: NOV 02 2022

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.

¹ City of Lafayette Annual loss percentage for 2016 - 2020 is 43.3%. See 2022 City of Lafayette Water Management and Conservation Plan: Section 2.8, Exhibit 2-8, p. 2-13.