

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

In the Matter of the Proposed Water)	FINAL ORDER APPROVING A WATER
Management and Conservation Plan for)	MANAGEMENT AND CONSERVATION
Rockwood Water People's Utility District)	PLAN
and the City of Gresham, Multnomah)	
County)	

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 Rockwood Water People's Utility District (District) and the City of Gresham (City) submitted a joint Water Management and Conservation Plan (plan) and the required statutory fee for review of the plan to the Water Resources Department (Department) on February 14, 2023. The plan was required by a condition set forth under the District and City's previously approved joint plan (Sp. Or. Vol. 91, Pgs. 110-114) issued on August 12, 2013.
2. The Department published notice of receipt of the plan on February 28, 2023, 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 May 15, 2023. In response, the District and City submitted a revised plan on May 23, 2023.
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.

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.

5. The current water use inventory in the plan demonstrated that **11.8 cfs** of water under **Permit G-16917** was diverted over the last 10 years under authorization from the District and City's previously approved joint plan final order. The projection of future water needs combined for the District and the City in the plan demonstrate a need for an additional **18.6 cfs** of water available under **Permit G-16917** for a total authorized diversion rate of **30.4 cfs** under **Permit G-16917**.
6. The District's system is fully metered, and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at 18.9 percent.
7. The plan includes 5-year benchmarks for implementation or continuation of its annual water audit, system-wide metering, meter testing and maintenance program, unit-based billing program, a public education program, technical and financial assistance program for customers, a toilet rebate program and provision of conservation kits and leak detection tablets to customers.
8. The plan includes benchmarks for the implementation of the following conservation measure:
 - a. Annual Water Audit benchmark
 - i. Within two (2) years of approval of this plan, the District shall provide to the Department a description and analysis identifying potential factors for their water loss.
 - ii. If the above identified analysis does not result in water losses below 10% or less, within five (5) years of approval of this plan, the City shall develop and implement a water loss control program as required per OAR 690-086-0150(4)(e)(B)(i).
 - b. Reuse, Recycling, and Nonpotable Water Opportunities
 - i. Within five (5) years of approval of this plan, the District shall investigate reuse, recycling, and non-potable water opportunities with large commercial and industrial customers within its service area and provide an update on the investigation in their 5-year progress report.
9. The revised plan identifies ground water as the source of the District's currently held water rights, and it accurately and completely describes that this ground water supply is not located within the boundaries of any designated critical ground water area. The revised plan also identifies the Columbia River as the proposed source of water in the District's pending application (S-72354) on file with the Department.
10. The District's 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.

11. The City's system is fully metered, and the rate structure includes a base rate and volumetric charge. The City's unaccounted-for water is estimated at 5.1 percent.
12. The final revised plan includes 5-year conservation benchmarks specific to the City for:
 - a. Implementation and/or continuation of the following actions and programs: Annual water audits, metering of all service connections; meter testing and maintenance program, unit-based billing program and will conduct a cost-of-service analysis and review how expenses are allocated across the customer base and consider alternative rate models, monitoring meter readings from the AMI technology on an ongoing basis with adjustments made or faulty meters replaced, as needed; leak detection and repair program for retail customers and the public system, continue performing water main condition assessments annually and replace at risk pipes; a public education program, a technical and financial assistance program, a rebate program for WaterSense toilets and offering indoor conservation kits to customers, promoting greywater and rain barrel usage to customers, and maintaining a City code that prohibits wasteful or negligent use of water.
13. The revised plan identifies groundwater and two non-municipal surface water rights (Butler Creek and Heiney Creek/Binford Reservoir) as the sources of the City's water rights. The revised plan accurately and completely describes the listed fish species that occur in the vicinity of the City's point of diversion as well as the water quality parameters for which this portion of Butler and Heiney Creek have 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 City's water curtailment element included in the final revised plan satisfactorily promotes water curtailment practices and includes a list of four (4) stages of alert with concurrent curtailment actions.

Conclusion of Law

The Water Management and Conservation Plan submitted by the Rockwood Water People's Utility District and the City of Gresham is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The Rockwood Water People's Utility District and the City of Gresham's joint Water Management and Conservation Plan is approved and shall remain in effect until **August 28, 2033**, this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation(s):

2. The limitation of the diversion of water under **Permit G-16917** established by the extension of time approved on April 10, 2012, which was modified by the Final Order approving the City's previously approved plan dated August 12, 2013, is modified and the Rockwood

Water People's Utility District and City of Gresham are authorized to divert up to **30.4 cfs** (out of the total permitted 53.5 cfs) under **Permit G-16917**.

3. Failure to meet the conservation benchmarks listed below may result in the reduction of the quantity of water authorized for diversion under Permits G-16917 during review of the District and City's next joint plan update.
 - a. Annual Water Audit (Finding of Fact # (8)(a))
 - b. Reuse, Recycling, and Nonpotable Water Opportunities (Finding of Fact # (8)(b))

Plan Update Schedule:

4. The Rockwood Water People's Utility District and City of Gresham shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 (effective December 23, 2018) within **ten (10) years** and no later than **February 28, 2033**.

Progress Report Schedule:

5. The Rockwood Water People's Utility District shall submit an analysis of potential water loss factors and proposed corrective actions as required under OAR 690-086-0150(4) by **August 28, 2025**.
6. The Rockwood Water People's Utility District and City of Gresham shall submit a progress report containing the information required under OAR 690-086-0120(4) by **August 28, 2028**.

Other Requirements for Plan Submittal:

7. 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 Rockwood Water People's Utility District and City of Gresham 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.

AUG 29 2023

Dated at Salem, Oregon this day _____


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

AUG 30 2023

Mailing date: _____

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>.