

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

In the Matter of the Proposed Water)	FINAL ORDER APPROVING A
Management and Conservation Plan for)	WATER MANAGEMENT AND
City of Adrian, Malheur County)	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 Adrian submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on June 20, 2017. The required statutory fee for review of the plan was received by the Department on July 10, 2017. The plan was required by a condition set forth in the final orders issued on July 2, 2015 approving extensions of time for Permits G-9912 and G-17580 (formerly G-16074).
2. The Department published notice of receipt of the plan on July 18, 2017, 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 September 21, 2017 and May 29, 2018. In response, the City submitted revised plans on May 18, 2018 and May 29, 2018.
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 plan demonstrate a need for 0.30 cfs of water available under Permit G-17580 to help meet overall projected 20 year demands. These projections are reasonable and consistent with the City's land use plan.
6. The City's system is fully metered, except for one remaining connection. The rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at 25% 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 final revised plan includes benchmarks for the City to continue and/or implement the following water conservation activities and/or programs:
 - a. By April 2022, install water meters on all unmetered, active connections. The City will also install new flow meters at the future water treatment plan and Well 6 upon completion of that project.
 - b. Implement a meter testing and maintenance program that includes the following elements:
 - i. By April 2022, all meters on a 5-year cycle, and replace meters as needed; and
 - ii. Require that all new construction for the wastewater treatment plan include a water meter;
 - c. Implement a program to conduct annual water audits;
 - d. By April 2021, implement a program to detect leaks in the transmission and distribution system on a quarterly basis each year;
 - e. Continue to maintain a water rate structure that includes a volumetric charge based on the amount of water metered at the customers service connection;
 - f. By the end of 2018, implement a public education program to include water conservation inserts with April water bills each year;
8. The final revised plan identifies ground water (wells) as the source of the City's water rights. The plan accurately and completely describes that the City's wells are not located within the designated boundaries of any critical ground water area.
9. The water curtailment element included in the final revised plan satisfactorily promotes water curtailment practices and includes a list of three stages of alert with concurrent curtailment actions.
10. The diversion of water under Permit G-17580 will be initiated during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:
 - a. As evidenced by the 5-year conservation benchmarks established by the City (*as described in Finding of Fact #7 above*), the final revised plan includes a schedule for the continuation and implementation of water conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources;
 - b. The increased use of water under Permit G-17580 is the most feasible and appropriate water supply alternative available to the City at this time, considering that water savings from identified conservation measures is not anticipated to fully meet the City's current and future water needs, and the City's other ground water source wells have issues with declining yields and multiple contaminants including arsenic, iron, hydrogen sulfide, manganese and ammonia, and that Permit G-17580 will draw from a different source aquifer than other groundwater sources and provide a more reliable source of drinking water to the City; and

- c. At this time, there are no known requirements for the City to take any mitigation actions under state or federal law.

Conclusion of Law

The Water Management and Conservation Plan, with the inclusion of the benchmarks as described in Finding of Fact #7 above, submitted by the City of Adrian is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The City of Adrian Water Management and Conservation Plan is approved and shall remain in effect until **June 1, 2028**, 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-17580 established by the extension of time approved on July 2, 2015 is removed and, subject to other limitations or conditions of the permit, the City of Adrian is authorized to divert up to 0.30 cfs (*out of the total permitted 1.0 cfs*) under Permit G-17580.
3. The limitation of the diversion of water under Permit G-9912 established in the Final Order approving an Extension of Time for Permit G-9912 (*issued on July 2, 2015*) remains unchanged. Subject to other limitations or conditions of the permit, therefore, the City of Adrian remains authorized to divert only up to 0.61cfs (*out of the total permitted 0.91cfs*) of water under Permit G-9912.

Plan Update Schedule:

4. The City of Adrian shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than **December 1, 2027**.

Progress Report Schedule:

5. The City of Adrian shall submit a progress report containing the information required under OAR 690-086-0120(4) by **June 1, 2023**.

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 City of Adrian 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 1 day of June, 2018.


Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing date: JUN 05 2018

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>