

**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 the         )     WATER MANAGEMENT AND  
Pinnacle Utilities, LLC, Deschutes 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.

**Findings of Fact**

1. Pinnacle Utilities, LLC submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on January 18, 2022. The required statutory fee for review of the plan was received by the Department on January 21, 2022. The plan was required by a condition set forth under Permit G-17036.
2. Pinnacle Utilities, LLC does not hold an “Extended Permit” as defined in OAR 690-086-0030(4), so no permit extension development limitation conditions are imposed upon Pinnacle Utilities, LLC at this time.
3. The Department published notice of receipt of the plan on February 1, 2022, as required under OAR Chapter 690, Division 086. Timely comments were received from David Arnold on February 10, 2022, and from Karl Anuta on March 3, 2022.
4. The Department provided written comments and copies of timely public comments on the plan to Pinnacle Utilities, LLC on March 25, 2022. In response, Pinnacle Utilities, LLC submitted a revised plan on May 4, 2022, to which the Department responded with additional comments. In response, Pinnacle Utilities submitted a final revised plan on June 9, 2022.
5. The Department reviewed the final revised plan, as well as the comments received, and finds that the final revised plan meets the criteria for approval under OAR 690-086-0130, and includes each of the required elements under OAR 690-086-0125:
  - a. The projections of future water need in the water management and conservation plan are reasonable and consistent with available land use plans;

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.

- b. For each of the water conservation measures required under OAR 690-086-0150(4), the final revised plan includes a reasonable and appropriate schedule with five-year benchmarks for implementation of conservation activities;
- c. The elements of OAR 690-086-0150(5) do not apply to the final revised plan as Pinnacle Utilities does not hold an extended permit and no permit extension development limitation conditions are imposed at this time. Additionally, there is no population currently served. Therefore, in accordance with OAR 690-086-0150(5), there is no requirement at this time for the final revised plan to request removal or modification of a development limitation;
- d. The identification of resource issues under OAR 690-086-0140(5)(i) is accurate and complete;
- e. 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; and
- f. The elements of OAR 690-086-0130(7) and (8) do not apply to the final revised plan because Pinnacle Utilities does not hold an extended permit and no permit extension development limitation conditions are imposed at this time. Therefore, there is no requirement at this time for the final revised plan to request removal or modification of a development limitation under any of the permits Pinnacle Utilities currently holds.

### **Conclusion of Law**

The Water Management and Conservation Plan submitted by the Pinnacle Utilities, LLC is consistent with the criteria in OAR Chapter 690, Division 086.

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

#### **Duration of Plan Approval:**

1. The Pinnacle Utilities, LLC Water Management and Conservation Plan is approved and shall remain in effect until **July 27, 2032**, unless this approval is rescinded pursuant to OAR 690-086-0920.

#### **Plan Update Schedule:**

2. Pinnacle Utilities, LLC 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 27, 2032**.

#### **Progress Report Schedule:**

3. Pinnacle Utilities, LLC shall submit a progress report containing the information required under OAR 690-086-0120(4) by **July 27, 2027**.

**Other Requirements for Plan Submittal:**

4. 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 Pinnacle Utilities, LLC 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.

**JUL 26 2022**

Dated at Salem, Oregon this day \_\_\_\_\_



Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources

Mailing date:       **JUL 27 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.

1942

1943