BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of the Proposed Water Management and Conservation Plan for the Deschutes Valley Water District, Jefferson County	))))	FINAL ORDER APPROVING 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 Deschutes Valley Water District (DVWD) submitted a Water Management and Conservation Plan (plan) and the required statutory fee for review of the plan to the Water Resources Department (Department) on May 20, 2022. The plan was required by a condition set forth under the City's previously approved plan (Sp. Or. Vol. 88, Pgs. 613-614) issued on October 15, 2012.

2. The Department published notice of receipt of the plan on May 31, 2022, as required under OAR Chapter 690, Division 086. No comments were received.

3. The Department provided written comments on the plan to DVWD on July 15, 2022. In response, DVWD submitted a revised plan on December 13, 2023.

4. The Department provided written comments on the revised plan to DVWD on December 21, 2023. In response, DVWD submitted a second revised plan on January 24, 2024.

5. The Department provided written comments on the second revised plan to DVWD on February 2, 2024. In response, DVWD submitted a final revised plan on April 26, 2024.

6. The Department reviewed the final revised plan 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.

7. The projection of future water needs in the plan demonstrate a need for 10.64 cfs of water available under Permit S-36515 to help meet overall projected 20-year demands. These projections are reasonable and consistent with the City's land use plan.

8. The system is fully metered, and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at 8.76 percent.

9. The revised plan includes 5-year benchmarks for the continuation of annual water audits, maintaining a fully metered system, a meter testing and maintenance program, a rate structure that charges based on the quantity of water used, a leak detection program, and a public education program.

10. The revised plan includes benchmarks for evaluation, development, and implementation of the following Conservation Measures:

    a. Annual Water Audit

        i. Within five years of approval of this WMCP, the District shall improve their water audit validity score from III to IV.

    b. Technical and Financial Assistance

        i. DVWD will continue to provide technical assistance to customers in detecting leaks by providing incentives to customers who repair leaks.

        ii. The incentive will continue to be a credit on their bill.

        iii. DVWD will track and report on the number of customers who receive this incentive.

    c. Supplier-Financed Retrofit or Replacement of Inefficient Fixtures

        i. DVWD will continue to provide water conservation kits to customers free of charge and will track the number provided yearly.

        ii. The kits shall include water saving faucet aerators, leak detection tablets, and information on how to save water in their home.

    d. Water Reuse, recycling, and non-potable opportunities

        i. DVWD will continue to recycle water from wash bay and will track the number of gallons recycled annually.

11. The plan identifies Opal Springs and three artesian wells as the sources of DVWD's water rights. Additionally, the plan accurately and completely describes the listed fish species that occur in the Crooked River where DVWD's sources of water eventually flow to. The plan also accurately and completely identifies the water quality parameters for which the Crooked

River has been 303(d) listed by the Oregon Department of Environmental Quality. DVWD's groundwater sources are not within a designated critical groundwater area.

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

13. The diversion of water under Permit S-36515 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. 9 and 10, the final revised plan includes a schedule for 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 sufficient water to meet demand projections for DVWD and the uncertainty of the long-term ability to purchase mitigation credits for Permit G-16548 as well as the interconnection with the City of Madras that provides nearly all the city's water, increased diversion under Permit S-36515 is the most feasible and appropriate alternative to DVWD.

    c. DVWD is not required to provide mitigation under Permit S-36515.

Conclusion of Law

The Water Management and Conservation Plan submitted by the Deschutes Valley Water District is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. The Deschutes Valley Water District Water Management and Conservation Plan is approved and shall remain in effect until **July 15, 2034**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation:

2. The limitation of the diversion of water under **Permit S-36515** established by the extension of time approved on January 23, 2015, is removed and, subject to other limitations or conditions of the permit, the Deschutes Valley Water District is authorized to divert up to **11.92 cfs** (*out of the total permitted 11.92 cfs*) under **Permit S-36515**.
3. Failure to meet and report on the conservation benchmarks listed below may result in the reduction of the quantity of water authorized for diversion under **Permit S-36515** during review of the City's next plan update.

    a. Annual Water Audit (Finding of Fact #(10)(a)
    b. Technical and Financial Assistance (Finding of Fact #(10)(b)

c. Supplier-Financed Retrofit or Replacement of Inefficient Fixtures (Finding of Fact #(10)(c)

a. Water Reuse, recycling, and non-potable opportunities (Finding of Fact #(10)(d)

Plan Update Schedule:

4. The Deschutes Valley Water District 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 15, 2034**.

Progress Report Schedule:

5. The Deschutes Valley Water District shall submit a progress report containing the information required under OAR 690-086-0120(4) by **July 15, 2029**.

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 Deschutes Valley Water District 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 JUL 29 2024

Lisa J. Jaramillo, Transfer and Conservation Section Manager for
IVAN GALL, DIRECTOR
Oregon Water Resources

Mailing date: JUL 30 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.