

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

In the Matter of the Proposed Water)	FINAL ORDER APPROVING WATER
Management and Conservation Plan for the)	MANAGEMENT AND
Avion Water Company, Inc., Deschutes)	CONSERVATION PLAN
County, Oregon)	

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 plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

Background

On December 16, 2004, the Avion Water Company submitted a draft Water Management and Conservation Plan for review under OAR Chapter 690, Division 086 (November 2002). Submittal of the plan was required under permit number G-12788.

The Department published notice of receipt of the plan on December 21, 2004. No public comments were received.

The Department provided comments on the plan to the Company on January 21, 2005 and, in response, the Company submitted a revised plan on January 25, 2005.

Findings of Fact

1. The Avion Water Company Water Management and Conservation Plan contains all of the plan elements required under OAR 690-086-0125.
2. The projections of future water needs in the plan demonstrate a need for over 25 cfs of water available under permit G-12788 to meet demands for the population anticipated in 20 years. These projections are reasonable and consistent with the Company's land use plan.
3. The plan includes 5-year benchmarks for implementation of water audit, meter testing, and public education programs. The system is fully metered and the rate structure includes a base rate and volumetric charge. System leakage is estimated at 6.7 percent.

This is a final order in other than 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 either 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.

4. The plan includes 5-year benchmarks for evaluation, development, and implementation of programs to 2010.
5. The plan identifies the Upper Deschutes Basin Aquifer as the source of the Company's water rights, and mitigation is not necessary to address limitations or restrictions on source water supply.
6. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of four stages of alert with concurrent water curtailment actions.

Conclusion of Law

The water management and conservation plan submitted by the Avion Water Company is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

1. The Avion Water Company Water Management and Conservation Plan is approved and shall remain in effect until January 30, 2010, unless this approval is rescinded pursuant to OAR 690-086-0920.
2. The Avion Water Company shall submit an updated plan within 5 years and no later than January 30, 2010.

Dated at Salem, Oregon this 11th day of March, 2005.


Phillip C. Ward, Director

Mailing Date: MAR 18 2005