

CERTIFICATE AND ORDER  
FOR FILING  
**PERMANENT**  
ADMINISTRATIVE RULES WITH THE SECRETARY OF STATE

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of PERMANENT rule(s) adopted on September 9, 1994 (Date)

by the Water Resources Commission  
(Department) (Division)

to become effective on filing  
(Date)

The within matter having come before the Water Resources Commission after  
(Department) (Division)

all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises:

Notice of Intended Action published in Secretary of State's Bulletin: NO  YES  Date Published: July 1, 1994

NOW THEREFORE, IT IS HEREBY ORDERED THAT the following action be taken: (List Rule Number(s) or Rule Title(s) on Appropriate Lines Below)

Adopted: OAR Chapter 690, Division 86 - Water Management and Conservation Plans  
(New Total Rules)

Amended: \_\_\_\_\_  
(Existing Rules)

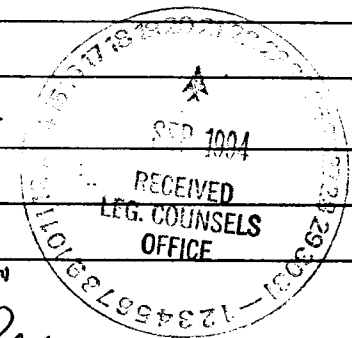
Repealed: \_\_\_\_\_  
(Total Rules Only)

as Administrative Rules of the Water Resources Department  
(Department) (Division)

DATED this 21<sup>st</sup> day of September, 19 94

By: *Martha D. Page*  
(Authorized Signer)

Title: Director



Statutory Authority: ORS 536.027, 537.211 and 540.572 or

Chapter(s) \_\_\_\_\_, Oregon Laws 19 \_\_\_\_\_ or

House Bill(s) \_\_\_\_\_, 19 \_\_\_\_\_ Legislature; or Senate Bill(s) \_\_\_\_\_, 19 \_\_\_\_\_ Legislature

Subject Matter: The rules provide standards and the process for review and approval of water management and conservation plans submitted by agricultural and municipal water suppliers. The plans may be required under conditions of water use permits or if an irrigation district intends to transfer water rights pursuant to ORS 540.572.

For further information Contact: Beth Patrino Phone: 378-8455 ext 299  
(Rule Coordinator)

**OREGON ADMINISTRATIVE RULES**  
**CHAPTER 690, DIVISION 86 — WATER RESOURCES DEPARTMENT**

**DIVISION 86**

**WATER MANAGEMENT AND  
CONSERVATION PLANS**

**Purpose**

**690-86-010** The Water Resources Commission has adopted a statewide policy on Conservation and Efficient Water Use (OAR 690-410-060). The policy requires major water users and suppliers to prepare water management plans. These rules provide a pilot process to evaluate the effectiveness of conservation planning in achieving more efficient water use and preventing waste consistent with water supplier and Department capabilities. The Commission will review implementation of these rules and consider modifications in the planning requirements and the possible extension of the requirements to other water suppliers or users within two years.

(2) Many regions of Oregon face periodic and increasingly frequent water shortages during summer periods. Urbanization is resulting in a continually expanding need for municipal water supplies. It is increasingly important to the state's economy to maintain adequate stream flows to support aquatic life, provide recreational opportunities and maintain water quality. The continued implementation of conservation measures can help restore streamflows, stabilize water supplies and provide for future needs for economic development and growth.

(3) The use of water at a rate or duty which is less than the maximum amount allowed under a water right which is achieved through improved water management practices is not a forfeiture under ORS 540.610. However, conserved water may only be used on additional acres or for other purposes not included in the original right after allocation of conserved water under ORS 537.455 to 537.500 or under other specific statutory authorizations. (For additional information see correspondence from the Department of Justice regarding DOJ File No. 690-001-NR002-94, February 15, 1994).

(4) Effective water management requires an evaluation of the adequacy of water supplies to meet current and future needs. Water management and conservation plans will identify planned modifications in water systems and development of new water supplies. However, the approval of a water management plan shall not substitute for compliance with Statewide Planning Goals nor any other comprehensive land use planning requirement or constitute approval of applications for water rights, water reservations, water storage facilities or extensions of time for permits.

(5) Water management and conservation plans will provide information important in water resources planning and management. In addition, the plans may provide support for applications for water use permits and water right transfers and requests for extensions of permits, approvals of exchanges, and reservations of water. Due regard shall be given to any relevant approved water management and conservation plans during consideration of these applications and requests.

(6) Regional cooperation will improve water management and help to facilitate implementation of conservation measures. Water suppliers required

under OAR 690-86-010 to OAR 690-86-920 to prepare water management and conservation plans, and any other suppliers or users, may jointly submit a single plan which addresses the suppliers' conservation opportunities and water development needs.

(7) A conservation and curtailment plan that has been approved under this rule will satisfy a condition requiring preparation of a conservation plan in an emergency use permit issued pursuant to OAR 690-19-040 and a requirement for submittal of a curtailment plan in times of a declared or likely drought under an order issued pursuant to ORS 536.780 and OAR 690-19-090.

(8) These rules provide the standards for the preparation of the conservation and long-term water supply plans required under conditions in water use permits issued by the Department. Unless otherwise specifically noted in a permit condition, water management and conservation plans that have been approved under OAR 690-86-910 will meet the requirements for the plans.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Water Resources Department.]

Stat. Auth.: ORS 536.027, 537.211 & 540.572

Hist.: WRD 11-1994, f. & cert. ef. 9-21-94

**General Definitions**

**690-86-020** As used in OAR 690-86-010 and 690-86-920 for preparation and approval of water management and conservation plans:

(1) "Commission" means the Water Resources Commission.

(2) "Conservation" has the meaning provided in OAR 690-400-010.

NOTE: OAR 690-400-010(5) defines conservation as eliminating waste or otherwise improving efficiency in the use of water while satisfying beneficial uses by modifying the technology or method for diverting, transporting, applying or recovering the water; by changing management of water use; or by implementing other measures.

(3) "Department" means the Water Resources Department.

(4) "Director" means the Director of the Water Resources Department or designee.

(5) "Waste" has the meaning provided in OAR 690-400-010.

NOTE: OAR 690-400-010(16) defines waste as the continued use of more water than is needed to satisfy the specific beneficial uses for which a right was granted. The need for water shall be based on using the technology and management practices that provide for the efficient use of water considering:

-a- The economic feasibility of use of the technology and management practices by the water user;

-b- The environmental impacts of making modifications;

-c- The available proven technology;

-d- The time needed to make modifications;

-e- Local variations in soil type and weather; and

-f- Relevant water management plans and subbasin conservation plans.

Stat. Auth.: ORS 536.027, 537.211 & 540.572

Hist.: WRD 11-1994, f. & cert. ef. 8-21-94

**Municipal Water Management  
and Conservation Plans**

**Definitions**

**690-86-110** As used in OAR 690-86-110 to OAR 690-86-140:

(1) "Affected local governments" means any local government as defined in OAR 690-05-015, within whose jurisdiction the diversion, conveyance, or use of water is established or proposed within the context of the water management and conservation plan.

(2) "Authorized water uses" means all water uses known and approved by the municipal water supplier. These uses include all metered uses and any other approved uses such as fire-fighting, fire training, system operation needs or miscellaneous uses.

(3) "Low water use landscaping" means conserving water through designing landscapes for low water use, practical lawn areas, efficiently irrigating, improving soil and planting low water use plants.

(4) "Metering" means using water meters or other continuous recording devices to measure and to maintain a record of all water diverted and delivered and to bill customers based on the quantities of water used.

(5) "Municipal water supplier" means a publicly or privately owned water distribution system that delivers potable water for community needs, either to individual customers or another distribution system.

(6) "System leak detection" means a program to monitor leakage throughout the transmission and distribution systems of a municipal water supplier using methods and technology appropriate to the size and financial capabilities of the municipal water supplier and the amount water lost as determined through water audits.

(7) "System leakage" means all water that is lost from a municipal water supply system through leaks and breaks and includes all unavoidable leaks and all recoverable leaks, but does not include un-metered authorized or un-authorized uses.

(8) "Water audit" means an analysis of a water system that includes a thorough accounting of all water into and out of the system to identify system leakage and metered or estimated use for authorized and un-authorized water uses. The audit also includes an analysis of the water supplier's own water use.

(9) "Water curtailment plan" means a plan to accomplish a specific reduction in the amount of water used or lost within a specific time in response to an emergency or other short-term shortage.

(10) "Water service connections" means water supply connections to the water delivery system. Such connections do not include the water supplier's fire hydrants, fire sprinkler system connections with flow alarms or detector-checks, water line blow-offs and drains, stand-by emergency interties, valve controlled drinking fountains or other similar intermittently used connections.

Stat. Auth.: ORS 536.027, 537.211 & 540.572  
Hist.: WRD 11-1994, f. & cert. ef. 9-21-94

**General Provisions**

**690-86-120** (1) Municipal water suppliers are encouraged to prepare water management plans, but are not required to do so unless a plan is prescribed by a condition of a water use permit issued under OAR Chapter 690, Division 11.

(2) Each municipal water supplier required to submit a water management and conservation plan shall exercise diligence in implementing the approved plan and shall update and resubmit a plan consistent with the requirements of OAR 690, Division 86 as prescribed during plan approval.

(3) Water management and conservation plans submitted by municipal water suppliers shall meet the requirements in OAR 690-86-140 (Plan Elements and Standards).

(4) A master plan prepared under the requirements of the Department of Human Resources Health Division or the water supply element of a public facilities plan prepared under the requirements of the Department of Land Conservation and Development which substantially meets the requirements of OAR 690-86-140 may be submitted to meet the requirements of this rule.

(5) Each municipal water supplier shall consult with the planning departments or appropriate officials of affected local governments to allow for coordination with comprehensive land use plans early in the development of a plan and, at least 30 days prior to submitting a draft plan to the Department, shall make the draft plan available for review by each affected local government.

(6) Each municipal water supplier preparing a water management and conservation plan is encouraged to develop and implement a program to involve the supplier's customers in the preparation of the plan. Recommendations include making the plan available for public inspection and conducting public meetings to provide information and gather input on the plan.

Stat. Auth.: ORS 536.027, 537.211 & 540.572  
Hist.: WRD 11-1994, f. & cert. ef. 9-21-94

**Plan Elements and Standards**

**690-86-140** A water management and conservation plan submitted by a municipal water supplier shall consist of the following elements:

(1) A description of the water system that includes at least the following information:

(a) Source(s) of water, water rights, storage and regulation facilities, transfers and exchange agreements, and intergovernmental cooperation agreements;

(b) System capacity, limitations and opportunities for expansion under existing water rights;

(c) Current average annual water use, peak seasonal demand, average and peak day demands, and quantities of water used from each source;

(d) Description of customers served including the estimated numbers and general water use characteristics of residences, commercial and industrial facilities, and other uses;

(e) Identification of interconnections with other municipal supply systems; and

(f) A schematic of the system which shows the sources of water, storage facilities, treatment facilities, major transmissions and distribution lines, pump stations, interconnections with other municipal supply systems, and the service area.

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(2) A water conservation element which includes at least the following:

(a) A progress report on the conservation measures scheduled for implementation in the water management and conservation plan previously approved by the Department, if any;

(b) A description of the water supplier's water use measurement and reporting program and a statement that the program complies with the measurement standards in OAR 690, Division 85, that a time extension or waiver has been granted, or that the standards are not applicable;

(c) A description of other conservation measures, if any, currently implemented by the water supplier;

(d) For each of the following conservation measures not currently being implemented, an evaluation of whether implementation of the measure is feasible and appropriate for ensuring the efficient use of water and the prevention of waste:

(A) A system-wide leak repair program or line replacement to reduce system leakage to a 15 percent, and if the reduction of system leakage to 15 percent is found to be feasible and appropriate, to reduce system leakage to 10 percent;

(B) Programs to encourage low water use landscaping;

(C) Incentive programs that encourage conservation;

(D) Retrofitting or replacement of existing inefficient water using fixtures;

(E) Adoption of rate structures that support and encourage water conservation;

(F) Water reuse opportunities; and

(G) Any other conservation measures identified by the water supplier that would improve water use efficiency; and

(e) A description and estimated schedule for implementation of each of the following conservation measures:

(A) An annual audit of all water supplied;

(B) If the system is not fully metered, a program to install meters on all un-metered water service connections. The program shall start immediately after the plan is approved and shall identify the number of meters to be installed each year with full metering completed within five years of approval of the plan;

(C) A regularly scheduled program for leak detection for the transmission and distribution system;

(D) A meter testing and maintenance program;

(E) A public education program on efficient water use; and

(F) Any other conservation measures identified as feasible and appropriate under subsection (d) of this section.

(3) A water curtailment element which includes at least the following:

(a) A description of the frequency and magnitude of supply deficiencies within the past 10 years and current capacity limitation. The description shall include an assessment of the ability of the water supplier to maintain delivery during long-term drought or other source shortages;

(b) A list of three or more stages of alert for potential shortage or water service difficulties. The stages shall range from a potential or mild alert,

increasing through a serious situation to a critical emergency;

(c) A description of pre-determined levels of severity of shortage or water service difficulties which will trigger the curtailment actions under each stage of alert to provide the greatest assurance of maintaining potable supplies for human consumption; and

(d) A list of specific stand-by water use curtailment actions for each stage of alert ranging from notice to the public of a potential alert, increasing through limiting nonessential water use, to rationing and/or loss of service at the critical alert stage.

(4) A long-range water supply element which includes at least the following:

(a) A description of the water supplier's expected future service area and an estimate of the water supplier's long-range water demand projections for 10 and 20 years which are supported by a methodology which demonstrates consistency with acknowledged comprehensive land use plans of affected local governments and any relevant urban service agreements;

(b) A comparison of the projected water needs and the system capacity and size and reliability of water rights, permits or other current water supply contracts held by the water supplier; and

(c) If future demand projections indicate that additional water will be required within the next 20 years, the plan shall include:

(A) A comparison between the potential sources of additional water, including conservation, reuse and interconnection with other municipal supply systems, which considers costs, availability, reliability, and likely environmental impacts; and

(B) An estimated schedule for development of any new sources of water identified in paragraph (A) of this subsection as needed to meet the demand projections and a description of the criteria used in the selection of the sources.

(5)(a) A proposed date for submittal of an updated water management and conservation plan based on the proposed schedule for implementation of conservation measures, any relevant schedules for other community planning activities, and the rate of growth of or other changes expected by the water supplier; or

(b) An explanation of why submittal of an updated plan is unnecessary and should not be required by the Department.

Stat. Auth.: ORS 536.027, 537.211 & 540.572

Hist.: WRD 11-1994, f. & cert. ef. 9-21-94

**Agricultural Water Supplier Water  
Management and Conservation Plans**

**Definitions**

**690-86-210** As used in OAR 690-86-210 to OAR 690-86-240:

(1) "Affected local governments" means any local government, as defined in OAR 690-05-015, within whose jurisdiction the diversion, conveyance, or use of water is established or proposed within the context of the water management and conservation plan.

(2) "Agricultural water supplier" means any public or private organization, including but not limited to an irrigation district formed under ORS

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Chapter 545, a drainage district formed under ORS Chapter 547, a water improvement district formed under ORS Chapter 552, a water control district formed under ORS Chapter 553, a corporation organized under ORS Chapter 554, an unincorporated private association or a ditch company, the primary purpose of which is to supply water to others for agricultural uses.

(3) "Measuring water" means using a measuring device, including but not limited to weirs, flumes, submerged orifices, gaging stations, and meters, to quantify the rate of flow and the volume of water in a water delivery system.

(4) "Water allocation/curtailment plan" means a plan to equitably allocate, under existing priorities, a reduced water supply among the water right holders dependent on the supply in response to an emergency or other short-term shortage.

Stat. Auth.: ORS 536.027, 537.211 & 540.572  
Hist.: WRD 11-1994, f. & cert. ef. 9-21-94

### General Provisions

**690-86-220** (1) Certain agricultural water suppliers must have approved conservation plans to transfer water rights within the boundaries of the districts to other land within the districts (ORS 540.572 to 540.578). These rules provide the standards for those conservation plans.

(2) Each agricultural water supplier required to submit a water management and conservation plan shall exercise diligence in implementing the approved plan and shall update and resubmit a plan consistent with the requirements of OAR 690, Division 86 as prescribed during plan approval.

(3) Any agricultural water supplier participating in the water transfer provisions in ORS 540.572 to ORS 540.578 and OAR 690-21-070 to OAR 690-21-700 shall submit an annual report describing progress-to-date in implementing a water management and conservation plan.

(4) Water management and conservation plans submitted by agricultural water suppliers shall meet the requirements listed in OAR 690-86-240 (Plan Elements and Standards).

(5) A water conservation plan prepared in accordance with criteria of the Bureau of Reclamation and substantially meeting the requirements of OAR 690-86-240 may be submitted to meet the requirements of this rule.

(6) At least 30 days prior to submitting a draft plan to the Department, an agricultural water supplier shall make the draft plan available for review by each affected local government.

(7) Each agricultural water supplier preparing a water management and conservation plan is encouraged to develop and implement a program to involve the supplier's patrons in the preparation of the plan. Recommendations include making the plan available for public inspection and conducting public meetings to provide information and gather input on the plan.

Stat. Auth.: ORS 536.027, 537.211 & 540.572  
Hist.: WRD 11-1994, f. & cert. ef. 9-21-94

### Plan Elements and Standards

**690-86-240** A water management and conservation plan submitted by an agricultural water

supplier shall consist of the following elements:

(1) A description of the water system that includes at least the following information:

(a) Location of water right acreage, numbers of the associated water right certificates and permits and a description of relevant conditions of the water rights including the seasons of use and the uses of any other permitted withdrawals by the supplier;

(b) Source(s) of water; storage and regulation facilities; and a summary of any transfer, rotation, exchange or intergovernmental cooperation agreements;

(c) A schematic of the system showing storage and distribution facilities, drainage systems, measurement stations, generalized district boundaries, points of diversion and locations of major operational spills;

(d) Current water use, including peak and average annual diversions and, when available, water reuse and return flows;

(e) A summary of major classifications of user accounts showing water right acreages, the number of accounts of each classification, and the beneficial uses for which water is provided (irrigation, frost protection, temperature control, agricultural use, livestock, domestic, etc.);

(f) Types of on-farm irrigation systems common within the supplier's accounts;

(g) Crops commonly grown and the estimated average and peak consumptive use of the crops; and

(h) A description of the operation and maintenance program.

(2) A water conservation element which includes at least the following:

(a) A progress report on the conservation measures scheduled for implementation in the water management and conservation plan previously approved by the Department, if any;

(b) A description of the water supplier's water use measurement and reporting program and a statement that the program complies with the measurement standards in OAR 690, Division 85, that a time extension or waiver has been granted, or that the standards are not applicable;

(c) A description of other conservation measures currently implemented by the water supplier;

(d) Short- and long-term goals of the water supplier to improve water management;

(e) An evaluation of the opportunities for improving water use efficiency which includes:

(A) A description of losses of water from canals, pipelines, and laterals, including any operational spills;

(B) An assessment of the extent to which water deliveries are insufficient to meet crop needs;

(C) A list of alternative conservation measures to reduce the losses of water identified in paragraph (A) of this subsection and address any insufficiencies of water deliveries identified in paragraph (B) of this subsection; and

(D) An assessment of existing and future alternatives to finance conservation measures including an analysis of the possibility of applying for the allocation of conserved water (OAR 690-18-010 to OAR 690-18-090)

(f) For each of the following conservation measures not currently being implemented, and evaluation of whether implementation of the measure is feasible and appropriate for ensuring

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the efficient use of water and the prevention of waste:

(A) Promotion of energy audits offered through local electric utilities for district water users;

(B) Conversion to metered, pressurized deliveries to all parcels of one acre or less;

(C) Piping or lining earthen canals;

(D) Modifying distribution facilities and district policies to increase the flexibility of water deliveries;

(E) Provision of on-farm irrigation scheduling assistance;

(F) Construction of re-regulating reservoirs;

(G) Adoption of rate structures that support and encourage water conservation;

(H) Each of the conservation measures listed in OAR 690-86-240(2)(e)(C); and

(I) Any other conservation measures identified by the water supplier that would improve water use efficiency.

(g) A description and estimated schedule for implementation of each of the following conservation measures:

(A) An information and education program aimed at improving the efficiency of use of water delivered. The program should address all types of uses served and include voluntary water use audits; and

(B) Any other conservation measures identified as feasible and appropriate under subsection (f) of this section.

(h) A program to monitor and evaluate the effectiveness of the conservation measures which are implemented.

(3) A water allocation/curtailment element which includes at least the following:

(a) A description of the frequency and magnitude of past supply deficiencies and current capacity limitation. The description shall include an assessment of the ability of the water supplier to maintain delivery during drought or other source shortages.

(b) A description of the water supply situation(s) that cause the water allocation/curtailment element to be implemented, including identification of the supply situations which trigger warnings to users or public notice of impending shortage;

(c) A description of the procedure used to allocate water during water shortages.

(4) A long-range water supply element which shall include at least the following:

(a) An estimate of the water supplier's long-range water demand projections for 20 years;

(b) A comparison of the projected water needs and the size and reliability of water rights permits or other current water supply contracts held by the water supplier;

(c) A list of potential sources of water, including conservation and reuse, to supply the long-range needs;

(d) A comparison among the potential sources of additional water considering costs, availability, reliability, and likely environmental impacts;

(e) An evaluation of the effects of the following factors on long-range water needs:

(A) Regional options for meeting future water needs;

(B) Urbanization and other land-use trends;

(C) Provisions in affected local governments'

comprehensive plans relating to agricultural lands, urbanization, water resources, water supply, public facilities and services, and any other pertinent plan element or ordinance relating to uses or lands served, or proposed to be served, under the long-term water supply plan.

(5)(a) A proposed date for submittal of an undated water management and conservation plan based on the proposed schedule for implementation of conservation measures, any relevant schedules for other community planning activities, and the rate of growth of or other changes expected by the water supplier; or

(b) An explanation of why submittal of an updated plan is unnecessary and should not be required by the Department.

Stat. Auth.: ORS 536.027, 537.211 & 540.572

Hist.: WRD 11-1994, f. & cert. ef. 9-21-94

**Water Management and Conservation**  
**Plan Review and Enforcement**

**Plan Review and Approval**

**690-86-910** (1) The Department shall notify affected local governments, affected Indian tribes, and all persons on the Department's weekly mailing list that a draft water management and conservation plan prepared under the requirements of OAR 690-86-140 or OAR 690-86-240 has been submitted to the Department and is available for review.

(2) Any person may review and comment on the draft plan within 30 days of the notification in section (1) of this rule. The Department will consider comments submitted under this section which cite specific provisions of concern in the draft plan, describe how each of the provisions cited do or do not satisfy the requirements of OAR Chapter 690, Division 86, suggest any modification in each provision which would be necessary to satisfy the relevant requirement, and include information to support any suggested modifications.

(3) The Department shall review the draft plan and the comments received which are consistent with section (2) of this rule, identify any modifications needed to satisfy the relevant requirements of OAR 690-86-140 or OAR 690-86-240, and notify the water supplier within 90 days after receipt of a draft plan, in writing, of the results of the review. The Department shall include in the notification copies of any comments received.

(4) In determining if a plan satisfies the relevant requirements of OAR 690-86-140 or OAR 690-86-240, the Department shall:

(a) Review the water conservation element to determine if the water supplier has included implementation of conservation measures which are feasible and appropriate for ensuring the efficient use of water and the prevention of waste considering:

(A) The economic feasibility of the measures for the water supplier;

(B) Any likely adverse environmental impacts of implementation of the measures;

(C) Whether the measures are available and proven;

(D) The time needed to implement the measures;

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(E) The effects of local variations in soil type and weather on the potential for successful implementation of the measures; and

(F) Whether the measures are consistent with other relevant water management plans and subbasin conservation plans.

(b) Approve any water curtailment element which is substantially the same as a curtailment plan prepared pursuant to ORS 536.780 and OAR 690-19-090 and approved by the Department within the previous five years; and

(c) Review the long-range water supply element to determine if the water supplier has included in the list of potential sources of water to meet projected demands the development of any conservation measures which are available at a cost which is lower than the cost of other identified sources or has provided sufficient justification for the factors used in selecting other sources for development.

(5) To the extent possible, the Department shall advise the water supplier of any constraints to implementation of the water management and conservation plan and shall recommend appropriate actions to secure any identified new sources of water.

(6) The Department may deny approval of a water management and conservation plan if the water supplier does not submit a final plan to the Department within 90 days after receipt of the Department's review.

(7) The Department shall evaluate the final plan to determine if the plan satisfies the relevant requirements of OAR 690-86-140 or OAR 690-86-240. The evaluation by the Department shall be limited to a review of modifications in the plan and issues on which the Department has commented under section (3) of this rule.

(8) If the Department determines that the final plan does not satisfy the relevant requirements of OAR 690-86-140 or OAR 690-86-240, the Department may consult with the water supplier and may provide additional time to correct any discrepancies.

(9) If the Department determines that the final plan satisfies the relevant requirements or if the water supplier satisfactorily corrects any identified discrepancies, the Department shall approve the plan and notify the water supplier and any person who submitted comments pursuant to section (2) of this rule of the approval. The Department shall specify in the order approving the plan if an updated plan shall be required and, if so, the date on which the updated plan shall be submitted to the Department. The Department shall not require submittal of an updated plan earlier than five years after issuance of the order approving the plan.

(10) If the Department does not approve the plan, the water supplier may request that the Director appoint a five-member review board to review the plan. The board shall include at least two individuals from the basin in which the supplier is located who are engaged in similar uses of water, the local watermaster, and other individuals knowledgeable about water use practices or the environmental impacts of water conservation. After reviewing the plan and evaluating any additional information presented by the water supplier and the Department, the board may recommend that the Department:

(a) Reconsider the decision not to approve the plan;

(b) Reconsider the decision not to approve the plan contingent on the water supplier agreeing to specified modifications; or

(c) Re-affirm the original decision not to approve the plan.

(11) The Department shall notify the water supplier, the members of the review board, and any person who submitted comments pursuant to section (2) of this rule of any action taken based on the board's recommendation.

(12) The water supplier or a person who has submitted comments pursuant to section (2) of this rule may, within 30 days of a notification pursuant to section (9) or (11) of this rule, appeal a decision by the Department to approve or to not approve a plan to the Commission. The Commission may deny the appeal or may accept the appeal and remand the plan to the Department to seek resolution of the issues identified in the appeal and, if the issues are not resolved, to initiate a contested case proceeding pursuant to ORS 183.413 and OAR Chapter 690, Divisions 1 and 2.

(13) During the plan review and approval process, the Department may extend the time allowed for implementation of any conservation or metering measures if the water supplier shows that an extension is necessary to avoid unreasonable and excessive costs.

(14) During the plan review and approval process, the Department may, on request of a water supplier, waive the requirements for implementation of any of the required measures listed in OAR 690-86-140 or OAR 690-86-240. In determining if implementation of any measure should be waived, the Department shall consider whether:

(a) Implementation of the measure is impractical or unreasonable;

(b) The water supplier has an adequate and secure water supply sufficient to serve present and projected future demands; or

(c) The water supplier is implementing other, equally effective conservation measures which may include an aggressive leak detection program, anti-waste provisions in a supplier's ordinances, rules or regulations, or other policies showing a commitment to water use without waste.

(15) Notwithstanding any of the requirements of OAR Chapter 690, Division 86, except OAR 690-86-140(2)(b) and OAR 690-86-240(2)(b), the Department may approve a water management and conservation plan if the plan is generally consistent with the relevant requirements and includes a schedule for completion within five years of any additional work necessary to satisfy the relevant requirements.

Stat. Auth.: ORS 536.027, 537.211 & 540.572

Hist.: WRD 11-1994, f. & cert. ef. 9-21-94

**Enforcement**

**690-86-920** If the Director determines that a water supplier has failed to submit a plan as required under OAR 690-86-010 to OAR 690-86-240 or has failed to satisfactorily implement an approved water management and conservation plan, the Director may proceed with one or more of the following actions:

**OREGON ADMINISTRATIVE RULES**  
**CHAPTER 690, DIVISION 86 — WATER RESOURCES DEPARTMENT**

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- (1) Provide an additional, specified amount of time for remedy;
- (2) Initiate an evaluation of the supplier's water management practices and facilities to determine if the use of water is wasteful;
- (3) Initiate regulation of water use under OAR 690-250-050 to eliminate waste;
- (4) Rescind a previous approval of a water

management and conservation plan; and

- (5) If the submittal of the water management plan is required under a permit condition, assess a civil penalty under OAR 690-260-005 to OAR 690-260-110 or cancel the permit.

Stat. Auth.: ORS 536.027, 537.211 & 540.572  
Hist.: WRD 11-1994, f. & cert. ef. 9-21-94