

OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF THE REQUEST FOR )  
WAIVER OF REPORTING ANNUAL WATER ) ORDER  
USE FOR CERTIFICATES 37447 AND )  
37448 BY LINN COUNTY )

BACKGROUND

The Water Use Reporting (WUR) rules require all public entities holding water rights to report water use. The rules require water use to be reported within 15 percent accuracy. The rules also allow a reporting entity to request the Commission to waive compliance with this accuracy requirement [OAR 690-85-010(3)].

At the August 13, 1993 Water Resources Commission (WRC) meeting the Commission considered Linn County's request for a waiver of compliance with the accuracy requirement. The WRC approved the waiver with amendments.

FINDINGS OF FACT

Governmental entity includes any state or federal agency, local government as defined in ORS 294.004, irrigation district formed under ORS Chapter 545, or water control district formed under ORS Chapter 553.

OAR 690-85-010(6) authorizes the Water Resources Commission to waive the requirement that reported monthly volumes of water shall be accurate within a margin 15 percent. Prior to granting the waiver the governmental entity must demonstrate to the Commission that complying with accuracy requirement will cause an economic hardship and the information to be collected would not materially aid water management.

Linn County is responsible for reporting annual water use for Water Right Certificate 37447 and Certificate 37448.

Linn County submitted a completed request for waiver of the accuracy requirement on November 23, 1993.

Linn County is facing substantial fiscal restraints brought on by Ballot Measure 5 and other fiscal constraints. The fiscal restraints have already caused the closure or removal of some Linn County Park and Recreation facilities.

Linn County does not have funds available to install measuring devices.

The District 2 Watermaster indicates he has not had distribution problems on Oak Creek and that granting the waiver will not result in loss of data that would aid water management.

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CONCLUSIONS OF LAW

Economic hardship, as defined by means a financial burden of an extraordinary nature.

Linn County has satisfactorily established that requiring it to meet the 15 percent accuracy requirement for water use reporting would cause an economic hardship [OAR 690-85-008(7), OAR 690-85-010(6a)].

Linn County has satisfactorily demonstrated that the information to be reported would not materially aid in water management [OAR 690-85-010(6b)].

Linn County qualifies for and should be granted a waiver of compliance with the 15 percent accuracy requirement of the Water User Reporting rules for Water Right Certificates 37447 and 37448.

ORDER

NOW, THEREFORE, it is ORDERED that the requirement to report annual water use within 15 percent accuracy, as established by OAR 690-85-010(3), for Water Right Certificates 37447 and 37448 is hereby waived.

It is FURTHER ORDERED that Linn County will submit annual water use reports in compliance with OAR 690-85-010(4).

It is FURTHER ORDERED that Linn County shall present to the Water Resources Commission a plan to measure and report water use to some lesser accuracy but with the goal of attaining 15 percent accuracy.

It is FURTHER ORDERED that this waiver of the 15 percent accuracy requirement will be reviewed every two (2) years and if the Department finds any change in the local conditions to the extent that an economic hardship no longer exists or the data likely to be collected would aid water management efforts, the Water Resources Commission may rescind this waiver.

Dated 1/7/79

Joanna Stichel  
Chair, Water Resources Commission