

ORS 536.295

ORS 536.295 Conditions for consideration of application for use not classified in basin program. (1) Notwithstanding any provision of ORS 536.300 or 536.340, the Water Resources Commission may allow the Water Resources Department to consider an application to appropriate water for a use not classified in the applicable basin program if the use:

- (a) Will be of short duration during each year;
- (b) Will be for a continuous period of no longer than five years;
- (c) Is largely nonconsumptive in nature and not likely to be regulated for other water rights;
- (d) Is necessary to ensure public health, welfare and safety;
- (e) Is necessary to avoid extreme hardship;
- (f) Will provide a public benefit such as riparian or watershed improvement; or
- (g) Is of an unusual nature not likely to recur in the basin, and unlikely to have been within the uses considered by the commission in classifying the uses presently allowed in the applicable basin program including but not limited to:
 - (A) Exploratory thermal drilling;
 - (B) Heat exchange;
 - (C) Maintaining water levels in a sewage lagoon; or
 - (D) Facilitating the watering of livestock away from a river or stream.

(2) A permit granted on or before January 1, 1993, for a quasi-municipal use of water shall be considered a permit for a classified use under ORS 536.340 if at the time the application was submitted or the permit was granted, the basin program identified municipal use as a classified use.

(3) The commission by rule may determine the specific uses permitted within a classified use.

(4) In making the determination under subsection (1) of this section, the commission shall evaluate whether the proposed use is consistent with the general policies established in the applicable basin program.

(5) The Water Resources Department shall process and evaluate an application allowed by the commission under subsections (1) to (4) of this section in the same manner as any other water right application, including determining whether the proposed use would result in injury to an existing water right. [1989 c.9.1; 1993 c.591.1; 1999 c.703.1]

General Policies of the Sandy Basin Program

690-503-0020

Policies

The surface water resources of the Sandy River Basin are important for maintaining instream and scenic values. The groundwater and surface waters are used for municipal, domestic, industrial and agricultural uses. The Bull Run Watershed is the main source of water for the city of Portland and the Portland metropolitan area. The protection and maintenance of water resources for these uses will promote the economic and general welfare of the people of the state.

Therefore, it shall be the policy of the Commission:

(1) To limit future surface water appropriations, except for storage, in the Sandy Basin mainly to municipal and nonconsumptive, instream uses for the purpose of protecting and enhancing those statutorily preferred uses and values such as municipal, fish life, wildlife, recreation and aesthetics.

(2) To carry out the state groundwater management policy by addressing groundwater declines near Sandy, controlling interference with surface supplies and protecting the quality of shallow aquifers.

(3) To uphold, subject to senior claims, the city of Portland's exclusive right to the waters of the Bull Run and Little Sandy rivers for municipal use. The Commission supports further development of the Bull Run and Little Sandy rivers for municipal use under a planned approach, designed to best meet the needs of the city and region, while encouraging water use efficiency and conservation and protecting the naturally high quality of the water.

Stat. Auth.: ORS 536.220, [ORS 536.300](#) & [ORS 536.310](#)

Stats. Implemented:

Hist.: WRD 4-1991, f. & cert. ef. 3-14-91