

WATER RESOURCES DEPARTMENT
DIVISION 522
DESCHUTES BASIN WATER MANAGEMENT

690-522-0010

Introduction

The following rules are based on recommendations of a Work Group convened by the Water Resources Department pursuant to House Bill 3494 (Chapter 669, 2005 Oregon Laws) and are intended to operate in conjunction with the Deschutes Basin Ground Water Mitigation Rules in OAR Chapter 690, Divisions 505 and the Deschutes Basin Mitigation Bank and Mitigation Credit Rules in OAR Chapter 690, Division 521.

690-522-0020

Applicability

The following rules apply to final orders, permits, and certificates issued pursuant to OAR Chapter 690, Division 505 after September 27, 2002.

690-522 -0030

Ground Water Appropriations within the Deschutes Ground Water Study Area

The cumulative rate specified under 690-505-0500(1) shall not include:

- (1) Rates associated with offsets pursuant to 690-505-0610(8);
- (2) Rates associated with applications withdrawn after final order issuance pursuant to 690-505-0620;
- (3) Portion of rates approved by a final order issued under 690-505-0620 but not included in a water right permit issued following satisfaction of the mitigation requirement;
- (4) Rates associated with expired final orders pursuant to 690-505-0620(2);
- (5) Portions of rates associated with permits issued pursuant to 690-505-0620 and subsequently cancelled pursuant to ORS 537.410;
- (6) Rates associated with certificates issued pursuant to 690-505-0620 and subsequently canceled pursuant to ORS 540.621 or ORS 540.610; and
- (7) Rates associated with the portion of use originally authorized under a permit issued pursuant to 690-505-0620 and not included in a subsequent certificate.

690-522-0040

Incremental Development in the Deschutes Ground Water Study Area

(1) An incremental development plan under 690-505-0625 for municipal and quasi-municipal ground water permit applicants and permit holders may include offset pursuant to 690-505-0610(8).

(2) When providing incremental mitigation pursuant to OAR 690-505-0625, a municipal or quasi-municipal ground water permit holder may provide mitigation, offset, or a combination of both during each approved increment to coincide with each stage of development of the permit on the condition that the permit holder does not increase the rate or amount of water diverted under the permit before submitting the corresponding required mitigation or offset and documentary evidence.

(3) The report required under OAR 690-505-0625(1)(b) shall describe the annual volume of water used and the source of offset and mitigation used for that period.

690-522-0050

Reassignment of Permanent Mitigation Credits

(1) Notwithstanding OAR 690-521-0400(2), part or all of permanent mitigation credits that were used to satisfy a mitigation obligation may be reassigned if:

- (a) The ground water permit application to which the credits were assigned is denied or withdrawn;**
- (b) The ground water permit application to which the credits were assigned is amended and the mitigation obligation is reduced;**
- (c) The final order issued approving the ground water permit application to which the credits were assigned expires pursuant to OAR 690-505-0620;**
- (d) The ground water permit to which the credits were assigned is subsequently cancelled pursuant to ORS 537.410;**
- (e) The subsequent ground water certificate is issued for less ground water use than originally allowed under the permit and there is a corresponding reduction in mitigation obligation;**
- (f) The subsequent ground water certificate to which the credits were assigned is cancelled, or partially cancelled resulting in a reduced mitigation obligation; or**
- (g) The permit holder holds more than one municipal or quasi-municipal ground water permit issued under OAR 690-505-0620 and requests to re-assign credits from one such existing permit to another existing permit, provided the reassignment is consistent with the requirements of OAR 690-505-0610(4).**

(2) Mitigation credits available pursuant to this rule may be assigned by applicant or permit or certificate holder to any person or mitigation bank or assigned to satisfy a mitigation obligation.