

Attachment 2

ORS 536.295 Conditions for consideration of application for use not classified in basin program; rules. (1) Notwithstanding any provision of ORS 536.300 to 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 is 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 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.