

WATER RESOURCES DEPARTMENT

DIVISION 515

ROGUE BASIN PROGRAM

690-515-0000

Upper Rogue Basin

(1) Classifications:

(a) *[The maximum economic development of this state, the attainment of the highest and best use of the waters of the upper Rogue River Basin and the attainment of an integrated, coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, agricultural use, power development, industrial, mining, recreation, wildlife and fish life uses and]* **In accordance with ORS 536.220**, the waters of the upper Rogue River Basin are *[hereby so]* classified **for domestic, livestock, municipal, irrigation, agricultural use, power development, industrial, mining, recreation, wildlife and fish life** with the following exceptions:

[(A) Those waters on which development is further restricted by ORS 538.220, 538.270, 538.430 and 542.210;]

(A) Those waters on which development is further restricted by ORS 542.210;

(B) In accordance with ORS 538.220, the waters of Barr Creek (beginning in Section 1, T32S, R3E, W.M. and in Section 6 and Section 7, T32S, R4E, W.M. running thence in a general southwesterly direction through T32S, R3E, W.M. to a junction with the Rogue River in Section 32, T32S, R3E, W.M.) and its tributaries are withdrawn from further appropriation for any purpose except domestic use and fish life as determined by the Oregon Department of Fish and Wildlife;

(C) In accordance with ORS 536.220, the waters of Mill Creek and its tributaries (beginning in Section 22, T31S, R4E, W.M., running thence southwesterly through T31S, R3E, W.M. and T32S, R3E, W.M., to a junction with the Rogue River in Section 32, T32S, R3E, W.M.) are withdrawn from further appropriation for any purpose except domestic use and fish life as determined by the Oregon Department of Fish and Wildlife (ODFW), and the development of hydroelectric power not to exceed one megawatt if: 1) the hydroelectric project is located on Mill Creek at a point at least two miles above the confluence of Mill Creek and the Rogue River, 2) all water appropriated from the stream is returned to the stream at a point at least one-half mile above the confluence of Mill Creek and the Rogue River, and 3) the hydroelectric project was constructed and operated in compliance with ODFW

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Italicized text in brackets...*[example]*...is existing rule text proposed to be removed.

concerning fish conservation, including streamflow requirements based upon biological criteria;

(D) In accordance with ORS 538.430, the waters of Big Butte Creek including its tributaries and springs at the head which form the creek are withdrawn from further appropriation for any purpose except municipal use by the City of Medford; the use of up to 100 cubic feet per second (CFS) from an additional point of diversion located below the diversion point authorized under Permit S-6396, in use as of April 1, 1953 for irrigation use by Eagle Point Irrigation District; and the use of up to 100 CFS using the diversion point authorized under Permit S-6396 as of April 1, 1953 by the Eagle Point Irrigation District for the purpose of generating electric energy;

(E) In accordance with ORS 538.270, the waters of the main channel of the Rogue River (excluding tributaries) from its intersection with the south line of Section 27, T33S, R1E, W.M. to its confluence with the Pacific Ocean, are withdrawn from appropriation for any purpose except domestic, stock, irrigation, municipal, fish, wildlife, recreation, and road maintenance;

(F) *(B)* The waters of Indian Creek, Evergreen Creek, Reese Creek, Trail Creek and Elk Creek and tributaries are classified [*only*] for domestic, livestock and instream use for recreation, fish life and wildlife, except for the use of stored water. Water [*stored*] **diverted for storage** between November 1 and March 31 may be used [*at any time*] for purposes specified in subsection (a) of this section;

(G) *(C)* To protect, maintain and perpetuate the resident fish habitat, the recreational value, and the cultural resources of the Upper Rogue Basin, the waters of the following streams and natural lakes shall not be diverted, interrupted or appropriated for power development purposes:

- (i) All natural lakes in the Upper Rogue Basin;
- (ii) The Rogue River from the origin near the intersection with the south line of Section 4, Township 29 South, Range 5 East, downstream to USGS stream gage 14328000 (Township 32 South, Range 3 East, Section 19) excluding existing projects;
- (iii) Union Creek and tributaries;
- (iv) Abbott Creek and tributaries.

[(b) Applications for the use of the waters of the Upper Rogue River Basin shall not be accepted by any state agency for any other purpose than those specified in subsection (a) of this section and the granting of applications for such other purposes is declared to be prejudicial to the public interest and the granting of applications for such other uses

would be contrary to the integrated, coordinated program for the use and control of the water resources of the state;]

(b) [(c)] Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Minimum Perennial Streamflows:

(a) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and minimize pollution, no appropriations of water shall be [made or] granted [by any state agency or public corporation of the state] for the waters of the Rogue River or tributaries above river mile 164 when the combined flow measured at stream gages 14330000, Rogue River below Prospect (Township 33 South, Range 3 East, Section 6), and 14334700, South Fork Rogue River, South of Prospect (Township 33 South, Range 3 East, Section 7) is below 835 cubic feet per second except that this limitations shall not apply to:

(A) Water legally stored or legally released from storage;

(B) Domestic and livestock uses. Domestic use does not include irrigation of lawns and gardens;

(C) Appropriation of water for power development at or near gage 14330000 provided that alternative provisions for flow measurements are included in any permit or license issued for the project.

(b)(A) To support aquatic life and minimize pollution, in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriations of water shall be [made or] granted [by any state agency or public corporation of the state] for the waters of Reese Creek and tributaries when flows are below the specified levels in **Table 1, Section B**. This limitation shall not apply to:

(i) Domestic and livestock uses. Domestic use does not include irrigation of lawns and gardens;

(ii) Water legally stored or released from storage, subject to section (3) of this rule.

(B) Attainment of the specified flow levels during some portions of the year will require development of water storage or implementation of other measures to augment flows.

(3) Storage:

(a) *[All applications for appropriations of water for storage in structures impounding more than 3,000,000 gallons of water shall be reviewed by the Water Policy Review Board prior to approval. During the review, the Water Policy Review Board may establish additional minimum flows on the natural flow of the stream to support aquatic life or minimize pollution.]* Storage projects consistent with the purposes of minimum perennial streamflows shall be encouraged;

(b) Potential reservoir sites should be identified in the comprehensive **land-use** planning process for possible future development or until alternative methods of meeting water needs have been developed. Immediate consideration should be given to the following site: Elk Creek (SW 1/4 SW 1/4, Section 20, Township 33 South, Range 1 East).

(4) Water Quality: Rights to use of water for industrial, power development or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not significantly interfere with recreation, fish life or other beneficial uses of water.

[(5) Existing Rights: This program does not modify, set aside or alter any existing right to use water or the priority of such use established under existing laws.]

NOTE: The Upper Rogue Basin includes all of the drainage area of the Rogue River and its tributaries above river mile 133 at the south line of Section 31, Township 35 South, Range 1 West, Willamette Meridian.

[ED NOTE: The Table referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 536 & [ORS 537](#)

Stats. Implemented:

Hist.: (Rogue River Basin: WRB 4, f. 5-22-59; WRB 5, f. 10-12-59; WRB 27, f. 5-11-64; WRB 33, f. 3-25-66; WRB 37, f. 12-21-66; WRB 41, f. 10-14-69; WRD 3-1981, f. & cert. ef. 5-12-9-81; WRD 11-1982, f. & cert. ef. 9-27-82; WRD 5-1983, f. & cert., ef. 8-19-83; WRD 6-1983, f. & cert. ef. 10-19-83; WRD 3-1984, f. & cert. ef. 7-5-84; WRD 3-1989, f. & cert. ef. 2-9-89; Upper Rogue River Basin: WRB 27, f. 5-11-64; Little Butte Creek Basin: WRB 33, f. 3-25-66; Bear Creek Basin: WRB 37, f. 12-21-66); Administrative Renumbering 1-1993, Renumbered from 690-080-0150

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Italicized text in brackets...*[example]*...is existing rule text proposed to be removed.

690-515-0010

Little Butte Creek Basin

(1) Classifications:

(a) *[The maximum economic development of this state and the attainment of the highest and best use of waters of the Little Butte Creek Basin and the attainment of an integrated and coordinated program for the benefit of the state will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation, agricultural use, power development, recreation, wildlife, and fish life purposes and]* **In accordance with ORS 536.220, [T] the waters of the Little Butte Creek Basin are [hereby so] classified for domestic, livestock, irrigation, agricultural use, power development, recreation, wildlife, and fish life purposes,** except for water administratively withdrawn from appropriation.

(b) In accordance with the Order of the State Engineer dated January 22, 1959 (Special Order Vol 9, Page 489), the waters of Antelope Creek and its tributaries are withdrawn from further appropriation except for storage of water from November 1 through March 30 and the appropriation of stored water.

[(b) Applications for the use of the waters of the Little Butte Creek Basin shall not be accepted by any state agency for any purpose other than those specified in subsection (a) of this section and the granting of such applications for such other purposes is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated, coordinated program for the use and control of the water resources of the state;]

(c) Structures or works of the utilization of the waters in accordance with the aforementioned classifications, are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Minimum Perennial Streamflows: For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and minimize pollution, no appropriations of water except for domestic or livestock use shall be *[made or]* granted *[by any state agency or public corporation of the state]*, except that this limitation shall not apply to water legally stored or legally released from storage subject to the provisions of Section D for the waters of the streams listed in **Table 2** when flows are below the specified levels. Domestic use does not include irrigation of lawns and gardens.

(3) Storage:

(a) Potential [R]reservoir sites should be identified in the comprehensive land-use planning process for possible future development or until alternative methods of meeting water needs have been developed. Immediate consideration should be given to the following sites:

(A) Lake Creek (E 1/2, Section 30, Township 36 South, Range 2 East);

(B) South Fork Little Butte Creek (SE 1/4 SE 1/4, Section 29, Township 36 South, Range 2 East).

(b) *[All applications for appropriation of water for storage in structures impounding more than 3,000,000 gallons of water shall be reviewed by the Water Policy Review Board prior to approval. During the review the Water Policy Review Board may establish additional minimum flows on the natural flow of the stream to support aquatic life or minimize pollution.]* Storage projects consistent with the purposes of minimum perennial streamflows shall be encouraged.

[(4) Existing Rights: This program does not modify, set aside or alter any existing right to use water or the priority of such use established under existing laws.]

[ED. NOTE: The Table referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 536 & [ORS 537](#)

Stats. Implemented:

Hist.: (Rogue River Basin: WRB 4, f. 5-22-59; WRB 5, f. 10-12-59; WRB 27, f. 5-11-64; WRB 33, f. 3-25-66; WRB 37, f. 12-21-66; WRB 41, f. 10-14-69; WRD 3-1981, f. & cert. ef. 5-12-9-81; WRD 11-1982, f. & cert. ef. 9-27-82; WRD 5-1983, f. & cert., ef. 8-19-83; WRD 6-1983, f. & cert. ef. 10-19-83; WRD 3-1984, f. & cert. ef. 7-5-84; WRD 3-1989, f. & cert. ef. 2-9-89; Upper Rogue River Basin: WRB 27, f. 5-11-64; Little Butte Creek Basin: WRB 33, f. 3-25-66; Bear Creek Basin: WRB 37, f. 12-21-66); Administrative Renumbering 1-1993, Renumbered from 690-080-0150

690-515-0020

Bear Creek Basin

(1) Classifications:

(a) In accordance with the Order of the State Engineer dated January 22, 1959 (Special Order Vol 9, Page 489), the waters of Bear Creek and its tributaries are

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withdrawn from further appropriation except for storage of water from November 1 through March 30 and the appropriation of stored water;

(b) [(a)] No applications for appropriation of water shall be [*accepted or issued*] **approved** [*by any state agency*] except for [*appropriations for*] beneficial uses involving water legally stored in excess of the amount necessary for existing rights;

(c) [(b)] Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Water Quality: Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not significantly interfere with recreational, fish life, or other beneficial uses of water.

(3) Power Development: Rights to use of water for power development purposes [*granted by any state agency*] shall be issued only on the condition, as demonstrated by the applicant, that any dams, diversions, generating facility, or return flows shall not significantly interfere with recreational, fish life or other beneficial uses of water.

(4) Storage:

(a) Potential reservoir sites should be identified in the comprehensive land-use planning process for possible future development or until alternative methods of meeting water needs have been developed. Immediate consideration should be given to the following sites:

(A) Walker Creek, NE 1/4 Section 12, Township 39 South, Range 1 East, Willamette Meridian;

(B) West Fork Ashland Creek (Winburn site), NE 1/4 Section 32, Township 39 South, Range 1 East, Willamette Meridian;

(C) West Fork Ashland Creek (Ranger site), SW 1/4 Section 28, Township 39 South, Range 1 East, Willamette Meridian.

(b) [*All applications for appropriation of water for storage in structures impounding more than 3,000,000 gallons of water shall be reviewed by the Water Policy Review Board prior to approval. During the review the Water Policy Review Board may establish additional minimum flows on the natural flow of the stream to support aquatic life or minimize pollution.*] Storage projects consistent with the purposes of minimum perennial streamflows shall be encouraged.

Text in bold and underlined...**example**...is proposed new text to existing rule text.
Italicized text in brackets...[*example*]...is existing rule text proposed to be removed.

[(5) Existing Rights: This program does not modify, set aside or alter any existing right to use water or the priority of such use established under existing laws.]

Stat. Auth.: ORS 536 & [ORS 537](#)

Stats. Implemented:

Hist.: (Rogue River Basin: WRB 4, f. 5-22-59; WRB 5, f. 10-12-59; WRB 27, f. 5-11-64; WRB 33, f. 3-25-66; WRB 37, f. 12-21-66; WRB 41, f. 10-14-69; WRD 3-1981, f. & cert. ef. 5-12-9-81; WRD 11-1982, f. & cert. ef. 9-27-82; WRD 5-1983, f. & cert., ef. 8-19-83; WRD 6-1983, f. & cert. ef. 10-19-83; WRD 3-1984, f. & cert. ef. 7-5-84; WRD 3-1989, f. & cert. ef. 2-9-89; Upper Rogue River Basin: WRB 27, f. 5-11-64; Little Butte Creek Basin: WRB 33, f. 3-25-66; Bear Creek Basin: WRB 37, f. 12-21-66); Administrative Renumbering 1-1993, Renumbered from 690-080-0150

690-515-0030

Applegate River Basin

(1) Classifications:

(a) *[The maximum economic development of this state and the attainment of the highest and best use of the waters of the Applegate River Basin and the attainment of an integrated and coordinated program for the benefit of the state will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, agricultural use, power development, industrial, mining, recreation, wildlife, and fish life purposes and]* **In accordance with ORS 536.220, [T] the waters of the Applegate River Basin are [hereby so] classified for domestic, livestock, municipal, irrigation, agricultural use, power development, industrial, mining, recreation, wildlife and fish life,** with the following exceptions:

(A) The waters of the following streams and tributaries are classified [*only*] for domestic, livestock, power development except for those streams listed in paragraph (C) of this subsection, irrigation of noncommercial gardens not to exceed 1/2 acre in area, and instream use for recreation, fish life and wildlife, except for the use of stored water. Water [*stored*] **diverted for storage** between November 1 and March 31 [*of any year*] may be used for any purpose specified in subsection (a) of this section:

- (i) Palmer Creek;
- (ii) Beaver Creek;
- (iii) Little Applegate River;
- (iv) Forest Creek;

Text in bold and underlined...**example**...is proposed new text to existing rule text.
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(v) Williams Creek;

(vi) Cheney Creek;

(vii) Slate Creek.

(B) The waters of Thompson Creek and tributaries are classified [*only*] for domestic, livestock and instream use for recreation, fish life and wildlife, except for the use of stored water. Water [*stored*] **diverted for storage** between November 1 and March 31 may be used [*at any time*] for purposes specified in subsection (a) of this section;

(C) To protect, maintain and perpetuate anadromous fish habitat and propagation, the waters of the following stream reaches shall not be diverted, interrupted or appropriated for hydropower development purposes:

(i) Palmer Creek from the confluence with Bailey Gulch downstream to the mouth;

(ii) Beaver Creek from the intersection with the east line of Section 11, Township 40 South, Range 3 West, Willamette Meridian, to the mouth;

(iii) Little Applegate River Subbasin:

(I) Little Applegate River from the confluence with Lake Creek downstream to the mouth;

(II) Glade Creek from the confluence with Mule Gulch downstream to the mouth;

(III) Yale Creek from the intersection with the east line of Section 22, Township 40 South, Range 2 West, Willamette Meridian, to the mouth;

(IV) Sterling Creek from the intersection with the east line of Section 8, Township 39 South, Range 2 West, Willamette Meridian, to the mouth.

(iv) Forest Creek from the intersection with the north line of Section 15, Township 38 South, Range 3 West, Willamette Meridian, to the mouth;

(v) Thompson Creek from the intersection with the south line of Section 24, Township 39 South, Range 5 West, Willamette Meridian, to the mouth and the tributary of Ninemile Creek from the intersection with the east line of Section 30, Township 39 South, Range 4 West, Willamette Meridian, to the mouth;

(vi) Williams Creek Subbasin:

(I) Williams Creek from the confluence with the East Fork and West Fork of Williams Creek downstream to the mouth;

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Italicized text in brackets...[*example*]...is existing rule text proposed to be removed.

(II) East Fork Williams Creek from the first intersection with the east line of Section 26, Township 39 South, Range 5 West, Willamette Meridian, to the mouth and the tributary of Rock Creek from the confluence with Horsetail Creek downstream to the mouth;

(III) West Fork Williams Creek from the confluence with Right Hand Fork of the West For, Williams Creek downstream to the mouth;

(IV) Right Hand Fork of the West Fork Williams Creek from the intersection with the south line of Section 13, Township 39 South, Range 6 West, Willamette Meridian, to the confluence of the West Fork Williams Creek;

(V) Bill Creek from the confluence with Bear Wallow Creek downstream to the mouth;

(VI) Munger Creek from the confluence with North Fork Munger Creek downstream to the mouth;

(VII) Powell Creek from the intersection with the west line of Section 167, Township 38 South, Range 5 West, Willamette Meridian, to the mouth.

(vii) Cheney Creek from the intersection with the south line of Section 22, Township 37 South, Range 7 West, Willamette Meridian, to the mouth and the tributary of Little Cheney Creek from the intersection with the south line of Section 18, Township 37 South, Range 6 West, Willamette Meridian, to the mouth;

(viii) Slate Creek Subbasin:

(I) Slate Creek from the intersection with the north line of Section 1, Township 37 South, Range 8 West, Willamette Meridian, to the mouth;

(II) Ramsey Creek from the intersection with the north line of Section 13, Township 37 South, Range 8 West, Willamette Meridian, to the mouth;

(III) Butcherknife Creek from the intersection with the west line of Section 18, Township 37 South, Range 7 West, Willamette Meridian, to the mouth;

(IV) Waters Creek from the intersection with the west line of Section 32, Township 36 South, Range 7 West, Willamette Meridian, to the mouth;

(V) The entire length of Bear Creek;

(VI) Salt Creek from the intersection with the north line of Section 8, Township 37 South, Range 7 West, Willamette Meridian, to the mouth;

(VII) Elliott Creek from the intersection with the south line of Section 15, Township 37 South, Range 7 West, Willamette Meridian, to the mouth;

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(VIII) Round Prairie Creek from the intersection with the north line of Section 3, Township 37 South, Range 7 West, Willamette Meridian, to the mouth and the tributary of South Fork Round Prairie Creek from the intersection with the west line of Section 2, Township 37 South, Range 7 West, Willamette Meridian, to the mouth.

[(b) Applications for the use of such water shall not be accepted by any state agency for any other purpose and the granting of applications for such other purposes is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated, coordinated program for the use and control of the water resources of the state;]

(b) *[(c)]* Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Storage:

(a) *[All applications for storage in excess of 3,000,000 gallons utilizing the streams listed in paragraph (1)(a)(A) or tributaries shall be reviewed by the Water Policy Review Board prior to approval. During the review, the Board may establish minimum perennial streamflows for the natural flow of the affected stream or streams if deemed necessary to support aquatic life.]* Storage projects consistent with the purposes of minimum perennial streamflows shall be encouraged;

(b) Reservoir sites should be protected through the comprehensive **land-use** planning process for possible further development or until alternative methods of meeting water needs have been developed. Immediate concern should be given to the following sites as delineated on Water Resources Department map file number 15B.4, Plate 4:

(A) Little Applegate River, site 26;

(B) Waters Creek, site 112;

(C) Elliott Creek, site 110.

(3) Minimum Perennials Streamflows:

(a) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, and of attaining the highest and best use of waters released from storage, no appropriations of water except for domestic, livestock and irrigation of noncommercial gardens not to exceed 1/2 acre in area or waters legally released from storage shall be *[made or]* granted *[by any state agency or public corporation]* for the waters of the

Applegate River or its tributaries for flows below the specified levels in **Table 3, Section A**;

(b)(A) To support aquatic life and minimize pollution in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriations of water shall be [*made or*] granted [*by any state agency or public corporation of the state*] for the waters of Williams Creek and Thompson Creek and tributaries for flows below the specified levels in **Table 3, Section B**. This limitation shall not apply to:

(i) Domestic and livestock uses. Domestic use does not include irrigation of lawns and gardens;

(ii) Water legally stored or released from storage, subject to paragraph (1)(a)(C) of this rule.

(B) Attainment of the specified flow levels during some portions of the year will require development of water storage or implementation of other measures to augment flows.

(4) Water Quality: Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not interfere with recreational, fish life, or other beneficial uses of water.

[(5) Existing Rights: Water rights and permits issued prior to the effective date of this program shall not be affected.]

[ED. NOTE: The Tables referenced are available from the agency.]

Stat. Auth.: ORS 536 & [ORS 537](#)

Stats. Implemented:

Hist.: (Rogue River Basin: WRB 4, f. 5-22-59; WRB 5, f. 10-12-59; WRB 27, f. 5-11-64; WRB 33, f. 3-25-66; WRB 37, f. 12-21-66; WRB 41, f. 10-14-69; WRD 3-1981, f. & cert. ef. 5-12-9-81; WRD 11-1982, f. & cert. ef. 9-27-82; WRD 5-1983, f. & cert., ef. 8-19-83; WRD 6-1983, f. & cert. ef. 10-19-83; WRD 3-1984, f. & cert. ef. 7-5-84; WRD 3-1989, f. & cert. ef. 2-9-89; Upper Rogue River Basin: WRB 27, f. 5-11-64; Little Butte Creek Basin: WRB 33, f. 3-25-66; Bear Creek Basin: WRB 37, f. 12-21-66); Administrative Renumbering 1-1993, Renumbered from 690-080-0150

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690-515-0040

Middle Rogue Basin

(1) Classifications:

(a) *[The maximum economic development of this state, the attainment of the highest and best use of the waters of the Middle Rogue River Basin and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, agricultural use, power development, industrial, mining, recreation, wildlife and fish life uses and]* **In accordance with ORS 536.220, [T] the** waters of the Middle Rogue River are *[hereby so]* classified **for domestic, livestock, municipal, irrigation, agricultural use, power development, industrial, mining, recreation, wildlife and fish life,** with the following exceptions:

(A) The *[maximum economic development of this state, the attainment of the highest and best use of]* waters within the Rogue River Scenic Waterway from the confluence with the Applegate River near river mile 95 to Lobster Creek Bridge near river mile 11 *[and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only]* **are classified** for domestic, livestock, and irrigation of one-half acre noncommercial garden, and instream use for recreation, wildlife and fish life, *[and the aforementioned waters of the Rogue River Scenic Waterway are hereby so classified]*;

(B) Those waters on which development is further restricted by ORS 542.210;

(C) In accordance with ORS 538.270, the waters of the main channel of the Rogue River (excluding tributaries) from its intersection with the south line of Section 27, T33S, R1E, W.M. to its confluence with the Pacific Ocean, are withdrawn from appropriation for any purpose except domestic, stock, irrigation, municipal, fish, wildlife, recreation, and road maintenance;

(D) *[(C)]* The waters of the following streams and tributaries are classified only for domestic use, livestock consumption and instream use for recreation, fish life and wildlife, except for the use of stored water. Water *[stored]* **diverted for storage** between November 1 and March 31 *[of any year]* may be used for any purpose specified in subsection (a) of this section. Domestic use does not include irrigation of lawns and gardens:

(i) Galls Creek;

(ii) Foots Creek;

(iii) Birdseye Creek;

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Italicized text in brackets...*[example]*...is existing rule text proposed to be removed.

- (iv) Sardine Creek;
- (v) Same Creek;
- (vi) Kane Creek;
- (vii) Fruitdale Creek;
- (viii) Ward Creek;
- (ix) Gilbert Creek;
- (x) Jones Creek;
- (xi) Savage Creek.

(E) [(D)] The waters of the following streams and tributaries, are classified only for domestic, livestock and irrigation of one-half acre noncommercial garden and instream use for recreation, fish life and wildlife, except for the use of stored water. Water [stored] **diverted for storage** between November 1 and March 31 [of any year] may be used for any purpose specified in subsection (a) of this section:

- (i) Pickett Creek;
- (ii) Limpy Creek;
- (iii) Snider Creek;
- (iv) Shan Creek.

(F) [(E)] The waters of the following streams and tributaries, are classified only for domestic, livestock, irrigation of one-half acre noncommercial garden, mining during the period November 1 to May 1, power development and instream use for recreation, fish life and wildlife, except for the use of stored water. Water [stored] **diverted for storage** between November 1 and March 31 [of any year] may be used for any purpose specified in subsection (a) of this section:

- (i) Grave Creek;
- (ii) Evans Creek.

(G) [(F)] The waters of Jumpoff Joe Creek and tributaries are classified only for domestic, livestock, irrigation of one-half acre noncommercial garden, industrial, mining during the period November 1 to May 1, power development and instream use for recreation, fish life and wildlife, except for the use of stored water. Water [stored]

Text in bold and underlined...**example**...is proposed new text to existing rule text.
Italicized text in brackets...[example]...is existing rule text proposed to be removed.

diverted for storage between November 1 and March 31 [*of any year*] may be used for any purpose specified in subsection (a) of this section;

(H) [(G)] To protect, maintain and perpetuate anadromous fish habitat and propagation within the Middle Rogue Basin, the waters of the following stream reaches shall not be diverted, interrupted or appropriated for hydropower development purposes:

(i) Galice Creek from the intersection with the south line of Section 10, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth;

(ii) North Fork Galice Creek from the intersection with the west line of Section 5, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth;

(iii) Taylor Creek from the intersection with the east line of Section 34, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth;

(iv) South Fork Taylor Creek from the intersection with the south line of Section 28, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth;

(v) Lone Tree Creek from the intersection with the north line of Section 32, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth;

(vi) Minnow Creek from the intersection with the south line of Section 34, Township 35 South, Range 8 West, Willamette Meridian, downstream to the mouth.

[(b) Applications for the use of the waters of the Middle Rogue River Basin shall not be accepted by any state agency for any other purpose than those specified in subsection (a) of this section and the granting of applications for such other purposes is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated, coordinated program for the use and control of the water resources of the state;]

(b) [(c)] Structures or works for the utilization of the waters in accordance with the aforementioned classifications, are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Storage:

(a) *[All applications for appropriation of water for storage in structures impounding more than 3,000,000 gallons of water shall be reviewed by the Water Policy Review Board prior to approval. During the review the Water Policy Review Board may establish additional minimum flows on the natural flow of the stream to support aquatic*

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Italicized text in brackets...[*example*]...is existing rule text proposed to be removed.

life or minimize pollution.] Storage projects consistent with the purposes of minimum perennial streamflows shall be encouraged;

(b) Potential reservoir sites should be identified in the comprehensive land-use planning process for possible future development or until alternative methods of meeting water needs have been developed. Immediate consideration should be given to the following sites:

(A) Grave Creek, SE 1/4, Section 6, Township 34 South, Range 4 West, Willamette Meridian;

(B) Jumpoff Joe Creek, NE 1/4, Section 36, Township 34 South, Range 6 West, Willamette Meridian;

(C) Evans Creek, SE 1/4, Section 19, Township 34 South, Range 2 West, Willamette Meridian;

(D) West Fork Evans Creek, SE 1/4 Section 32, Township 33 South, Range 3 West, Willamette Meridian.

(3) Minimum Perennial Streamflows:

(a) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and minimize pollution, no appropriations of water shall be [*made or*] granted [*by any state agency or public corporation of the state*] for the waters of the Rogue River or tributaries above Raygold for flows of the Rogue River below 1200 cubic feet per second, except that this limitation shall not apply to:

(A) Waters legally stored or legally released from storage;

(B) Domestic and livestock uses. Domestic use does not include irrigation of lawns and gardens.

(b) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and minimize pollution, no appropriations of water shall be [*made or*] granted [*by any state agency or public corporation of the state*] for the waters of the Rogue River or tributaries above Savage Rapids Dam for flows of the Rogue River below 1,200 cubic feet per second, except that this limitation shall not apply to:

(A) Water legally stored or legally released from storage;

(B) Domestic and livestock uses. Domestic use does not include irrigation of lawns and gardens.

(c) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and minimize pollution, no appropriations of water except for domestic or livestock use shall be *[made or]* granted *[by any state agency or public corporation of the state]*, except that this limitation shall not apply to water legally stored or legally released from storage, for the waters of the Rogue River tributaries listed in **Table 4, Section B** when flows are below the specified levels. Domestic use does not include irrigation of lawns and gardens;

(d)(A) To support aquatic life and minimize pollution in accordance with Section 3, Chapter 796 [k], Oregon Laws 1983, no appropriations of water shall be *[made or]* granted *[by any state agency or public corporation of the state]* for the waters of the Rogue River tributaries listed in Table 4, Section C when flows are below the levels specified. This limitation shall not apply to:

(i) Domestic and livestock uses. Domestic use does not include the irrigation of lawns and gardens;

(ii) Water legally stored or released from storage subject to the provisions of subsection (2)(a) of this rule.

(B) Attainment of the specified *[b]f*low levels during some portions of the year will require development of water storage or implementation of other measures to augment flows.

(4) Water Quality: Rights to use of water for industrial, power development, or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not significantly interfere with recreational, fish life or other beneficial uses of water.

[(5) Existing Rights: This program does not modify, set aside or alter any existing right to use water or the priority of such use established under existing laws.]

[ED. NOTE: The Table referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 536 & [ORS 537](#)

Stats. Implemented:

Hist.: (Rogue River Basin: WRB 4, f. 5-22-59; WRB 5, f. 10-12-59; WRB 27, f. 5-11-64; WRB 33, f. 3-25-66; WRB 37, f. 12-21-66; WRB 41, f. 10-14-69; WRD 3-1981, f. & cert. ef. 5-12-9-81; WRD 11-1982, f. & cert. ef. 9-27-82; WRD 5-1983, f. & cert., ef. 8-19-83; WRD 6-1983, f. & cert. ef. 10-19-83; WRD 3-1984, f. & cert. ef. 7-5-84; WRD 3-1989, f. & cert. ef. 2-9-89; Upper Rogue River Basin: WRB 27, f. 5-11-64; Little Butte Creek Basin: WRB 33, f. 3-25-66; Bear Creek Basin: WRB 37, f. 12-21-66); Administrative Renumbering 1-1993, Renumbered from 690-080-0150

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Italicized text in brackets...*[example]*...is existing rule text proposed to be removed.

690-515-0050

Illinois Basin

(1) Classifications:

(a) *[The maximum economic development of this state and the attainment of the highest and best use of the waters of the Illinois River and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, agricultural use, power development, industrial, mining, recreation, wildlife and fish life uses including propagation and]* **In accordance with ORS 536.220, [T] the waters of the Illinois River Basin are [hereby so] classified for domestic, livestock, municipal, irrigation, agricultural use, power development, industrial, mining, recreation, wildlife and fish life uses including propagation,** with the following exceptions:

(A) The *[maximum economic development of this state, the attainment of the highest and best use of]* waters within the Illinois River Scenic Waterway from the confluence with Deer Creek near river mile 47 to the confluence with the Rogue River *[and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters]* **are classified** only for domestic and livestock uses and instream use for recreation, wildlife and fish life;

(B) The waters of the following streams and all tributaries are classified only for domestic, livestock, agricultural use, municipal, industrial, power development except for those streams listed in paragraph (C) of this subsection, mining use during the period November 1 to May 1, fish propagation, irrigation use for noncommercial gardens not exceeding one-half acre in area, and instream use for recreation, fish life and wildlife. Water *[stored]* **diverted for storage** between November 1 and March 1 may be used *[at any time]* for purposes specified in subsection (a) of this section:

(i) Deer Creek;

(ii) East Fork Illinois River, except Althouse and Sucker Creeks and their tributaries;

(iii) West Fork Illinois River.

(C) The waters of Althouse and Sucker Creeks and tributaries are classified only for domestic, livestock and non-consumptive instream uses for fish life, wildlife and recreation between May 1 and November 30 *[of each year]*. Althouse and Sucker Creeks and tributaries are classified for domestic, livestock, mining (subject to *[d]*Division 51 restrictions and except for those streams listed in paragraph (D) of this subsection), storage, and instream uses for fish life, wildlife and recreation between December 1 and

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April 30 [*of each year*]. Water [*stored*] **diverted for storage** between December 1 and April 30 may be used for any beneficial purpose. Permits shall be conditioned to prevent obstacles to fish migration and degradation of rearing or spawning habitat;

(D) To protect, maintain and perpetuate anadromous fish habitat and propagation, the waters of the following stream reaches shall not be diverted, interrupted or appropriated for hydropower development purposes. [*All preliminary permit applications on file with the Water Resources Department prior to October 14, 1983, will not be affected by this provision*] :

(i) West Fork Illinois River Subbasin:

(I) West Fork Illinois River from the confluence with Whiskey Creek downstream to the mouth;

(II) Whiskey Creek from the intersection with the west line of Section 8, Township 41 South, Range 9 West, Willamette Meridian, to the mouth;

(III) Elk Creek from the Oregon-California border downstream to the mouth;

(IV) Trapper Gulch from the intersection with the east line of Section 13, Township 41 South, Range 9 West, Willamette Meridian, to the mouth;

(V) Dwight Creek from the Oregon-California border downstream to the mouth;

(VI) Wood Creek from the potential reservoir site in SE 1/4 of NW 1/4 of Section 32, Township 40 South, Range 8 West, Willamette Meridian, to the mouth and the tributary of Fry Gulch from the intersection with the east line of Section 29, Township 40 South, Range 8 West, Willamette Meridian, to the mouth;

(VII) Rough and Ready Creek from the confluence with the North and South forks downstream to the mouth;

(VIII) North Fork Rough and Ready Creek from the intersection with the west line of Section 8, Township 40 South, Range 9 West, Willamette Meridian, to the mouth;

(IX) South Fork Rough and Ready Creek from the intersection with the west line of Section 20, Township 40 South, Range 9 West, Willamette Meridian, to the mouth.

(X) Mendenhall Creek from the intersection with the west line of Section 6, Township 40 South, Range 8 West, Willamette Meridian, to the mouth and the tributary of Parker Creek from the intersection with the west line of Section 7, Township 40 South, Range 8 West, Willamette Meridian, to the mouth;

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(XI) Woodcock Creek from the intersection with the west line of Section 32, Township 39 South, Range 8 West, Willamette Meridian, to the mouth.

(ii) East Fork Illinois River Subbasin:

(I) East Fork Illinois River from the Oregon-California border downstream to the mouth;

(II) Page Creek from the intersection with the east line of Section 2, Township 41 South, Range 8 West, Willamette Meridian, to the mouth;

(III) Elder Creek from the intersection with the east line of Section 26, Township 40 South, Range 8 West, Willamette Meridian, to the mouth;

(IV) Althouse Creek from the potential reservoir site in SW 1/4 of SW 1/4 of Section 4, Township 40 South, Range 7 West, Willamette Meridian, to the mouth;

(V) Sucker Creek from the potential reservoir site in NE 1/4 of Section 25, Township 39 South, Range 7 West, Willamette Meridian, to the mouth;

(VI) Little Grayback Creek from the intersection with the south line of Section 13, Township 39 South, Range 7 West, Willamette Meridian, to the mouth;

(VII) Bear Creek from the intersection with the north line of Section 21, Township 39 South, Range 7 West, Willamette Meridian, to the mouth;

(VIII) Chapman Creek from the confluence with East Fork Chapman Creek downstream to the mouth.

(iii) Holton Creek from the intersection with the east line of Section 10, Township 39 South, Range 8 West, Willamette Meridian, to the mouth;

(iv) Reeves Creek from the intersection with the east line of Section 34, Township 38 South, Range 8 West, Willamette Meridian, to the mouth;

(v) Josephine Creek from the intersection with the west line of Section 26, Township 39 South, Range 9 West, Willamette Meridian, to the mouth and the tributary of Canyon Creek from the confluence with Sebastopol Creek downstream to the mouth;

(vi) Deer Creek Subbasin:

(I) Deer Creek from the confluence with North Fork and South Fork Deer Creek downstream to the mouth;

(II) South Fork Deer Creek from the intersection with the south line of Section 29, Township 38 South, Range 6 West, Willamette Meridian, to the mouth;

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Italicized text in brackets...*[example]*...is existing rule text proposed to be removed.

(III) North Fork Deer Creek from the intersection with the north line of Section 18, Township 38 South, Range 6 West, Willamette Meridian, to the mouth;

(IV) White Creek from the intersection with the south line of Section 13, Township 38 South, Range 7 West, Willamette Meridian, to the mouth;

(V) Crooks Creek from the intersection with the east line of Section 34, Township 37 South, Range 7 West, Willamette Meridian, to the mouth;

(VI) Thompson Creek from the confluence with Haven Creek downstream to the mouth;

(VII) Draper Creek from the intersection with the east line of Section 31, Township 37 South, Range 7 West, Willamette Meridian, to the mouth;

(VIII) Clear Creek from the intersection with the west line of Section 23, Township 37 South, Range 8 West, Willamette Meridian, to the mouth and the tributary of Anderson Creek from the intersection with the north line of Section 35, Township 37 South, Range 8 West, Willamette Meridian, to the mouth.

(vii) Sixmile Creek from the intersection with the north line of Section 25, Township 37 South, Range 9 West, Willamette Meridian, to the mouth;

(viii) Fall Creek from the intersection with the south line of Section 4, Township 38 South, Range 9 West, Willamette Meridian, to the mouth;

(ix) Rancherie Creek from the intersection with the west line of Section 17, Township 38 South, Range 9 West, Willamette Meridian, to the mouth;

(x) Dailey Creek from the intersection with the west line of Section 31, Township 37 South, Range 9 West, Willamette Meridian, to the mouth;

(xi) Briggs Creek Subbasin:

(I) The entire mainstem of Briggs Creek;

(II) Horse Creek from the intersection with the east line of Section 8, Township 36 South, Range 8 West, Willamette Meridian, to the mouth;

(III) Myers Creek from the confluence with Dutchy Creek downstream to the mouth and the tributary of Dutchy Creek from the intersection with the north line of Section 7, Township 36 South, Range 8 West, Willamette Meridian, to the mouth;

(IV) Brush Creek from the intersection with the north line of Section 18, Township 36 South, Range 8 West, Willamette Meridian, to the mouth;

(V) Secret Creek from the intersection with the east line of Section 16, Township 36 South, Range 8 West, Willamette Meridian, to the mouth;

(VI) Onion Creek from the intersection with the south line of Section 29, Township 36 South, Range 8 West, Willamette Meridian, to the mouth;

(VII) Swede Creek from the intersection with the east line of Section 1, Township 37 South, Range 9 West, Willamette Meridian, to the mouth;

(VIII) Soldier Creek from the confluence with Horse Creek downstream to the mouth and the tributary of Horse Creek from the intersection with the east line of Section 11, Township 37 South, Range 9 West, Willamette Meridian, to the mouth.

(xii) Panther Creek from the intersection with the north line of Section 31, Township 36 South, Range 9 West, Willamette Meridian, to the mouth;

(xiii) Labrador Creek from the intersection with the south line of Section 12, Township 37 South, Range 10 West, Willamette Meridian, to the mouth;

(xiv) Nome Creek from the intersection with the south line of Section 12, Township 37 South, Range 10 West, Willamette Meridian, to the mouth;

(xv) Clear Creek from the intersection with the east line of Section 35, Township 36 South, Range 10 West, Willamette Meridian, to the mouth;

(xvi) Pine Creek from the first intersection with the east line of Section 27, Township 36 South, Range 10 West, Willamette Meridian, to the mouth;

(xvii) Klondike Creek from the intersection with the south line of Section 10, Township 36 South, Range 10 West, Willamette Meridian, to the mouth and the tributary of Yukon Creek from the intersection with the south line of Section 5, Township 37 South, Range 10 West, Willamette Meridian, to the mouth;

(xviii) Collier Creek from the intersection with the west line of Section 7, Township 37 South, Range 11 West (projected), Willamette Meridian, to the mouth;

(xix) Silver Creek Subbasin:

(I) Silver Creek from the confluence with South Fork Silver Creek downstream to the mouth;

(II) South Fork Silver Creek from the intersection with the east line of Section 21, Township 36 South, Range 10 West, Willamette Meridian, to the mouth;

(III) North Fork Silver Creek from the intersection with the east line of Section 18, Township 35 South, Range 9 West, Willamette Meridian, to the mouth.

(xx) Indigo Creek from the intersection with the east line of Section 31, Township 35 South, Range 10-1/2 West, Willamette Meridian, to the mouth and the tributary of North Fork Indigo Creek from the intersection with the north line of Section 34, Township 35 South, Range 11 West, Willamette Meridian, to the mouth;

(xxi) Horse Sign Creek from the intersection with the south line of Section 7, Township 36 South, Range 11 West, Willamette Meridian, to the mouth;

(xxii) Lawson Creek from the intersection with the west line of Section 2, Township 36 South, Range 12 West (projected), Willamette Meridian, to the mouth;

(xxiii) Fox Creek from the intersection with the south line of Section 19, Township 35 South, Range 11 West, Willamette Meridian, to the mouth.

(E) The waters of the mainstem Illinois River from the confluence of the East and West Forks Illinois River downstream to the confluence with Deer Creek near river mile 47 are classified only for domestic, livestock and agricultural uses, fish propagation, irrigation use for noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life and wildlife during the period July 1 to October 31[*of every year*]. Water [stored] **diverted for storage** between November 1 and March 31 may be used [*at any time*] for purposes specified in subsection (a) of this section.

[(b) Applications for the use of the waters of the Illinois River Basin shall not be accepted by any state agency for any other purpose than those specified in subsection (a) of this section and the granting of applications of such other purposes is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated, coordinated program for the use and control of the water resources of the state;]

(b) *[(c)]* Structures or works for the utilization of the waters in accordance with the aforementioned classifications, are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Storage:

(a) [All applications for appropriation of water for storage in structures impounding more than 3,000,000 gallons of water shall be reviewed by the Water Policy Review Board prior to approval. During the review, the Water Policy Review Board may establish additional minimum flows on the natural flow of the stream to support aquatic

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life or minimize pollution.] Storage projects consistent with the purposes of minimum flows shall be encouraged;

(b) Potential reservoir sites should be identified through the comprehensive **land-use** planning process for possible future development or until alternative methods of meeting water needs have been developed. Immediate concern should be given to the following sites:

(A) Wood Creek, SE 1/4 NW 1/4 Section 32, Township 40 South, Range 8 West, Willamette Meridian;

(B) Sucker Creek, NE 1/4 Section 25, Township 39 South, Range 7 West, Willamette Meridian;

(C) Upper Althouse Creek, SW 1/4 SW 1/4 Section 4, Township 40 South, Range 7 West, Willamette Meridian.

(3) Minimum Perennial Streamflows:

(a) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and minimize pollution, no appropriations of water except for domestic and livestock use shall be [*made or*] granted [*by any state agency or public corporation of the state*], except that this limitation shall not apply to water legally stored or legally released from storage, for the waters of the Illinois River or the tributaries above the confluence with the Rogue River for flows of the Illinois River at the mouth below 80 cubic feet per second and when flows are below the specified levels listed in **Table 5, Section A**. Domestic use does not include irrigation of lawn and garden;

(b)(A) To support aquatic life and minimize pollution, in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriations of water shall be [*made or*] granted [*by any state agency or public corporation of the state*], for the waters of the following Illinois River tributaries listed in **Table 5, Section B** when flows are below the specified levels. This limitation shall not apply to:

(i) Domestic and livestock use. Domestic use does not include irrigation of lawns and gardens;

(ii) Water legally stored or released from storage subject to provisions of section A5.

(B) Attainment of the specified flow levels during some portion of the year will require development of water storage or implementation of other measures to augment flows.

(4) Water Quality: Rights to use of water for industrial, power development, or mining purposes granted by any state agency shall be issued only on condition that any effluents

or return flows from such uses shall not interfere with recreational, fish life, or other beneficial uses of water.

[(5) Existing Rights: This program does not modify, set aside or alter any existing right to use water or the priority of such use established under existing laws.]

[ED. NOTE: The Table referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 536 & [ORS 537](#)

Stats. Implemented:

Hist.: (Rogue River Basin: WRB 4, f. 5-22-59; WRB 5, f. 10-12-59; WRB 27, f. 5-11-64; WRB 33, f. 3-25-66; WRB 37, f. 12-21-66; WRB 41, f. 10-14-69; WRD 3-1981, f. & cert. ef. 5-12-9-81; WRD 11-1982, f. & cert. ef. 9-27-82; WRD 5-1983, f. & cert., ef. 8-19-83; WRD 6-1983, f. & cert. ef. 10-19-83; WRD 3-1984, f. & cert. ef. 7-5-84; WRD 3-1989, f. & cert. ef. 2-9-89; Upper Rogue River Basin: WRB 27, f. 5-11-64; Little Butte Creek Basin: WRB 33, f. 3-25-66; Bear Creek Basin: WRB 37, f. 12-21-66); Administrative Renumbering 1-1993, Renumbered from 690-080-0150

690-515-0060

Lower Rogue Basin

(1) Classifications:

(a) *[The maximum economic development of this state, the attainment of the highest and best use of the waters of the Lower Rogue River Basin and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, agricultural use, power development, industrial, mining, recreation, wildlife and fish life uses and]* **In accordance with ORS 536.220, [T] the waters of the Lower Rogue River Basin are [hereby so] classified for domestic, livestock, municipal, irrigation, agricultural use, power development, industrial, mining, recreation, wildlife and fish life,** with the following exceptions:

(A) *[The maximum economic development of this state, the attainment of the highest and best use of]* The waters within the Rogue River Scenic Waterway from the confluence with Applegate River near river mile 95 to Lobster Creek Bridge near river mile 11 **are classified for domestic, livestock, and irrigation of one-half acre noncommercial garden, and instream use for recreation, wildlife and fish life** *[and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, and irrigation of one-half acre noncommercial garden, and instream use for recreation,*

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wildlife and fish life uses and the aforementioned waters of the Rogue River Scenic Waterway are hereby so classified];

[(B) Those waters on which further development is restricted by [ORS 538.270](#) and [542.210](#);

(B) Those waters on which development is further restricted by ORS 542.210;

(C) In accordance with ORS 538.270, the waters of the main channel of the Rogue River (excluding tributaries) from its intersection with the south line of Section 27, T33S, R1E, W.M. to its confluence with the Pacific Ocean, are withdrawn from appropriation for any purpose except domestic, stock, irrigation, municipal, fish, wildlife, recreation, and road maintenance;

(D) [(C)] To protect, maintain and perpetuate anadromous fish habitat and propagation within the Lower Rogue Basin, the waters of the following stream reaches of tributaries to the Rogue River shall not be diverted, interrupted or appropriated for hydropower development purposes:

- (i) Lobster Creek from the confluence of the North and South Forks of Lobster Creek, downstream to the mouth;
- (ii) North Fork Lobster Creek from the intersection with the east line of Section 15, Township 34 South, Range 13 West, Willamette Meridian, downstream to the mouth;
- (iii) South Fork Lobster Creek from the intersection with the east line of Section 30, Township 34 South, Range 12 West, Willamette Meridian, downstream to the mouth;
- (iv) Shasta Costa Creek from the intersection with the east line of Section 35, Township 34 South, Range 11 West, Willamette Meridian, downstream to the mouth;
- (v) Foster Creek from the intersection with the west line of Section 12, Township 34 South, Range 12 West, Willamette Meridian, downstream to the mouth;
- (vi) Quosatana Creek from the intersection with the projected south line of Section 23, Township 36 South, Range 13 West, Willamette Meridian, downstream to the mouth;
- (vii) Jim Hunt Creek from the intersection with the south line of Section 14, Township 36 South, Range 14 West, Willamette Meridian, **[D]**downstream to the mouth;
- (viii) Mule Creek from the intersection with the east line of Section 26, Township 32 South, Range 10 West, Willamette Meridian, downstream to the mouth.

[(b) Applications for the use of the waters of the Lower Rogue River Basin shall not be accepted by any state agency for any other purpose than those specified in subsection (a)

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of this section and the granting of applications for such other purposes is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated, coordinated program for the use and control of the water resources of the state;]

(b) [(c)] Structures or works for the utilization of the waters in accordance with the aforementioned classifications, are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Minimum Perennial[s] Streamflows: For the purpose of maintaining minimum perennial streamflow sufficient to support aquatic life and minimize pollution, no appropriations of water shall be [made or] granted [by any state agency or public corporation of the state] for the waters of the Rogue River or the tributaries above the mouth for flows of the Rogue River at the mouth below 935 cubic feet per second, except that this limitation shall not apply to:

(a) Water legally stored or legally released from storage;

(b) Domestic and livestock uses. Domestic use does not include irrigation of lawns and gardens.

(3) Water Quality: Rights to use of water for industrial, power development or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not significantly interfere with recreational, fish life, or other beneficial uses of water.

[(4) Existing Rights: This program does not modify, set aside or alter any existing right to use water or the priority of such use established under existing laws.]

Stat. Auth.: ORS 536 & [ORS 537](#)

Stats. Implemented:

Hist.: (Rogue River Basin: WRB 4, f. 5-22-59; WRB 5, f. 10-12-59; WRB 27, f. 5-11-64; WRB 33, f. 3-25-66; WRB 37, f. 12-21-66; WRB 41, f. 10-14-69; WRD 3-1981, f. & cert. ef. 5-12-9-81; WRD 11-1982, f. & cert. ef. 9-27-82; WRD 5-1983, f. & cert., ef. 8-19-83; WRD 6-1983, f. & cert. ef. 10-19-83; WRD 3-1984, f. & cert. ef. 7-5-84; WRD 3-1989, f. & cert. ef. 2-9-89; Upper Rogue River Basin: WRB 27, f. 5-11-64; Little Butte Creek Basin: WRB 33, f. 3-25-66; Bear Creek Basin: WRB 37, f. 12-21-66); Administrative Renumbering 1-1993, Renumbered from 690-080-0150.

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