

## WATER RESOURCES DEPARTMENT

### DIVISION 518

#### MID-COAST BASIN PROGRAM

[NOTE: The Mid-Coast Basin is delineated on State Water Resources Board Map 18.6, dated 1964, available from the agency.]

#### 690-518-0010

##### Classifications

(1) [*The maximum economic development of this state, the attainment or the highest and best use of the waters of the Mid-Coast 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*] **In accordance with ORS 536.220, the waters of the Mid-Coast Basin are classified** [*only*] for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life, with preference given to human consumption and livestock consumption over any other beneficial uses, [*The waters of the Mid-Coast Basin are hereby so classified*] with the following exceptions:

(a) The waters of the following natural lakes of the Mid-Coast Basin are classified [*only*] for utilization of water for domestic, livestock, and in-lake uses for recreation, wildlife, and fish life purposes: Devils, Triangle, Lily, Sutton, Mercer, Collard, Munsel, Cleawox, Carter, Lost, Elbow, Clear, Woahink, Siltcoos, Tahkenitch, and Threemile;

(b) The waters of Clear Lake are classified for municipal use in addition to the uses specified in subsection (a) of this section;

(c) The waters of the following streams and their tributaries are classified [*only*] for utilization of water for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development and instream uses for recreation, wildlife, and fish life purposes:

(A) Schoolhouse Creek (Mouth in Township 8 South);

(B) Fogarty Creek;

(C) Deadhorse Creek;

(D) Canal Creek of Alsea Bay;

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.

- (E) Cummins Creek;
- (F) Bob Creek;
- (G) Tenmile Creek;
- (H) Big Creek at Roosevelt Beach;
- (I) Cape Creek at Heceta Head;
- (J) Quarry Creek;
- (K) Knowles Creek of Siuslaw River;
- (L) Hadsall Creek of Siuslaw River;
- (M) Woahink Creek;
- (N) Siltcoos River;
- (O) Tahkenitch Creek; and
- (P) Threemile Creek.

(d) The waters of the following streams and their tributaries are classified [*only*] for utilization of water for domestic, livestock, municipal, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development and instream uses for recreation, wildlife, and fish life purposes:

- (A) Salmon River;
- (B) Schooner Creek of Siletz Bay upstream from the intersection of Schooner Creek and the section line between Section 25, Township 7 South, Range 11 West, WM, and Section 30, Township 7 South, Range 10 West, WM;
- (C) Drift Creek of Siletz Bay;
- (D) Tributaries to Depoe Bay;
- (E) Rocky Creek;
- (F) Spencer Creek;
- (G) Moolack Creek;

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.

(H) Big Creek near Newport;

(I) Henderson Creek (Mouth in Township 11 South);

(J) Beaver Creek (Mouth in Township 12 South);

(K) Big Creek at San Marine;

(L) Vingie Creek;

(M) Starr Creek;

(N) Sutton Creek; and

(O) Munsel Creek.

(e) The waters of Olalla Creek and its tributaries are classified for human consumption, livestock consumption, industrial, and instream uses for recreation, wildlife, and fish life purposes;

(f) The waters of Schooner Creek and its tributaries downstream from the intersection of Schooner Creek and the section line between Section 25, Township 7 South, Range 11 West, WM, and Section 30, Township 7 South, Range 10 West, WM, are classified for domestic, livestock, municipal, irrigation and frost control not to exceed an additional total appropriation of 2.5 cfs, power development and instream uses for recreation, wildlife, and fish life purposes;

(g) The waters of Thiel Creek are classified for domestic, livestock, municipal, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development, aesthetics and in-lake and instream uses for recreation, fish life and wildlife purposes;

**(h) The waters of Little Creek, a tributary of the Pacific Ocean, and its tributaries located within Sections 22, 27, 28, 29, 32, and 33, Township 10 South, Range 11 West, W.M., are withdrawn from further appropriation by order of the State Engineer dated June 7, 1960 (Special Order Vol 10, Pg 397) except for municipal use by Agate Beach Water District;**

**(i) The waters of Mill Creek, a tributary of Yaquina River, and its tributaries located within Sections 22, 23, 26, 27, 28, 32, 33, 34, and 35, Township 11 South, Range 10 West, W.M., and Sections 2, 3, 4, 9, and 10, Township 12 South, Range 10 West, W.M., are withdrawn from further appropriation by order of the State Engineer dated December 7, 1959 (Special Order Vol 10, Pg 246); and**

**(j) The waters of Rock Creek (also known as Little Rock Creek or South Fork Rock Creek), a tributary of Siletz River, and its tributaries above the north line of the SW 1/4 of the NE 1/4, Section 7, Township 10 South, Range 8 West, W.M., during the months of July, August, and September are withdrawn from further appropriation of direct flow and for storage by order of the State Engineer dated July 22 1960 (Special Order Vol 10, Pg 459).**

[ (2) Applications for the use of the waters of the Mid-Coast Basin shall not be accepted by any state agency for any purposes contrary to the classifications herein specified, 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 this water use program. ]

**(2)** [(3)] Structures or works for 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 the applicable provisions of ORS 536.310; and any such structures or works, which do not give cognizance to the multiple-purpose concept are further declared to be prejudicial to the public interest.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 36, f. 7-27-66; WRB 59, f. 4-15-74; WRB 62, f. 3-26-75; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 4-1984, f. & cert. ef. 10-30-84; WRD 5-1987, f. & cert. ef. 5-20-87; WRD 20-1990, f. & cert. ef. 12-14-90, Renumbered from 690-080-0180

## **690-518-0020**

### **Reservations**

(1) In addition to the uses specified in subsection (1)(a) of OAR 690-518-0010, 1.5 cfs of the water of Woahink Lake are reserved for municipal purposes and 0.75 cfs for public park purposes.

(2) The waters of the following streams are reserved for municipal purposes in the amounts specified:

(a) Alsea River below stream mile 25 -- 5 cfs.

(b) Yachats River below stream mile 5 -- 1 cfs.

(3) The waters of the following streams are reserved for multipurpose storage for future economic development as allowed under ORS 537.356 with a priority date of May 5, 2006:

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.

(a) A reservation of 374 acre-feet of unappropriated water in Rock Creek, tributary to Devil's Lake,

(b) A reservation of 1,250 acre-feet of unappropriated water from Treat River, tributary to Salmon River,

(c) A reservation of 1,350 acre-feet of unappropriated water from an unnamed stream (locally referred to as "Side Creek"), tributary to Devil's Lake, for future application exclusively by the City of Lincoln City.

Stat. Auth.: ORS 536 & 537

Stats. Implemented: ORS 536.310, 537.249, 537.356 & 537.358

Hist: WRB 36, f. 7-27-66; WRB 59, f. 4-15-74; WRB 62, f. 3-26-75; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 4-1984, f. & cert. ef. 10-30-84; WRD 5-1987, f. & cert. ef. 5-20-87; WRD 20-1990, f. & cert. ef. 12-14-90, Renumbered from 690-080-0180; WRD 1-2007, f. & cert. ef. 1-5-07

### **690-518-0030**

#### **Minimum Perennial Streamflows**

(1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and recreation, no appropriations of water except for reservations in OAR 690-518-0020, human consumption, livestock consumption, or waters legally released from storage shall be [ *made or* ] granted [ *by any state agency or public corporation of the state* ] for the waters of the following streams and their tributaries for flows below the amounts specified in **Table 1**.

(2)(a) To support aquatic life and minimize pollution, in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriation of water shall be [ *made or* ] granted [ *by any state agency or public corporation of the state* ] for waters of the streams and tributaries listed in **Table 2** when flows are below the specified levels. This limitation shall not apply to:

(A) Human and livestock consumption; and

(B) Water legally released from storage.

(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) The minimum perennial streamflows established by the July 12, 1966 Mid-Coast Basin Program shall remain in effect over appropriations issued from July 12, 1966 to March 26, 1974.

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.

[ED. NOTE: The Table(s) 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.: WRB 36, f. 7-27-66; WRB 59, f. 4-15-74; WRB 62, f. 3-26-75; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 4-1984, f. & cert. ef. 10-30-84; WRD 5-1987, f. & cert. ef. 5-20-87; WRD 20-1990, f. & cert. ef. 12-14-90, Renumbered from 690-080-0180

[ **690-518-0040**

### ***Storage***

*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 Resources Commission prior to approval. During the review the Water Resources Commission may establish additional minimum flows on the natural flow of the stream to support aquatic life or minimize pollution.*

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 36, f. 7-27-66; WRB 59, f. 4-15-74; WRB 62, f. 3-26-75; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 4-1984, f. & cert. ef. 10-30-84; WRD 5-1987, f. & cert. ef. 5-20-87; WRD 20-1990, f. & cert. ef. 12-14-90, Renumbered from 690-080-0180 ]

**690-518-0050**

### **Out-of-Basin Appropriations**

To support present and proposed Mid-Coast Basin water resource development, no out-of-basin appropriation of the waters of the Mid-Coast Basin shall be [ *made or* ] granted [ *by any state agency or public corporation of the state* ] without prior approval of, and following a public hearing by, the Water Resources Commission.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 36, f. 7-27-66; WRB 59, f. 4-15-74; WRB 62, f. 3-26-75; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 4-1984, f. & cert. ef. 10-30-84; WRD 5-1987, f. & cert. ef. 5-20-87; WRD 20-1990, f. & cert. ef. 12-14-90, Renumbered from 690-080-0180

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**690-518-0060**

**Water Quality**

Rights to use of water granted by any state agency in accordance with this water use program shall be issued only on the condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 36, f. 7-27-66; WRB 59, f. 4-15-74; WRB 62, f. 3-26-75; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 4-1984, f. & cert. ef. 10-30-84; WRD 5-1987, f. & cert. ef. 5-20-87; WRD 20-1990, f. & cert. ef. 12-14-90, Renumbered from 690-080-0180