

**Willamette Basin Program
Exception Request
G-17486**

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Water Rights Services Division Administrator**

Possible Criteria for a Basin-Program Exception

(ORS 536.295)

- Will be of short duration during each year
- Will be for a continuous period of no longer than five years
- Is largely nonconsumptive in nature and not likely to be regulated for other water rights
- Is necessary to ensure public health, welfare and safety
- Is necessary to avoid extreme hardship
- **Will provide a public benefit such as riparian or watershed improvement**
- 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



Albany

Corvallis

Horseshoe Lake

20

34

Pacific Blvd SW

SE 9

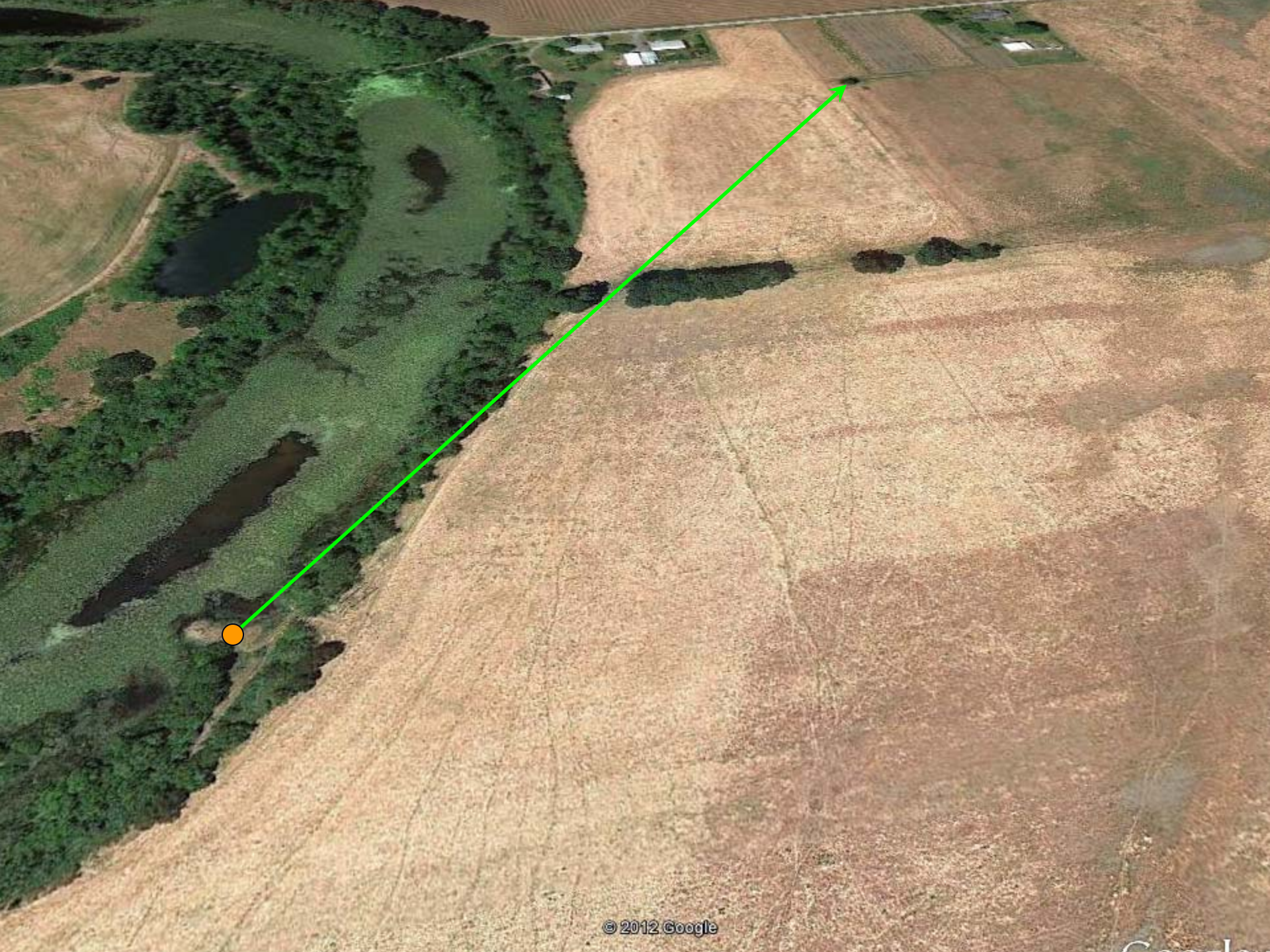


Google earth

BYOW (Bring Your Own Water)

Solves the Seasonal Classification Issue Blocking the Proposed Allocation of Groundwater

- Irrigation from groundwater *is* an allowable use, but not when it is connected hydraulically to surface water during July and August.
- Applicant proposes cancellation of an existing full-season surface-water right as mitigation for issuance of a new permit for hydraulically-connected groundwater
- Doing so makes water allocable during July and August





Google earth

Public Benefit: Riparian or Watershed Improvement (i.e., restoration)

- Horseshoe Lake occurs in a Conservation Opportunity Area identified formally by state agencies and The Nature Conservancy.
- ODFW supports the proposed mitigation as it would benefit multiple species of sensitive, threatened, or endangered fish.

Staff Evaluation of Request

- WRD finds that the proposed mitigation will fully offset the impact of the proposed groundwater allocation
- WRD finds the proposed mitigation will provide a public benefit (riparian improvement)
- WRD also finds that the proposed use is consistent with the general policies of the Willamette Basin Program as required under ORS 536.295(4)

Options & Staff Recommendation

The Commission may consider the following actions:

1. Approve the request for a basin-program exception.
2. Deny the request for a basin-program exception because the necessary criteria have not been met.
3. Take no action and direct staff to continue to work with the applicant.

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