

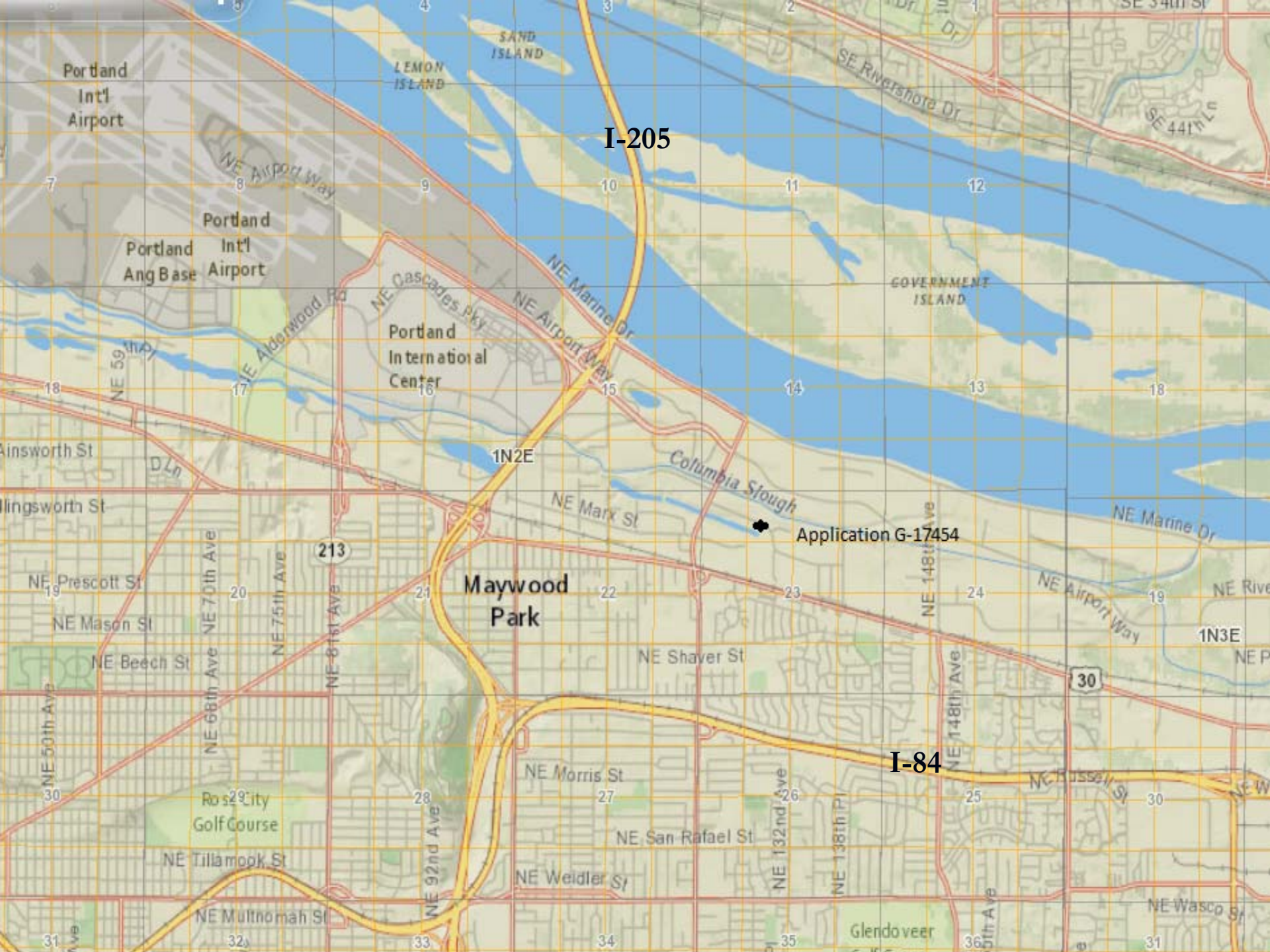
**Willamette Basin Program  
Exception Request  
G-17454**

**Tim Wallin  
Water Rights Program Manager**

**Dwight French  
Water Rights Services Division Administrator**

# About Basin-Program Exceptions

- Basin program contains classifications of allowable uses (e.g., municipal, industrial, irrigation, recreation etc.)
- Applicants may request other uses, but must be granted an exception by the WRC to proceed
- An exception is not an approval; an exception allows the Department to continue processing the application despite the classification



I-205

I-84

Maywood Park

Application G-17454

Portland Int'l Airport

Portland Int'l Airport  
Portland Ang Base

Portland International Center

Ainsworth St  
Hingsworth St

NE Prescott St  
NE Mason St  
NE Beech St

NE 50th Ave  
NE 68th Ave  
NE 70th Ave  
NE 75th Ave  
NE 81st Ave  
NE 82nd Ave  
NE 92nd Ave  
NE Multnomah St

Rosier City Golf Course

NE Morris St  
NE San Rafael St  
NE Weidler St

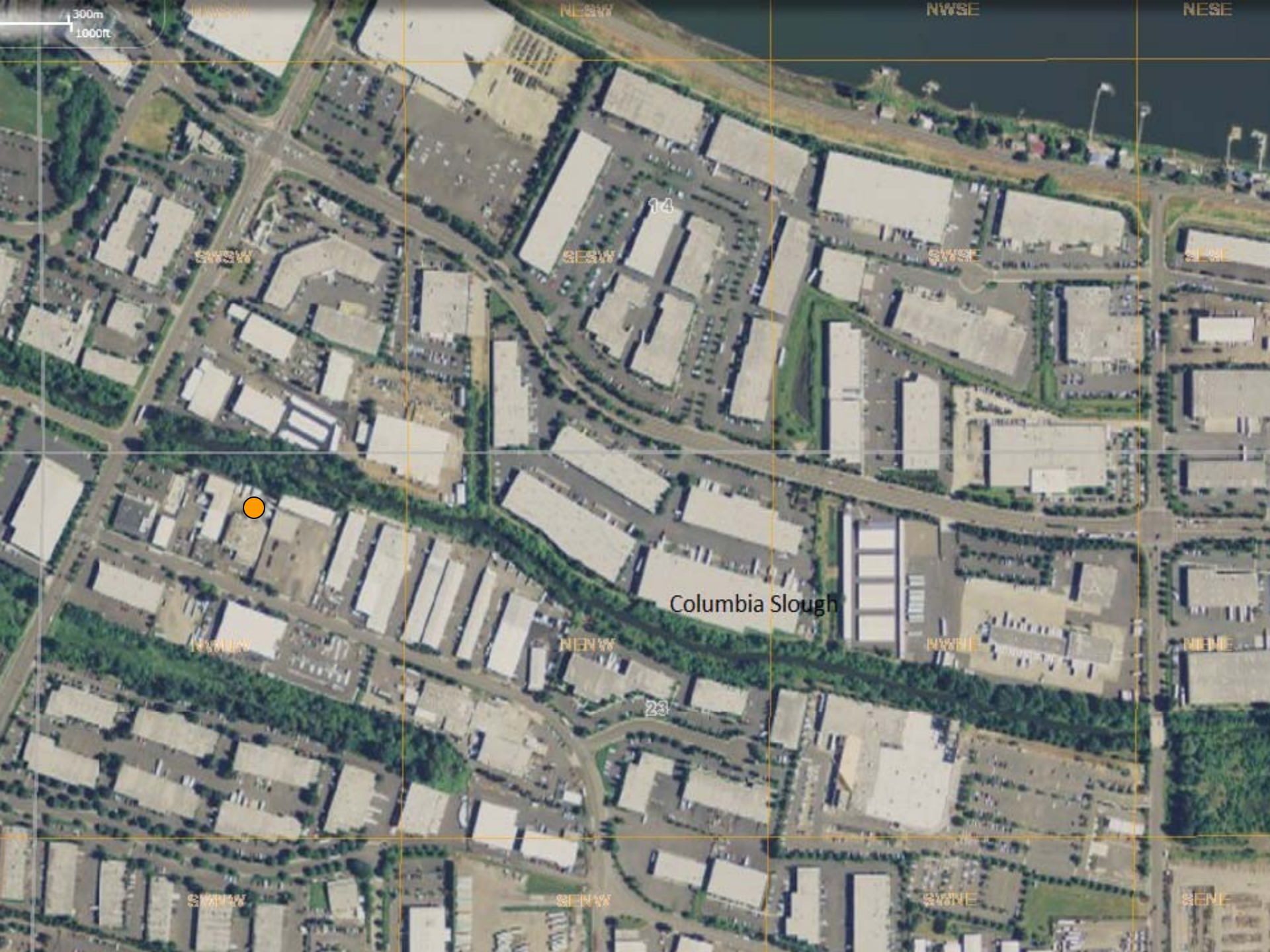
Glendoveer

NE Wasco St

# Why Applicant Needs an Exception to Proceed

- 1) Production well is located in unconfined alluvium within  $\frac{1}{4}$  mile of Columbia Slough
  - 2) Basin Program: proposed groundwater uses in that situation must conform to the list of allowable surface-water uses
  - 3) Basin Program: The proposed industrial use is not in the list (classification) of allowable surface-water uses
- Therefore, industrial use (geothermal heating & cooling) from groundwater is *not* an allowable use





300m  
1000ft

NESW

NWSE

NESE

14

SWSW

SESW

SWSE

SESE

Columbia Slough

NWSW

NENE

NWSE

NENE

23

SWSW

SESW

SWSE

SESE

# Criteria for a Basin-Program Exception

(ORS 536.295)

- Applications may qualify for an exception under any of seven independent criteria (ORS 536.295)
- Applicant's request is under two of those criteria:
  - Use will be largely non-consumptive in nature and not likely to be regulated for other water rights
  - Use will provide a public benefit such as riparian or watershed improvement



## Considering Assertion #1: Use Will Be Non-Consumptive

- The permit would be conditioned to require that all produced water be injected into the same (originating) aquifer, furthermore:
  - The amount of water produced and injected would be measured, recorded, and reported to the Department
  - Prior to use of water, the applicant would register injection activity with DEQ's Underground Injection Control Program
  - Prior to certification, the permit holder would submit documentation that requirements of the Department's Division 230 rules have been met

## Considering Assertion #2: Use Will Provide a Public Benefit such as Riparian or Watershed Improvement

- Applicant's use of groundwater for geothermal heating/cooling will provide the owner and tenants an energy-efficient method for space conditioning → relatively “green” means of HVAC
- “*Public benefit* means a benefit that accrues to the public at large rather than one person, a small group, or a private enterprise”
- Public benefit provided is indirect (outside the realm of water management), thus arguably insufficient by itself to justify an exception to the classification of allowable uses



# Summary of Staff Evaluation

The proposed use:

- would be largely non-consumptive and unlikely to be regulated for other rights (meets criterion #1)
- would not provide a public benefit sufficient to justify a basin-program exception (does not meet criterion #2)
- 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 based on non-consumptive nature of proposed use**
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.