

**OREGON ADMINISTRATIVE RULES
WATER RESOURCES DEPARTMENT
CHAPTER 690
DIVISION 22
EMERGENCY WATER PROVISIONS – KLAMATH COUNTY**

690-022-0020

Purpose and ~~Statutory~~ Authority

- (1) The purpose of these rules is to implement ORS 536.750(1)(c), which- authorizes the Commission, pursuant to a gubernatorial declaration that a severe, continuing drought exists, to grant a temporary preference to water rights for human consumption or stock watering use over other water uses regardless of priority date. ~~These rules address an immediate threat to the health and welfare of the people of Oregon that would otherwise occur if regulation of senior water rights in Klamath County curtailed or prohibited use of surface water for human consumption and stock watering as defined in these rules.~~
- ~~(2) Executive Order No. 14—01: Determination of a State of Drought Emergency in Harney, Klamath, Lake and Malheur Counties Due to Drought and Low Water Conditions, was signed by Governor John A. Kitzhaber, M.D., on February 13, 2014.~~
- ~~(3) These rules become effective on April 1, 2014 and will remain in effect for 180 days from the effective date or for the term of Oregon Governor Kitzhaber’s Executive Order No. 14—01, whichever is shorter.~~
- (2) These rules become applicable upon declaration by the Governor of a severe, continuing drought in Klamath County. During the effective time period of a drought declaration under ORS 536.740 in Klamath County, the Commission grants a preference of use for water rights for human consumption and/or stock watering as provided in this rule. The temporary preference of use shall only apply to Klamath County and shall remain in effect only during the effective time period of the Governor’s drought declaration in Klamath County.

Stat. Auth.: ORS 536.025; 536.027; 536.750
Stats. Implemented: ORS 536.750

690-022-0025

Definitions

~~The~~Unless the context requires otherwise, the words and phrases used in Division 22 have the following meaning:

- (1) “Commission” means the Oregon Water Resources Commission.
- (2) “Department” means the Oregon Water Resources Department.
- (3) "Human Consumption" means the use of water for the purposes of drinking, cooking, and sanitation.
- (4) “Stock Watering-~~Use~~” means the use of water for consumption by domesticated animals and wild animals held in captivity as pets or for profit.

Stat. Auth.: ORS 536.025; 536.027; 536.750
Stats. Implemented: ORS 536.750

690-022-0030

Applicability and Preference

Notwithstanding During the effective period of a drought declaration under ORS 536.740 in Klamath County, and notwithstanding any provision of Oregon Administrative Rules Division 690 to the contrary, the Commission grants a temporary preference for human consumption and/or stock watering as follows:

- (1) ~~These~~ The preference described in these rules ~~apply~~ applies only to the diversion or use of ~~surface~~ water within Klamath County.
- (2) Uses of ~~surface~~ water for human consumption and stock watering, to the extent authorized under a water right certificate, permit, decree, or findings of fact and order of determination issued in an adjudication subject to ORS Chapter 539, are granted a preference over all other water uses regardless of the priority date of the underlying water right.
- (3) The Department will regulate water rights in Klamath County in accordance with the preference for water rights for human consumption and stock watering use granted in as provided in subsection (2) of this section.
~~690-022-0030 (2) of these rules.~~
- (4) ~~Political subdivisions~~ Water right holders exercising the human consumption or stock water preferences established in this rule shall assure curtailment of water uses unrelated to the preference ~~consistent with this rule.~~

Stat. Auth.: ORS 536.025; 536.027; 536.750

Stats. Implemented: ORS 536.750