

- 30 (4) Rates associated with expired final orders pursuant to 690-505-0620(2);
- 31 (5) Portions of rates associated with permits issued pursuant to 690-505-0620 and subsequently
32 cancelled [*pursuant to ORS 537.410*];
- 33 (6) Rates associated with certificates issued pursuant to 690-505-0620 and subsequently canceled
34 [*pursuant to ORS 540.621 or 540.610*]; and
- 35 (7) Rates associated with the portion of use originally authorized under a permit issued pursuant
36 to 690-505-0620 and not included in a subsequent certificate.

37 Stat. Auth.: ORS 536.025, 536.027 & 537.746
38 Stats. Implemented: ORS 669 & OL 2005
39 Hist.: WRD 1-2010, f. & cert. ef. 6-9-10

40 **690-522-0040**

41 **Incremental Development in the Deschutes Ground Water Study Area**

42 (1) An incremental development plan under 690-505-0625 for municipal and quasi-municipal
43 ground water permit applicants and permit holders may include offset pursuant to 690-505-
44 0610(8).

45 (2) When providing incremental mitigation pursuant to OAR 690-505-0625, a municipal or
46 quasi-municipal ground water permit holder may provide mitigation, offset, or a combination of
47 both during each approved increment to coincide with each stage of development of the permit
48 on the condition that the permit holder does not increase the rate or amount of water diverted
49 under the permit before submitting the corresponding required mitigation or offset and
50 documentary evidence.

51 (3) The report required under OAR 690-505-0625(1)(b) shall describe the annual volume of
52 water used and the source of offset and mitigation used for that period.

53 Stat. Auth.: ORS 536.025, 536.027 & 537.746
54 Stats. Implemented: ORS 669 & OL 2005
55 Hist.: WRD 1-2010, f. & cert. ef. 6-9-10

56 **690-522-0050**

57 **Reassignment of Permanent Mitigation Credits**

58 (1) Notwithstanding OAR 690-521-0400(2), part or all of permanent mitigation credits that were
59 used to satisfy a mitigation obligation may be reassigned if:

60 (a) The ground water permit application to which the credits were assigned is denied or
61 withdrawn;

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

- 62 (b) The ground water permit application to which the credits were assigned is amended and the
63 mitigation obligation is reduced;
- 64 (c) The final order issued approving the ground water permit application to which the credits
65 were assigned expires pursuant to OAR 690-505-0620;
- 66 (d) The ground water permit to which the credits were assigned is subsequently cancelled
67 [*pursuant to ORS 537.410*];
- 68 (e) The subsequent ground water certificate is issued for less ground water use than originally
69 allowed under the permit and there is a corresponding reduction in mitigation obligation;
- 70 (f) The subsequent ground water certificate to which the credits were assigned is cancelled, or
71 partially cancelled resulting in a reduced mitigation obligation; or
- 72 (g) The permit holder holds more than one municipal or quasi-municipal ground water permit
73 issued under OAR 690-505-0620 and requests to re-assign credits from one such existing permit
74 to another existing permit, provided the reassignment is consistent with the requirements of OAR
75 690-505-0610(4).
- 76 (2) Mitigation credits available pursuant to this rule may be assigned by applicant or permit or
77 certificate holder to any person or mitigation bank or assigned to satisfy a mitigation obligation.

78 Stat. Auth.: ORS 536.025, 536.027 & 537.746
79 Stats. Implemented: ORS 669 & OL 2005
80 Hist.: WRD 1-2010, f. & cert. ef. 6-9-10