

DRAFT TEMPORARY RULES

Division 079

690-079-0010

Purpose

(1) This Division establishes the procedure for state agencies to request reservations of water for future economic development pursuant to ORS 537.356.

(2) These rules shall apply to all reservation requests received by the Department after June 30, 1989. Notwithstanding the provisions of OAR 690-079-0040 to 690-079-0150, any reservation for which a request is received by the Department prior to June 5, 1992, and which is approved under these rules, shall receive a priority date of June 5, 1992, provided information that conforms to the provision of OAR 690-079-0060 are received by the Department prior to January 1, 1995. For purposes of this rule, the request for a reservation of water in the Willamette Basin for municipal purposes and the request for a reservation of water in the Willamette Basin for agricultural purposes, both of which were referenced in the Commission's Willamette Basin Plan as adopted on January 31, 1992, shall be considered requests received by the Department prior to June 5, 1992.

(3) Notwithstanding subsection 1 and 2 of this section, and except as provided in OAR 690-079-0160, OAR 690-079-0010 – 0150 do not apply to requests for extensions of reservations received by the Department in September 2015, which were originally established pursuant to ORS 537.249.

690-079-0160

Extension of Reservation Requests Received in September 2015

- (1) **This section was adopted by temporary rulemaking to establish a process to consider pending applications submitted in September 2015 to extend reservations established under ORS 537.249 that are set to expire in March 2016.**
- (2) **Notwithstanding OAR 690-079-0020 to 690-079-0150, and except as specifically stated in this section, applications to extend reservations established in OAR Chapter 690, Division 509 that were received by the Department in September 2015, shall be processed according to the provisions in this section.**
- (3) **Prior to termination of the approved term of reservation, the applicant may apply for a time extension of up to 20 years from the expiration date established in rule. An approved time extension shall retain the priority date of the original reservation.**
- (4) **An application for an extension shall contain the information required in OAR 690-079-0060.**

- (5) **If the applicant for an extension of a reservation made the election in ORS 537.249(2) to establish the reservation by rule, then an extension of a reservation must also occur by a rulemaking that amends the applicable basin program plan.**
- (6) **The Department shall provide notification, accept public comment, and hold hearings as provided in ORS 183.335, ORS 536.300(3), and OAR 690, Division 1. Notice shall also be provided to Oregon Department of Environmental Quality, Oregon Departments of Fish and Wildlife, Oregon Parks and Recreation Department, and Business Oregon. The public comment period shall be no less than 30 days.**
- (7) **In considering an application to extend a reservation, the Commission shall review information in the application, comments received, and the recommendations of the Department. The Department may extend the reservation, unless the Commission determines the reservation is no longer consistent with ORS 536.310 or with the rules of the Commission.**

BOLD and UNDERLINED = NEW RULE LANGUAGE