



**MEMORANDUM**

**TO:** Water Resources Commission

**FROM:** Brenda Bateman, Technical Services Division Administrator <sup>BB</sup>

**SUBJECT:** Agenda Item H, May 20, 2016  
Water Resources Commission Meeting

**Reservations: Preview of Basin Program Rulemakings**

**I. Introduction**

A reservation of water for future economic development sets aside a quantity of water for multipurpose storage to meet future needs. Reservations in the Hood River, Malheur, Owyhee, and Grande Ronde River Basins are scheduled to sunset within the next 12 months, unless they are extended by the Water Resources Commission. Improving access to built storage is a recommended action (10B) of the 2012 Integrated Water Resources Strategy. During this agenda item, staff will provide an update on rulemakings that are underway in order for the Commission to consider extending reservations of water in these four basins.

**II. Background**

Previous reservation requests resulted in the adoption of reservations in six basin plans: Grande Ronde, Hood River, Malheur, Malheur Lake, Owyhee, and Powder River. Reservations in the Burnt River portion of the Powder River Basin were extended in rule by the Commission during its February 2016 meeting. OAR 690, Division 79, updated on April 13, 2016, outlines procedures for considering extensions of reservations.

A reservation sets aside unappropriated water for future economic development in a basin, and assigns a priority date. A reservation is not the same thing as a water-right application or permit. For example, approval of a reservation does not mean that any future water-right application will be approved, or that a reservoir may be constructed. Water users wishing to appropriate reserved water must submit a water-right application to the Department. The Department would then review that water-right application based on current, applicable public-interest review standards.

*Basin Program Rules*

Reservations of water for future economic development are established in basin programs. Basin programs are administrative rules establishing water allocation policies and objectives for individual basins. Each program's rules govern the appropriation and use of the surface and groundwater within the state's major river basins. These programs supplement statewide rules governing water use and allocation by defining (classifying) the types of uses the Department may issue new water rights for in each basin. The Commission must adopt or amend basin programs through the public-rulemaking process.

**III. Reservations of Water Set to Sunset in the Next Year**

During the 1990s, pursuant to Oregon Revised Statutes (ORS) 537.249 and 537.356, the Oregon Department of Agriculture (ODA) requested reservations of water for future economic development, focusing primarily on the needs of agriculture. The reservations were approved for a period of 20 years, meaning that most of the approved reservations requested by ODA will sunset in the next year, without further action by the Commission. The Hood, Grande Ronde, Malheur, and Owyhee basins have reservations that are set to sunset in the next year. These communities have shown an interest in and support for extending the reservations of water.

The current status of four the Basins with reservations in rule due to sunset in the next year are as follows:

<b>i. Hood Basin Program (OAR Division 504)</b>	<b>Expiration: October 17, 2016</b>
<b>Reservation</b>	<b>Quantity (acre-feet)</b>
West Fork Hood River Subbasin (690-504-0110)	9,000
East Fork Hood River Subbasin (690-504-0120)	50,000
Neal Creek Subbasin (690-504-0130)	5,000
Mosier Creek Subbasin (690-504-0140)	6,400
Eightmile Creek Subbasin (690-504-015)	4,000
Fifteenmile Creek Subbasin (690-504-0160)	8,500
<i>Total</i>	<i>82,900 acre-feet</i>

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<b>ii. Malheur Basin (OAR Division 510)</b>	<b>Expiration: January 7, 2017</b>
<b>Malheur Reservations (690-510-0110)</b>	<b>Quantity (acre-feet)</b>
1. Malheur River and tributaries, excluding the North Fork and South Fork Malheur Rivers and tributaries	35,000
2. South Fork Malheur River and tributaries	13,200
<i>Total</i>	<i>48,200 acre-feet</i>

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<b>iii. Owyhee Basin (OAR Division 511)</b> <b>Owyhee Reservations (690-511-0110)</b>	<b>Expiration: January 7, 2017</b> <b>Quantity (acre-feet)</b>
Owyhee River and tributaries	60,000
<i>Total</i>	<i>60,000 acre-feet</i>

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<b>iv. Grande Ronde Basin (OAR Division 508)</b> <b>Reservation</b>	<b>Expiration: February 7, 2017</b> <b>Quantity (acre-feet)</b>
Upper Grande Ronde Subbasin (690-508-0110)	26,900
Middle Grande Ronde Subbasin (690-508-0120) (Catherine Creek and tributaries above Ames Creek)	9,000
<i>Total</i>	<i>35,900 acre-feet</i>

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#### **IV. Rules Advisory Committee Details**

On April 19, the Department convened a rules advisory committee at the Hood River Library to discuss reservation extensions under Division 504, Hood River Basin Program. Invitees included the Middle Fork Irrigation District, Confederated Tribes of the Warm Springs Indian Reservation, the county planner, county commissioners, Oregon Department of Agriculture, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Water Resources Congress, Oregon Farm Bureau, and local watershed groups, conservation groups, farmers, landowners, and businesses. See Attachment 1 for a complete list of attendees.

The group completed its work during a one-day session. While members provided input on the rules, they were not asked to achieve consensus. Resulting details and proposed modifications to draft rule language will come before the Commission during its August 2016 meeting.

Basin program rules advisory committees will meet to discuss reservation extensions on: May 24 for the Grande Ronde Basin (Division 508), May 25 for the Malheur Basin (Division 510), and May 26 for the Owyhee Basin (Division 511). Invitees include a diverse range of agricultural, tribal, county, business, conservation, and other interests.

#### **V. Conclusion**

At the meeting in August, the Commission will consider action on the Hood River Basin rules. Given the timing of the sunsets on the Grande Ronde, Malheur, and Owyhee reservations, the Commission will be asked to consider extension requests for these basins at the October meeting.

Attachment 1: Hood Basin Program Rules Advisory Committee Roster

Brenda Bateman (503) 986-0879

**Hood Basin Program Rules Advisory Committee Roster**  
**Rulemaking for Oregon Administrative Rules 690-504**  
**April 19, 2016**

Name	Affiliation
Craig Dehart	Middle Fork Irrigation District
Margaret Matter	Oregon Department of Agriculture
Lauren Smith	Oregon Water Resources Congress
Smita Mehta	Oregon Department of Environmental Quality
Chris Brun	Confederated Tribes of Warm Springs
Kimberley Priestley	Waterwatch of Oregon
Adam McCarthy	Trout Creek Orchard
Jim Wells	Walter Wells & Sons Company/Orchardist
Rod French	Oregon Department of Fish and Wildlife
Mary Anne Nash	Oregon Farm Bureau
Erick Von Lubken	Farmers Irrigation District / Oregon Farm Bureau/Von Lubken Orchards
Les Perkins	Hood River County Commissioner/Farmers Irrigation District
Brian Nakamura	Nakamura Orchards/ Hood River Soil Water Conservation/East Fork Irrigation District
Reed Marbut	Attorney, Confederated Tribes of Warm Springs
Kelly Howsley-Glover	Wasco County Planning- Long Range Planner
John Buckley	East Fork Irrigation District
Dean McAllister	McAllister Orchard & Vineyard
Danette Faucera	Oregon Department of Fish and Wildlife
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