

DIVISION 504 HOOD BASIN PROGRAM

~~[NOTE: The Hood Basin is delineated on State Water Resources Board agency Map File No. 4.6, available from the agency dated January 1, 1975.]~~

690-504-0000

Classifications

(1) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Hood Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole, will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, ~~flow augmentation, commercial, agriculture,~~ power development, industrial, mining, recreation, wildlife, fish life, pollution abatement use, and the waters of the Hood Basin are hereby so classified with the following exceptions:

(a) The maximum economic development of this state, ~~and~~ the attainment of the highest and best use of the waters of Dog River above its point of diversion at Water Resources Department -- U.S. Geological Survey Gage 14113400, as shown on State Water Resource Board Map 4.6, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for municipal use, and the waters of Dog River above ~~its point of diversion at Water Resources Department -- U.S. Geological Survey Gage 1134, as shown on State Water Resources Board Map 4.6, that point~~ are hereby so classified;

(b) The maximum economic development of this state, ~~and~~ the attainment of the highest and best use of the waters of the natural lakes of the Hood Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole, will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7-1/2 theoretical horsepower, recreation, wildlife, and fish life uses and the waters of natural lakes of the basin are hereby so classified.

~~(2) Applications for the use of these specified waters of the Hood Basin shall not be accepted by any state agency for any other use and the granting of applications for such other uses is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.~~

~~(3) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or work are further declared to be prejudicial to the public interest which do not give cognizance to the multiple-purpose concept.~~

~~(3) Pursuant to ORS 538.200, the following streams forming waterfalls near the Columbia River Highway and flowing directly into the Columbia River shall not be diverted or interrupted for any purposes, except as provided in ORS 538.210:~~

~~(A) Summit Creek – Forming Camp Benson Falls;~~

~~(B) Wonder Creek also known as Spring Creek – Forming Lancaster Falls;~~

~~(C) Warren Creek;~~

~~(D) Phelps Creek;~~

- (E) Perham Creek;
- (F) Lindsey Creek – Forming Lindsey Falls;
- (G) Herman Creek;
- (H) Harphan Creek;
- (I) Grays Creek;
- (J) Gorton Creek – Forming Gorton Creek Falls;
- (K) Eagle Creek;
- (L) Cabin Creek;
- (M) Ruckles Creek, also known as Deadman’s creek;
- (N) Starvation Creek – Forming Starvation Falls;
- (O) Viento Creek.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 34, f. 4-7-66; WRD 3-1980, f. 1-23-80; WRD 1-1981, f. 4-20-81; WRD 1-1985, f. & cert. ef. 3-28-85; WRD 4-1988, f. 5-17-88, cert. ef. 5-13-88; Administrative Renumbering 1-1993, Renumbered from 690-080-0040

690-504-0005

Definitions

“Indian Tribe” as defined by ORS 182.162, which defines a tribe as a federal recognized Indian tribe in Oregon.

“Consultation”, for the purpose of this rule “consultation” means a dialogue for the purpose of obtaining information or advice.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

690-504-0020

Water Quality

Rights to use of water for industrial or mining purposes ~~granted by any state agency~~ shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 34, f. 4-7-66; WRD 3-1980, f. 1-23-80; WRD 1-1981, f. 4-20-81; WRD 1-1985, f. & cert. ef. 3-28-85; WRD 4-1988, f. 5-17-88, cert. ef. 5-13-88; Administrative Renumbering 1-1993, Renumbered from 690-080-0040

690-504-0100**Reservations Application Process to Store Reserved Water**

(1) Reservations of water for economic development are established pursuant to ORS 537.249 and 537.356 to ensure sufficient surface water will be available in the future to meet expected needs. Economic development includes, but is not limited to, the production of goods and services and management of natural resources which contribute economic benefits through both instream and out-of-stream uses of water.

~~(2) Notwithstanding OAR 690-504-0000, stored water may be used for any beneficial purpose.~~

~~(3)~~ "Multipurpose reservoir," as used in OAR 690-504-0100 through 01670, means a reservoir storing water to serve multiple potential beneficial uses such as, but not limited to irrigation, commercial agriculture, power development-generation, municipal water supply, recreation, and flow augmentation for instream purposes.

~~(4)~~ Reservations of water for future economic development in OAR 690-504-0110 through 01670 allocate-reserve surface water for future storage in multipurpose reservoirs. The storage of up to 2,000 acre-feet of water for livestock or domestic purposes authorized under water rights with priority dates after November 6, 1992, shall be exempt from regulation for storage of water reserved under OAR 690-504-0110 through 01760.

(4) Permits to store reserved water shall receive the priority date of the reservation. The priority date for reservations under OAR 690-504-0110 through 0160 shall be November 6, 1992.

(5) In addition to the requirements of ORS Chapter 537, OAR Chapter 690, Division 310, and any other applicable rules, an application for a permit to store reserved water shall include:

(a) An assessment of the effect of the proposed reservoir on fish and wildlife developed after consultation with the Oregon Department of Fish and Wildlife;

(b) An assessment of the effect of the proposed reservoir on water quality developed after consultation with the Oregon Department of Environmental Quality;

(c) Consultation with any affected Indian Tribe(s), including the Confederated Tribes of Warm Springs Reservation.

~~(ed)~~ An analysis of water supply alternatives to the proposed reservoir, such as off-stream storage, water right transfers and implementation of conservation measures; and

~~(de)~~ An analysis summarizing and describing how the proposed project will enhance instream values, including but not limited to instream flows.

(6) For the purposes of review of water right permit applications to store reserved water under OAR Chapter 690, Division 310, the reserved quantities of water listed in OAR 690-504-0110 through 01670 are available for appropriation.- However, the determination that water is available under OAR 690-504-0110 through 0160 shall not substitute for consideration during the public interest review of site-specific information as required under OAR Chapter 690, Division 310 and any other applicable statutes or rules. Because the finding that water is available in OAR 690-504-0110 through 0160 is a water availability determination for a sub-basin, analysis of water availability at the specific location shall be conducted at the time of permit application review.

(7) In addition to any other findings required for issuance of a reservoir permit under OAR 690, Division 310, and applicable rules, and prior to issuance of a permit for a proposed project storing water reserved under 690-504-0110 through 01670, the Department shall also find:

(a) The proposed reservoir is consistent with the purpose of the reservation following consultation with the Department of Agriculture and other state agencies;

(b) The proposed reservoir will enhance instream values; including but not limited to instream flows; and

(c) Whether minimum bypass flow are required.

(8e) The Department shall determine, and impose as a condition, an appropriate ~~What~~ storage season, and shall include other conditions to ~~is appropriate a whether minimum bypass flows or other conditions should be included in the permit to~~ ensure no ~~harm~~ injury to senior water rights and to protect instream values.

(8) Permits to store reserved water shall receive the priority date of the reservation

(98) Progress Reports: Until if the Department has ~~not received applications issued permits~~ for multipurpose reservoir ~~permits~~ for the full quantity of reserved water under OAR 690-504-0110 through 0160, five years after the adoption of these rules, the Department shall biennially report to the Water Resources Commission on the amount of water available under the reservation, and the quantity allocated under the reservation. The Department or Commission may require periodic reports from the Oregon Department of Agriculture on continued interest in the reservation, efforts undertaken to develop the reservation, and any challenges to developing the reservation. ~~of Agriculture shall provide the Commission with a progress report on development of the reservations. The report shall include information on the continued need for the reservations and the quantities of water reserved. The Department of Agriculture shall continue to provide progress reports at five year intervals while these rules are in effect unless the Department receives applications for multipurpose reservoir permits for the full quantity of reserved water.~~

(409) Effective date of rules:

(a) If the Department has not received applications for multipurpose reservoir permits for the full quantity of water reserved twenty years after October 17, 1996, OAR 690-504-0110 through 0160 0170 shall be effective until automatically be repealed on October 17, 201636, unless the effective date has been extended by further rulemaking of the Water Resources Commission.

(b) The expiration of these reservation rules shall not affect pending applications that have been received and deemed complete and not defective by the Water Resources Department pursuant to ORS 537.150(2), prior to the expiration date of the rules.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented: ORS 536.310, ORS 537.249, ORS 537.356 & ORS 537.358

Hist.: WRD 8-1996, f. & cert. ef. 11-14-96

690-504-0110

West Fork Hood River Subbasin Reservation

Nine thousand (9,000) acre-feet of unappropriated water of the Lake Branch of the West Fork Hood River or its tributaries upstream of the confluence with the West Fork Hood River are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

Stat. Auth.: ORS 537
Stats. Implemented: ORS 537.249 & ORS 537.356
Hist.: WRD 8-1996, f. & cert. ef. 11-14-96

690-504-0120**East Fork Hood River Subbasin Reservation**

Fifty Thousand (50,000) acre-feet of unappropriated water of the East Fork Hood River or its tributaries upstream of the confluence of the Dog River with the East Fork Hood River are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

Stat. Auth.: ORS 537
Stats. Implemented: ORS 537.249 & ORS 537.356
Hist.: WRD 8-1996, f. & cert. ef. 11-14-96

690-504-0130**Neal Creek Subbasin Reservation**

Five thousand (5,000) acre-feet of unappropriated water of Neal Creek or its tributaries are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

Stat. Auth.: ORS 537
Stats. Implemented: ORS 537.249 & ORS 537.356
Hist.: WRD 8-1996, f. & cert. ef. 11-14-96

690-504-0140**Mosier Creek Subbasin Reservation**

Six thousand four hundred (6,400) acre-feet of unappropriated water of Mosier Creek or its tributaries are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

Stat. Auth.: ORS 537
Stats. Implemented: ORS 537.249 & ORS 537.356
Hist.: WRD 8-1996, f. & cert. ef. 11-14-96

690-504-0150**Eightmile Creek Subbasin Reservation**

Four thousand (4,000) acre-feet of unappropriated water of Eightmile Creek or its tributaries upstream of the confluence of Pine Hollow with Eightmile Creek are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

Stat. Auth.: ORS 537
Stats. Implemented: ORS 537.249 & ORS 537.356
Hist.: WRD 8-1996, f. & cert. ef. 11-14-96

690-504-0160

Fifteenmile Creek Subbasin Reservation

Unappropriated water in the Fifteenmile Creek subbasin is reserved as follows:

(1) Five thousand (5,000) acre-feet of unappropriated water of Fifteenmile Creek or its tributaries upstream of the City of Dufur water supply reservoir are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

(2) Three thousand five hundred (3,500) acre-feet of unappropriated water of Larch Creek or its tributaries are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

Stat. Auth.: ORS 537

Stats. Implemented: ORS 537.249 & ORS 537.356

Hist.: WRD 8-1996, f. & cert. ef. 11-14-96