

# Water Resources Commission Meeting Feb. 25, 2016



## AGENDA ITEM B: RESERVATIONS RULEMAKINGS

**RACQUEL RANCIER, SENIOR POLICY COORDINATOR**

# Overview of Rulemakings



**Div. 79**  
**Temporary Rules**

**November 2015**

**Process for  
Extending Burnt  
River**

**Div. 509**  
**Permanent Rules**

**February 2016**

**Extension of  
Burnt River  
Reservations**

**Div. 79**  
**Permanent Rules**

**April 2016**

**Process for  
Extending Future  
Reservations**

# Overview of Actions for Today



**Div. 79  
Temporary Rules**

**Complete**

**Process for  
Extending Burnt  
River**

**Div. 509  
Permanent Rules**

**Consider  
Adoption Today**


**Extension of  
Burnt River  
Reservations**

**Div. 79  
Permanent Rules**

**Public Hearing  
Later Today**

**Process for  
Extending Future  
Reservations**

# Overview

- 
- Reservations context
  - Comparison of the Temporary and Permanent Division 79 Rules
  - Review of the Burnt River Reservation Extension Requests
  - Consideration of adoption of Division 509 Rules



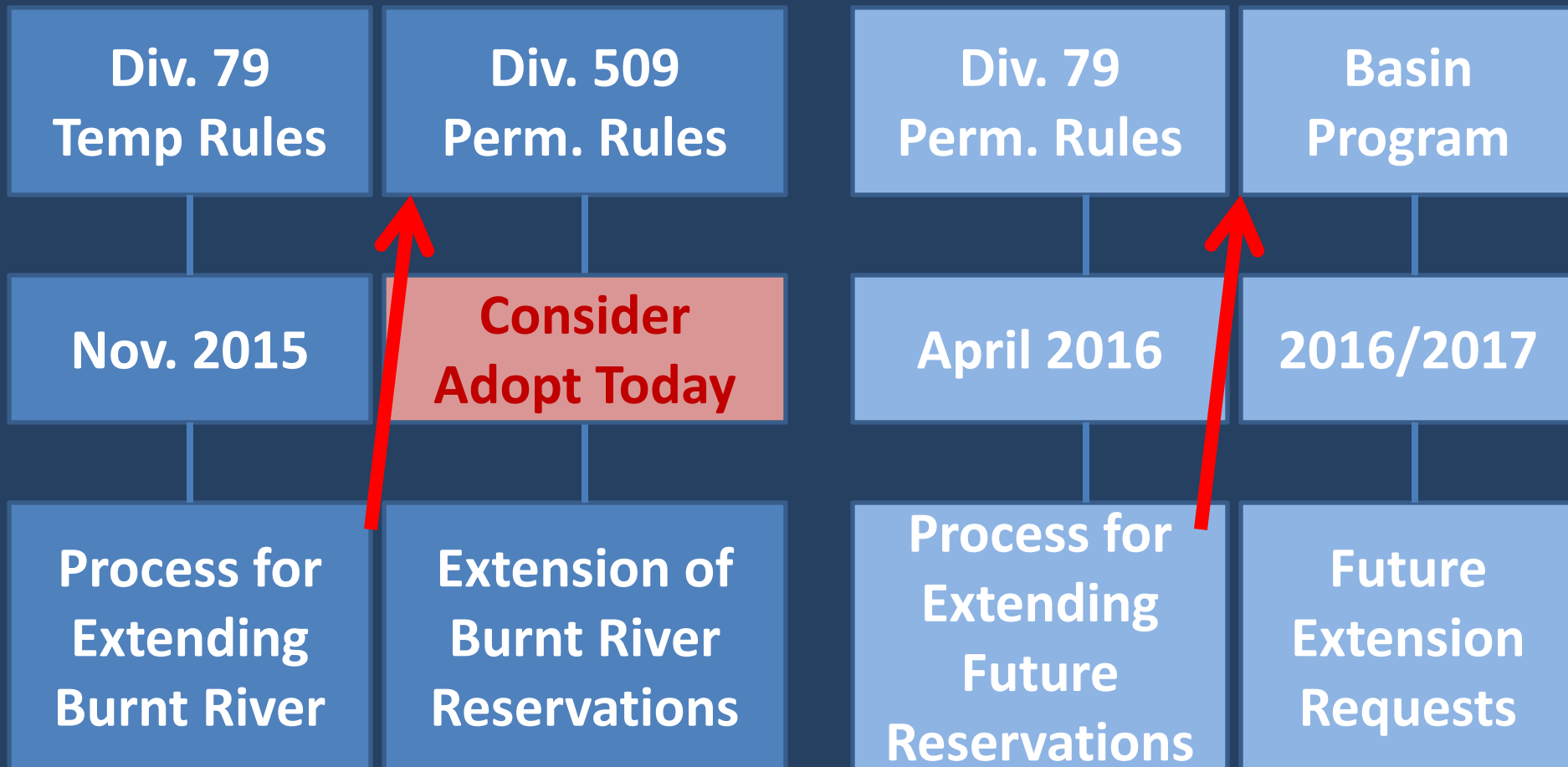
# What Is a Reservation of Water for Future Economic Development?



- Sets aside a quantity of water for storage to meet future needs
  - Taken out of water availability
- Not a water right.
- Must apply to use the water.
  - Typical permitting procedures
  - Additional step: consult with ODFW and ODEQ

# Overview of Reservations

- Division 79 = Process
- Basin Programs = Extensions



# Existing Reservations in Basin Program Rules



	Admin basins
<b>Water Reservations</b>	
<b>Hood basin:</b>	
	West Fork Hood River Subbasin Reservation
	Neal Creek Subbasin Reservation
	East Fork Hood River Subbasin Reservation
	Mosier Creek Subbasin Reservation
	Eightmile Creek Subbasin Reservation
	Fifteenmile Creek Subbasin Reservation-Fifteenmile Creek, above Dufur water supply reservoir
	Fifteenmile Creek Subbasin Reservation-Larch Creek
<b>Grande Ronde basin:</b>	
	Upper Grande Ronde Subbasin Reservation-Meadow Creek
	Upper Grande Ronde Subbasin Reservation-Grande Ronde River, above river mile 184
	Middle Grande Ronde Subbasin Reservation-Catherine Creek, above Ames Creek
<b>Powder basin:</b>	
	Powder Reservation-Powder River, above Thief Valley Dam and below Blue Canyon Creek
	Eagle Creek Reservation
	Powder Reservation-Goose Creek
	Powder Reservation-Powder River, below Blue Canyon Creek
	Pine Creek Reservation
	North Fork Burnt River Reservation
	South Fork Burnt River Reservation
	Burnt River Reservation
<b>Malheur basin:</b>	
	Malheur Reservation-Malheur River, excluding the North and South Fork Malheur Rivers
	Malheur Reservation-South Fork Malheur River
<b>Owyhee basin:</b>	
	Owyhee Reservation

## Division 79



- Establishes procedures to consider new reservations and extension requests.
- Last updated 1992/1993
  - Does not account for more recent statutory changes (1995/1997)
- Rulemaking for permanent rules for extensions
  - New reservation requests not included



# Temporary vs Permanent Rules



## Comparison

- Allows extensions up to 20 years.
- Extensions retain priority dates of original reservation.
- Same notice, hearing, public comment requirements.
- Not specified in Temp, but WRC is required to make decisions consistent with ORS 536.310.
- Perm: Streamlined information requirements.

# Burnt River Reservation Extension Applications



- Burnt River Subbasin, North Fork Burnt River, and South Fork Burnt River set to expire March 8
- Received applications from Oregon Department of Agriculture for extension
  - Applications demonstrate continued need.
  - Department review finds consistent with ORS 536.220 and ORS 536.310.

# Division 509 – Powder Basin Program Rules



- Contains the sunset date (March 8, 2016) for reservations in three sub-basins.
- Proposed rules would:
  - extend sunsets 20 years,
  - modify reporting requirements,
  - clarify that reservations are allowable / classified uses,
  - and address inconsistencies in terminology.

# Division 509 Rulemaking Process



- Convened Rules Advisory Committee
- Noticed in January
- Held two hearings; took eight verbal comments (+)
- Received five written sets of comments (±)



# Division 509 Alternative



- 1. Adopt the proposed rules in Attachment 6.**
- 2. Adopt the proposed rules as modified by the Commission.**
- 3. Not adopt the rules and provide the Department with further direction.**

# Division 509 Alternative



- 1. Adopt the proposed rules in Attachment 6.**
2. Adopt the proposed rules as modified by the Commission.
3. Not adopt the rules and provide the Department with further direction.

**Thank You**

