

DIVISION 79

RESERVATIONS OF WATER FOR FUTURE

ECONOMIC DEVELOPMENT

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) This Division also establishes ~~temporary~~ procedures to consider applications to extend reservations **established in basin program rules** as provided in OAR 690-079-0160. ~~Except as provided in OAR 690-079-0160, OAR 690-079-00210 to 0150 do not apply to requests for extensions of reservations received by the Department in September 2015,~~ which were originally established **in basin program rules** pursuant to ORS 537.249 **or ORS 537.356.**

690-079-0160

Extension of Reservations ~~Requests Received in September 2015~~

- (1) This section ~~was adopted by temporary rulemaking to~~ establishes a process ~~to consider pending applications submitted in September 2015~~ to ~~consider~~ extending reservations ~~established in basin program rules pursuant to ORS 537.249 or 537.356 established under ORS 537.249 that are set to expire in March 2016 that are set to expire unless extended in rule by the Water Resources Commission.~~
- (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,~~ established in basin program rules 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 690-079-0106~~70~~.
- ~~(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)~~ (5) 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 Department of Fish and Wildlife, Oregon Parks and Recreation Department, and Business Oregon. The public comment period shall be no less than 30 days.
- ~~(7)~~ (6) In considering an application to extend a reservation, the Commission shall review information in the application, comments received, and information and recommendations provided by the Department. The Commission may extend the reservation up to 20 years unless the Commission determines the reservation is no longer consistent with ORS 536.310 or with rules of the Commission. The Commission may modify the reservation or include conditions as necessary for the reservation to remain consistent with ORS 536.310 and the purpose of reserving water for future economic development.

690-079-0170 Information Requirements

Requests to extend reservations of water for future economic development shall include the following information:

(1) Requestor name and address;

(2) Description of the existing reservation and applicable rule reference;

(3) Discussion of the continued current and future need for the reservation;

(4) Description of actions taken to advance development of the reservation;

(5) Discussion of challenges to developing the reservation;

(6) Description of actions that will need to be undertaken in the future in order to develop the reservation;

(7) Information on how the proposal is compatible with overall basin program goals and policies;

(8) Identification of affected local governments

(9) Copies of letters notifying each local government of the intent to file an extension request that includes a description of the reservation and statement that an opportunity to provide comment will be provided at a future date;

(10) Description of expected economic benefits;

(11) Information on whether the reservation exists above or within a Scenic Waterway;

(12) Statement that explains how the reservation and proposed water use(s) will promote the beneficial use of the water without waste.