



PREVIEW OF UPCOMING RULEMAKING

**Divisions 300, 310, 500,
54, 86 and 87**

Dwight French, Water Right Services Division Administrator
Machelle Bamberger, Division Rules Coordinator

PREVIEW OF UPCOMING RULEMAKING

Divisions **300, 310, 500,**
54, 86 and 87

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DIVISION 310

Water Rights

Application

Processing

Application for a Permit to Use
Ground Water



Oregon Water Resources Department
1225 Lancaster St. NE, Suite A
Salem, Oregon 97301-2204
(503) 946-5900
www.oregon.gov

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information		5/14/15
NAME	<u>Arlene I. Dietz</u>	DATE
ADDRESS	<u>33622 McKenzie View Dr Eugene, OR 97403</u>	
CITY	<u>Eugene</u>	
STATE	<u>OR</u>	
COUNTY	<u>DeKalb</u>	
PHONE		
FAX		
EMAIL	<u>adietz@aol.com</u>	

Agent Information - The agent is authorized to represent the applicant in all matters relating to this application		
NAME	<u>Rice Farms LLC</u>	PHONE
ADDRESS		
CITY		
STATE		
COUNTY		
PHONE		
FAX		
EMAIL		

*Note: Attach multiple copies as needed.
*If providing an e-mail address, applicant is given to receive all correspondence from the department. Paper copies of the final order documents will also be mailed.

By my signature below I declare that I understand:
 • I am asking to use water specifically as described in this application.
 • Evaluation of this application will be based on information provided in this application.
 • I cannot use water lightly until the Water Resources Department issues a permit.
 • Oregon law requires that a permit be issued before beginning construction of any pump and in some cases a permit will be issued before water is used.
 • Development of the water use is not according to the terms of the permit, the permit is void.
 • The water use must be compatible with local comprehensive land-use plans.
 • Even if the Department issues a permit, I may have to stop using water to allow water to get water to which they are entitled.

I (we) affirm that the information contained in this application is true and accurate.
Arlene I. Dietz Dietz Rice Farms LLC
 Signature Applicant Name (Name and Title) Applicant

DATE: 5/14/15



May 8, 2015

ARLENE DIETZ
RICE FARMS LLC
33622 MCKENZIE VIEW DR
EUGENE, OR 97403

Reference File G-17981

THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE AT THE NEXT PHASE OF

This letter is to inform you of the preliminary analysis of your water-use permit to describe your options, in determining whether an application may be approved. Department must consider the factors listed below, all of which must be favorably proposed and if it is to be allowed. Based on the information you have supplied, the Resources Department has made the following preliminary determination:

- Initial Review Determination:**
- The application proposed the appropriation of 0.33 cubic feet per second from Well 1 (LANE 11359) in McKenzie River Basin for irrigation of 27.0 acres through October 31 of each year.
 - The proposed use is not prohibited by law or rule except where otherwise stated.
 - The appropriation of water from Well 1 (LANE 11359) in McKenzie River Basin for irrigation is allowable under the Willamette Basin Program (OAR 690-500-0000).
 - Ground water will likely be available within the capacity of the resource, a proposed use of ground water will avoid injury to existing ground water.
 - The Department has determined, based upon OAR 690-009, that the proposed water use will have the potential for substantial interference with McKenzie River Basin, in accordance with OAR 690-009-0101 (WABD), surface water must also be considered.
- Surface water is available October 1 through June 30 of each year. Snow available for the entire period requested, the proposed use is not allowable according to the Oregon Plan for Salmon & Watersheds.

Oregon Water Resources Department Water Right Services Division

Water Rights Application Number: G-17981

Prior to the issuance of a permit, the Department must permit recording fees in the amount of \$352.00. Please the application number on a check made out to the Oregon Resources Department.

Proposed Final Order

Summary of Recommendation: The Department recommends the draft permit be issued with conditions.

- Findings of Fact**
- On January 9, 2015, Arlene Dietz/Rice Farms LLC application to the Department for the following water:
 - Amount of Water: 0.33 cubic foot per second (CF)
 - Use of Water: Irrigation of 27.0 acres
 - Source of Water: Well 1 (LANE 11359) in McKenzie River Basin
 - Area of Proposed Use: Lane County within Section 17 South, Range 3 West, W.R.
 - On May 8, 2015, the Department mailed the applicant Initial Review, determining that "...the appropriation of water from Well 1 (LANE 11359) in McKenzie River Basin for irrigation of 27.0 acres is allowable, pending completion of underlying Certificate 2381". The Department notified the Department to stop processing the application as of that date.
 - On May 12, 2015, the Department gave public notice of this water right. The public notice request for comments, and information for interested parties to obtain future reviews and a copy of the Proposed Final Order were received within 30 days.
 - The lands proposed under this application are covered water right evidenced by Certificate 2381. The supplemental irrigation is allowable under this application.
 - On February 27, 2015, the applicant submitted a strategic conservation with Bureau of Reclamation contract for the release of up to 67.5 acre-feet (AF) of water for mitigation for the proposed use of water in the Bar. OAR 690-502-0240, the department finds this acceptable.

In reviewing applications, the Department may consider sources of information, including the following:
1

THP

Oregon Water Resources Department Water Right Services Division

Water Rights Application Number G-17981

Final Order

Apposal Rights
This is a Final Order in other than contested case. This order is subject to judicial review under ORS 181.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 181.484(2). Pursuant to ORS 516.075 and ORS 137-004-2000 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 10 days following the date the petition was filed, the petition shall be deemed denied.

This statement of judicial review rights does not create a right to judicial review of this order. If judicial review is otherwise precluded by law, where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

- Findings of Fact**
- On January 9, 2015, Arlene Dietz/Rice Farms LLC submitted an application to the Department for a water use permit.
 - The Department issued a Proposed Final Order on January 17, 2015.
 - The protest period closed March 3, 2017, and no protest was filed.

Conclusions of Law
1. The proposed use would not impair or be detrimental to the public welfare, safety and health pursuant to ORS 537.621(2).

Order
Application G-17981 therefore is approved as described in the Proposed Final Order, and permit G-17981 is issued as limited by the conditions therein.

DATED May 8, 2015
Timothy Wallin
 Timothy Wallin, Water Rights Program Manager
 for Thomas H. Byler, Director

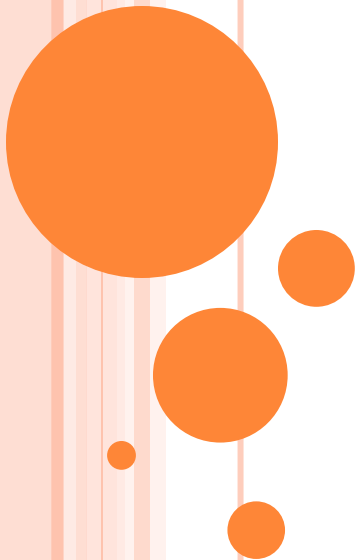
DIVISION 310 IMPROVEMENTS

- ❑ Allow settlement of protests without a contested case hearing.**
- ❑ Several Internal Management Directive's (IMDs) need conversion to rule.**
- ❑ Updates for corrections and clarifications.**



DIVISION 300 AND 500

Definitions



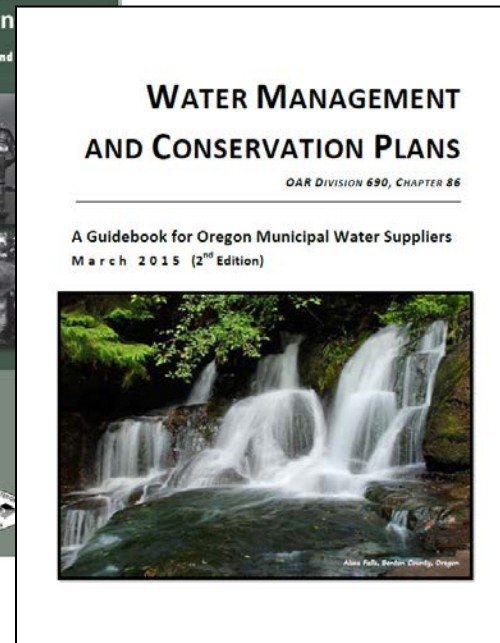
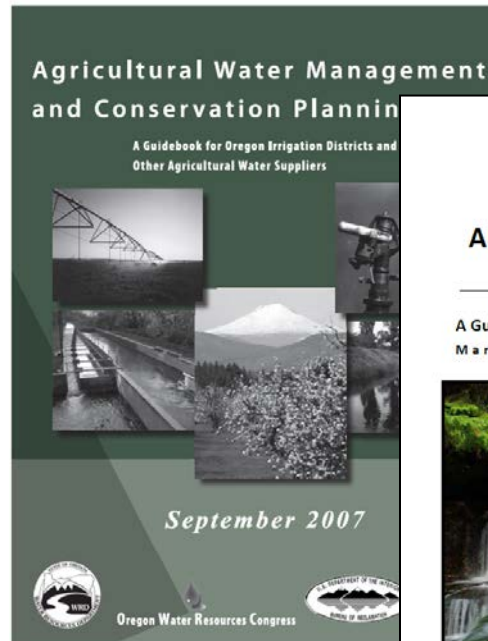
DIVISION 300 AND 500

- ❑ Water right application process uses definitions from Division 300.**
- ❑ Basin program rules uses definitions from 500.**
- ❑ Combine and add definitions.**



DIVISION 86

Water Management and Conservation Plans



DIVISION 86

WHO'S REQUIRED TO HAVE A WMCP?

- **Municipal Water Suppliers are required to have a current WMCP on file with the Department for any of the following:**
 - **A condition of a Final Order approving a previous WMCP;**
 - **A condition of a Final Order approving an Extension of Time**
 - **A condition of a Final Order approving a new water right.**



DIVISION 86: WMCP ELEMENTS

- ❑ **Water Supplier Description**
- ❑ **Water Conservation Element**
- ❑ **Water Curtailment / Allocation Element**
- ❑ **Water Supply Element**



DIVISION 86: WMPC LITE

How will this rulemaking help?

- ❑ Encourage small water suppliers to participate by:
 - Developing size-appropriate criteria for suppliers serving less than 1,000 people or with fewer than 300 service connections

- ❑ Continue to ensure that:
 - Water is being used responsibly;
 - Emergency plans are in place; and
 - Water rights & diversion limits are fully understood by users



DIVISION 86: WMPC LITE

- ❑ Streamline WMCP process for small suppliers **not** requesting permission to use additional water under their permit
 - ❑ Reduce requirements under the Water Supplier Description and the Water Supply Elements
 - ❑ Alter requirements under the Water Conservation Element

Note: No changes are proposed for the Water Curtailment Element





NEW DIVISION: 87

**Reclaimed Municipal
Water**

WHAT IS “RECLAIMED WATER?”

ORS 537.131

- ❑ **First used for municipal use.**
- ❑ **Then treated.**
- ❑ **Suitable for beneficial use**
- ❑ **Exempt for agricultural use under certain conditions.**



CURRENT STATUS OF PROGRAM

- ❑ 100 Registrations have been filed
- ❑ 30 are current



DIVISION 87: RECLAIMED WATER

- Sets standards for the registration process including:**
 - Registration**
 - Map**
 - Exemption requirements**
 - Renewal**
 - Protection for existing water rights**
 - Restrictions on reclaimed water rights.**



NEW DIVISION: 54

Converting Hydroelectric water right to an Instream Right



CONVERSION OF HYDRO TO ISWR

- ❑ **ORS 543A.305 provides that up to the full amount of a hydroelectric water right should be converted**
- ❑ **The Department may include mitigation measures**
- ❑ **Define procedures and standards for the conversion**



QUESTIONS?

