:D FORM 1, 425a 1v, 10-1-87 Corrected Copy

CERTIFICATE AND ORDER FOR FILING

PERMANENTADMINISTRATIVE RULES WITH THE SECRETARY OF STATE

I HEREBY CERTIFY that the	attached copy is a true, full and correct copy of	PERMANENT rule(s) adopted	on June 21, 1990			
Water Resourc	ces Commission		(Date	:)		
the(Department)		Division)	2			
become effective <u>August 8</u> ,	1990					
The within matter having cor	ne before the <u>Water Resources</u> (Department)	Commission	(Division)	after		
procedures having been in the require	ed form and conducted in accordance with appli	cable statutes and rules and b	eing fully advised in the premise	2S :		
Notice of Intended Action put	blished in Secretary of State's Bulletin: NO 🗆	YES 🔯 Date Publish	ed: <u>April 15, 1</u> 9	990		
NOW THEREFORE, IT IS HEF	REBY ORDERED THAT the following action be ta	ken: (List Rule Number(s	or Rule Title(s) on Appropriate	Lines Below)		
opted: ew Total Rules)	OAR Chapter 690, Division 10-053, 054, 070, Division 15-057, Division 60					
	Compliance with Statew Plans, and Coordination		ls, Compatibility	y with Comprehensive		
nended: xisting Rules)	Title of OAR 690-76, Division 15-060, 080, I					
pealec. Ital Rules Only)						
MOTHINISTIATIVE DUTES OF THE	ater Resources Department		Resource Managi	ement Division		
0.11	day ofAugust, 1		,			
		By: Willeam Title: Director	(Authorized Signer)	>		
tutory Authority: ORS197	180, 536.027			or		
apter(s)				, Oregon Laws 19 or		
use Bill(s)	, 19Legislature; o	or Senate Bill(s)		19 Legislature		
cordination Program procedures for achieved deed comprehensive pation procedures specially information special ground was a critical	nd amended rules establis pursuant to ORS 197.180. ing compliance with State plans. Amendments to sev cific to individual Deparn 77 would establish a 20 ubmittal requirements. A ater area proceedings.	OAR Chapter 690 wide Planning Go eral other rule tment programs a year extendable mendments to Div), Division 60 es bals and Compatib divisions establ affecting land us e term for water vision 10 establi	tablished general ility with acknow-ish land use coordiee. In addition, reservations and sh new processes		
r Further Information Contact: R	ick Bastasch or Roberta J		Phon	e: <u>378-3671</u>		

Amended: OAR Chapter 690, Division 51-010, 060, 070, 100, 120, 260, Division 76, 010, 018, 020, 030, Division 77-010, 020, 025, 045, 075, 200, Division 82-020, 030, 040, 050, Division 90-010, 020, 025, Division 100,010, 020, 025.

Corrected

CERTIFICATE AND ORDER FOR FILING

PERMANENT

ADMINISTRATIVE RULES WITH THE SECRETARY OF STATE

I HEREBY CERTIFY that the	attached copy is a true, full and correct copy of PERMANENT rule(s) adopted on	June 21, 1990
Water Resource	s Commission	(Oate)
by the(Department)	Drvision)	
to become effective August 8,	·	
(Date)		
The within matter having cor	ne before the Water Resources Commission (Department)	(Division)after
all propedures begins been in the require	, , ,	· ,
	ed form and conducted in accordance with applicable statutes and rules and bein	
Notice of Intended Action pu		April 15, 1990
NOW THEREFORE, IT IS HEF	REBY ORDERED THAT the following action be taken: (List Rule Number(s) o	r Rule Title(s) on Appropriate Lines Below)
Adopted: (New Total Rules)	OAR Chapter 690, Division 10-053, 054, Compliance with Statewide Planning Goals Plans, and Coordination on Land Use.	70, Division 15-057, Division 60, Compatibility with Comprehensive
Amended: (Existing Rules)	OAR Chapter 690, Division 10-050, Division 15-060, 080, Division 18-020, 0	on 11-010, 020, 030, 040, 080, 40, 050, 070, 090. (see attached sheet)
Reprinted Les Only)		
to recommendate trains or the	er Resources Department Re Department) day ofAugust	esource Management Division (Division)
ornes unsstr	By: William	N. Jourg (Authors ted Signer)
	_{Title:} Director	
	Title:	· · · · · · · · · · · · · · · · · · ·
Statutory Authority: ORS197.18	0, 536.027	or
:hapter(s)		, Oregon Laws 19 or
louse Bill(s)	, 19Legislature; or Senate Bill(s)	, 19 Legislature
pordination Program procedures for achieving knowledged comprehense coordination proceduition, amendments to and specify info	d amended rules establish the Water Resour ursuant to ORS 197.180. OAR Chapter 690, ng compliance with Statewide Planning Goa sive plans. Amendments to several other dures specific to individual Department po o Division 77 would establish a 20 year ex rmation submittal requirements. Amendmen ground water area proceedings.	Division 60 established general ls and Compatibility with rule divisions establish land rograms affecting land use. In ktendable term for water reserva-
or Further Information Contact: Ric	k Bastasch or Roberta Jortner (Rule Coordinator)	Phone: 378-3671

SED FORM No. 425a Rev. 10-1-87

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CERTIFICATE AND ORDER FOR FILING

PERMANENTADMINISTRATIVE RULES WITH THE SECRETARY OF STATE

									ne 21, 199	n	
I	HEREBY C	ERTIFY tha	t the atta	ched copy is	a true, full and cor	rect copy of PERI	MANENT rule(s) adop	ted onOut	(Date)		· · · · · · · · · · · · · · · · · · ·
by the	Water			Commiss	ion		Division)				
		(Department Augus t		1990			DIVISION				
to become e	effective	(Date		<u> 1330 </u>							
7	The within r	natter havir	ng come	before the	Water Res	sources Co	ommission	(Division	n)		after
all procedure	es having b	een in the r	equired f	orm and con	ducted in accordan	ce with applicable	statutes and rules an	nd being fully adv	ised in the premise:	s:	
•	Notice of In	tended Acti	on publis	hed in Secre	tary of State's Bull	etin: NO 🗆	YES 🔯 🛮 Date Put	olished: <u>Apr</u>	il 15, 199	0	
1	NOW THER	EFORE, IT I	S HEREE	Y ORDERED	THAT the following	g action be taken:	(List Rule Number	er(s) or Rule Title	(s) on Appropriate	Lines Below)	
Adopted: (New Total Rules)			OAR _	Chapter	690, Div	ision 10-0)53, 054, 07	70, Divis	ion 60 Com	pliance wi	th
(Now York Names)					lanning Good		oatibility v	with Comp	rehensive	Plans, and	1
Amended: (Existing Rules)							050, Divisi	on 11-010	, 030, 040	, 080, Div	/ision
,		-	15-0	57 , 060	, 080, Di	vision 18	-020, 040,	<u>050, 070,</u>	090. (see	attached	sheet)
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as Administr	rative Rules	of the		r Resou	rces Depa	rtment		(Division)	rce Manage	ment bivi	5 1011
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						By:	Wille	an h	orized Signer)	19	
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Statutory Au	uthority: OR	s <u>19</u>	7.180	, 536.0)27						or
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House Bill(s	s)				, 19	_Legislature; or	Senate Bill(s)			, 19	Legislature
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For Further	Information	n Contact:_	Rick	Bastas	ch and Rot	perta Jort	ner		Phon	e: <u>3/8-36/</u>	<u> </u>

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LEG. COUNCE	PERMANENT ADMINISTRATIVE RULES WITH THE SECRETARY OF STATE	SECRETARY OF STATE				
I HEREBY CERTIFY that the a	ttached copy is a true, full and correct copy of PERMANENT rule(s) adopted onJune_21,_19	990				
Water Resources		(Date)				
to become effective August 8,	Division) 1990					
The within matter having com	before the Water Resources Commission (Department) (Division)	after				
all procedures having been in the required	d form and conducted in accordance with applicable statutes and rules and being fully advised in the p					
	lished in Secretary of State's Bulletin: NO 🗆 YES 🔯 Date Published: April 15,					
NOW THEREFORE, IT IS HER	EBY ORDERED THAT the following action be taken: (List Rule Number(s) or Rule Title(s) on Appro	opriate Lines Below)				
Adopted: New Total Rules)						
Amended: 'Existing Rules)	104 (MANIAP MAIL 1977) SIAN HIZHALL (MAS 1974 1977) HIVESTAN HIZHALL HA					
Repealed:	(see attached page)					
Total Rules Only)	·					
as Administrative Rules of the Wate	er Resources Department Resource Mai	nagement Division				
DATED this <u>8th</u>	day ofAugust, 1990 By:					
	By:(Authorized Signer)					
	Title: Deputy Director					
107 100) F26 027					
Statutory Authority: ORS197.180						
	, 19Legislature; or Senate Bill(s)					
oordination Program procedures for achievicknowledged comprehense pordination procede ion, amendments teservations and speciew processes for crit	and amended rules establish the Water Resources Depart pursuant to ORS 197.180. OAR Chapter 690, Division 6 ing compliance with Statewide Planning Goals and Compusive plans. Amendments to several other rule divisicedures specific to individual Department programs affor Division 77 would establish a 20 year extendable to information submittal requirements. Amendments to tical ground water area proceedings.	O establishes general atibility with ons establish land ecting land use. In erm for water o Division 10 establish				
For Further Information Contact: Ric	ck Bastasch and Roberta Jortner	Phone: 3/8-36/1				

(Rule Coordinator)

OREGON ADMINISTRATIVE RULES

CHAPTER 690, DIVISION 10

PROPOSED RULES FOR THE INITIATION OF PROCEEDING FOR DETERMINATION OF A CRITICAL GROUND WATER AREA

NOTIFICATION

690-10-050 (1) A proceeding for the determination of a critical ground water area shall be initiated by a Notification from the Water Resources Director.

(2) The Notification shall include:

- (a) A description of the proposed exterior boundaries of the area for which the proceeding is initiated, referenced to the U.S. Public Lands Survey.
- (b) Citation to the specific statutory provision or provisions under which the proceeding is brought.
- (c) The preliminary findings indicating why the area described may be a critical ground water area.
- (d) A general description of the nature of the ground water reservoir which is the subject of the determination.
- (e) The effective date and duration of the Notification. In no case shall the Notification have a duration greater than 270 days.
- (f) A statement concerning applications in the area and reservoir in question which were filed in the Water Resources Department prior to the effective date of the Notification, but which had not received permits prior to that date. Such statement shall explain the applicants' options which include:
- (A) Withdrawal of the application with refund of any submitted recording fees; or
- (B) Requesting deferral of action on the application until a determination of a critical ground water area; or
- (C) Requesting a hearing on the application with the understanding that permit denial will result in rejection of the application. Failure to request a specific option will result in the department taking no action on the application until the Commission takes action on the area in question.
- (g) A statement concerning applications in the area and reservoir in question which are submitted on or after the effective date of the Notification. The statement shall explain the applicants' options which include:
- (A) Withdrawing the application with refund of all related fees; or
- (B) Requesting deferral of permit action until a determination of a critical ground water area; or
- (C) Requesting a hearing on the application with the understanding that permit denial will result in rejection of the application. Failure to request a specific option will result in the department taking no action on the application until the Commission takes action on the area in question.

- (h) Upon receipt of a request for hearing under subsection (2)(f) or (g) of this rule, the Director shall schedule and conduct the hearing.
 - (3) The Notification shall be distributed by:
- (a) Publication at least once each week for two consecutive weeks in a newspaper having general circulation in the area in question.
- (b) Mailing by regular or certified mail to each legal claimant or appropriator of ground water in the area in question.
- (c) Mailing by regular or certified mail to each applicant for a permit to appropriate water from the ground water reservoir and area in question.
- (d) Mailing by regular or certified mail to the governing body and planning department(s) of the affected local governments within which all or part of the area in question is located.
- (e) Mailing by regular or certified mail to each licensed water well constructor in the State of Oregon.
- (f) Mailing by regular or certified mail to the state legislative delegates representing the people of the area in question.
- (4) The Notification initiating a proceeding for determination of a critical ground water area shall be recorded in the Special Order Record of the Water Resources Director.

PROCESS OPTIONS

- 690-10-053 Within 270 days of the issuance of Notification, the Commission shall:
- (1) Determine that a critical ground water area is not warranted and inform those parties who received the Notification of the Commission's determination; or
- (2) Conduct a public hearing to withdraw the ground water from further appropriation as authorized by ORS 536.410; and/or
- (3) Conduct a public hearing to amend the appropriate basin program to classify the ground water in question as authorized by ORS 536.310 and ORS 536.340; or
- (4) Complete sections 2 and/or 3 above and proceed at some future date with additional hearings necessary to fulfill the requirements of ORS 537.730 and issue a critical ground water area order; or
- (5) Conduct a public hearing and issue a critical ground water area order and/or adopt rules.

PUBLIC HEARING REQUIREMENTS

690-10-054 (1) At least one public hearing shall be held within or near the proposed critical ground water area.

(2) Notice of any hearing associated with critical ground water area proceedings shall be distributed as provided in OAR 690-010-050(3).

LOCAL GOVERNMENT COORDINATION

690-10-070 (1) Proceedings for the determination of a critical ground water area include Notification, rulemaking, the issuance or modification of an order, or other related activities.

- (2) The Director and Commission shall assure that proceedings for the determination of a critical ground water area meet the requirements established in OAR 690-05-045 (Standards for Goal Compliance and Compatibility with Comprehensive Plans). Further, the Commission shall:
- (a) Upon notification, request the planning director of affected local governments to submit applicable policies, provisions, or procedures from acknowledged comprehensive plans which address and provide guidance for mitigating ground water problems;
- (b) Accommodate comprehensive plans (i.e., areas of planned growth and priority land uses) to the extent possible within the physical constraints of the ground water resource and the Commission's responsibilities under ORS 537.525, in adopting rules or issuing orders to manage or control water use in established or potential critical ground water areas;
- (c) Instruct the planning directors of affected local governments how comprehensive plans, maps, ordinances, and/or land use approval procedures may need to be amended to:
- (A) Reflect the physical constraints of ground water resources in the critical area;
- (B) Ensure compliance with restrictions in the Notification, withdrawal order, classification, or critical ground water area order; and
- (C) Reduce the potential for future ground water problems within affected localities.
- (d) Consider how local government participation could enhance the effectiveness of managing the area.
- (e) Distribute the final critical ground water area rule and/or order to the county clerk and the planning director(s) of affected local governments.
- (3) In the event of a land use dispute, as defined in OAR-690-05-015 (Definitions), the Director and Commission shall follow procedures in OAR 690-05-040 (Resolution of Land Use Disputes).

OREGON ADMINISTRATIVE RULES

CHAPTER 690, DIVISION 10

PROPOSED RULES FOR THE INITIATION OF PROCEEDING FOR DETERMINATION OF A CRITICAL GROUND WATER AREA

(1) A proceeding for the determination of a critical ground water area shall be initiated by a Notification from the Water Resources Director.

(2) The Notification shall include:

(a) A description of the proposed exterior boundaries of the area for which the proceeding is initiated, referenced to the U.S. Public Lands Survey.

(b) Citation to the specific statutory provision or provisions

under which the proceeding is brought.

(c) The preliminary findings indicating why the area described may

be a critical ground water area.

(d) A general description of the nature of the ground water reservoir which is the subject of the determination.

(e) The effective date and duration of the Notification.

case shall the Notification have a duration greater than 270 days.

(f) A statement concerning applications in the area and reservoir in question which were filed in the Water Resources Department prior to the effective date of the Notification, but which had not received permits prior to that date. Such statement shall explain the applicants' options which include:

(A) Withdrawal of the application with refund of any submitted

recording fees; or

(B) Requesting deferral of action on the application until a

determination of a critical ground water area; or

(C) Requesting a hearing on the application with the understanding that permit denial will result in rejection of the application. Failure to request a specific option will result in the department taking no action on the application until the Commission takes action on the area in question.

(g) A statement concerning applications in the area and reservoir in question which are submitted on or after the effective date of the The statement shall explain the applicants' options Notification.

which include:

(A) Withdrawing the application with refund of all related fees; or

(B) Requesting deferral of permit action until a determination of

a critical ground water area; or

(C) Requesting a hearing on the application with the understanding that permit denial will result in rejection of the application. Failure to request a specific option will result in the department taking no action on the application until the Commission takes action on the area in question.

(h) Upon receipt of a request for hearing under subsection (2)(f) or (g) of this rule, the Director shall schedule and conduct the

hearing.

(3) The Notification shall be distributed by:

(a) Publication at least once each week for two consecutive weeks in a newspaper having general circulation in the area in question.

(b) Mailing by regular or certified mail to each legal claimant or

appropriator of ground water in the area in question.

- (c) Mailing by regular or certified mail to each applicant for a permit to appropriate water from the ground water reservoir and area in guestion.
- (d) Mailing by regular or certified mail to the governing body and planning department(s) of the affected local governments within which all or part of the area in question is located.

(e) Mailing by regular or certified mail to each licensed water

well constructor in the State of Oregon.

(f) Mailing by regular or certified mail to the state legislative delegates representing the people of the area in question.

(4) The Notification initiating a proceeding for determination of a critical ground water area shall be recorded in the Special Order Record of the Water Resources Director.

Within 270 days of the issuance of Notification, the 690-10-053 Commission shall:

- (1) Determine that a critical ground water area is not warranted inform those parties who received the Notification of the Commission's determination; or
- (2) Conduct a public hearing to withdraw the ground water from further appropriation as authorized by ORS 536.410; and/or

- (3) Conduct a public hearing to amend the appropriate basin program to classify the ground water in question as authorized by ORS 536.310 and ORS 536.340; or
- (4) Complete sections 2 and/or 3 above and proceed at some future date with additional hearings necessary to fulfill the requirements of ORS 537.730 and issue a critical ground water area order; or
- (5) Conduct a public hearing and issue a critical ground water area order and/or adopt rules.

(1) At least one public hearing shall be held within 690-10-054 or near the proposed critical ground water area.

- (2) Notice of any hearing associated with critical ground water proceedings shall be distributed as provided 690-010-050(3).
- (1) Proceedings for the determination of a critical 690-10-070 ground water area include Notification, rulemaking, the issuance or modification of an order, or other related activities.
- (2) The Director and Commission shall assure that proceedings for the determination of a critical ground water area meet the requirements established in OAR 690-60-045 (Standards for Goal Compliance and the Commission Further, Compatibility with Comprehensive Plans). shall:
- (a) Upon notification, request the planning director of affected local governments to submit applicable policies, provisions, or procedures from acknowledged comprehensive plans which address and

provide guidance for mitigating ground water problems;

(b) Accommodate comprehensive plans (i.e., areas of planned growth and priority land uses) to the extent possible within the physical constraints of the ground water resource and the Commission's responsibilities under ORS 537.525, in adopting rules or issuing orders to manage or control water use in established or potential critical ground water areas;

(c) Instruct the planning directors of affected local governments how comprehensive plans, maps, ordinances, and/or land use approval

procedures may need to be amended to:

(A) Reflect the physical constraints of ground water resources in the critical area;

- (B) Ensure compliance with restrictions in the Notification, withdrawal order, classification, or critical ground water area order;
- (C) Reduce the potential for future ground water problems within affected localities.

(d) Consider how local government participation could enhance the

effectiveness of managing the area.

(e) Distribute the final critical ground water area rule and/or order to the county clerk and the planning director(s) of affected local governments.

(3) In the event of a land use dispute, as defined in OAR-60-015 (Definitions), the Director and Commission shall follow procedures in OAR 690-60-040 (Resolution of Land Use Disputes).

OREGON ADMINISTRATIVE RULES CHAPTER 690, DIVISION 10

PROPOSED RULES FOR THE INITIATION OF PROCEEDING FOR DETERMINATION OF A CRITICAL GROUND WATER AREA

690-10-050 (1) A proceeding for the determination of a critical ground water area shall be initiated by a [Proclamation] Notification [of] from the Water Resources Director.

(2) The [Proclamation] Notification shall include:

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- (a) A description of the proposed exterior boundaries of the [critical ground water] area[,] for which the proceeding is initiated, referenced to the U.S. Public Lands Survey.
- (b) Citation to the specific statutory provision or provisions under which the proceeding is brought.
- (c) The preliminary findings indicating why the area described may be a critical ground water area.
- (d) A general description of the nature of the ground water reservoir which is the subject of the determination.
- (e) [A statement that no application for a permit to appropriate water from the ground water reservoir in question will be approved or denied prior to completion of the proceeding for determination of a critical ground water area.] The effective date and duration of the Notification. In no case shall the Notification have a duration greater than 270 days.
- (f) [The effective date of the Proclamation.] A statement concerning applications in the area and reservoir in question which were filed in the Water Resources Department prior to the effective date of the Notification, but which had not received permits prior to that date. Such statement shall explain the applicants' options which include (i) withdrawing the application h refund of any submitted recording fees, or (ii) requesting deferral of action on the application until a determination of a critical ground water

area, or (iii) requesting a hearing on the application with the understanding that permit denial will result in rejection of the application. Failure to request a specific option will result in the department taking no action on the application until the Commission takes action on the area in question.

REPRESENTATIONS

- (g) A statement concerning applications in the area and reservoir in question which are submitted on or after the effective date of the Notification. The statement shall explain the applicants' options which include (i) withdrawing the application with refund of all related fees, or (ii) requesting deferral of permit action until a determination of a critical ground water area, or (iii) requesting a hearing on the application with the understanding that permit denial will result in rejection of the application. Failure to request a specific option will result in the department taking no action on the application until the Commission takes action on the area in question.
- (h) Upon receipt of a request for hearing under OAR 690-10-50(2)(f) or (q), the Director shall schedule and conduct the hearing.
 - (3) The [Proclamation] Notification shall be [published] distributed by:
- (a) Publication at least once each week for two consecutive weeks in a newspaper having general circulation in the area in question.
- (b) Mailing by regular mail to each applicant [having a pending application] for a permit to appropriate water from the ground water reservoir and area in question.
- (c) Mailing by regular mail to the governing body of the county or counties within which the area in question is located.
- (d) Mailing by regular mail to the governing body of the incorporated city located within or adjacent to the area in question.
- (e) Mailing by regular mail to each licensed water well constructor licensed to construct wells in the State of Oregon.

- (f) Mailing by regular mail to the state legislative delegates representing the people of the area in question.
- (4) The [Proclamation] <u>Notification</u> initiating a proceeding for determination of a critical ground water area shall be recorded in the Special Order Record of the Water Resources Director.

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