

Corrected Copy

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 (Date)

the Water Resources Commission (Department) (Division)

become effective August 8, 1990 (Date)

The within matter having come before the Water Resources Commission (Department) (Division) after

procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises:

Notice of Intended Action published in Secretary of State's Bulletin: NO [ ] YES [x] Date Published: April 15, 1990

NOW THEREFORE, IT IS HEREBY ORDERED THAT the following action be taken: (List Rule Number(s) or Rule Title(s) on Appropriate Lines Below)

opted: OAR Chapter 690, Division 10-053, 054, 070, Division 15-057, Division 60 (New Total Rules) Compliance with Statewide Planning Goals, Compatibility with Comprehensive Plans, and Coordination on Land Use.

amended: Title of OAR 690-76, Division 10-050, Division 11-010, 020, 030, 040, 080, (Existing Rules) Division 15-060, 080, Division 18-020, 040, 050, 070, 090 (see attached list)

repealed: (Total Rules Only)

Administrative Rules of the Water Resources Department (Department) Resource Management Division (Division)

DATED this 8th day of August, 1990

By: William D. Young (Authorized Signer) Title: Director

Statutory Authority: ORS 197.180, 536.027 or

Chapter(s) Oregon Laws 19 or

House Bill(s) 19 Legislature; or Senate Bill(s) 19 Legislature

Subject Matter: These new and amended rules establish the Water Resources Department's State Agency Coordination Program pursuant to ORS 197.180. OAR Chapter 690, Division 60 established general procedures for achieving compliance with Statewide Planning Goals and Compatibility with acknowledged comprehensive plans. Amendments to several other rule divisions establish land use coordination procedures specific to individual Department programs affecting land use. In addition, amendments to Division 77 would establish a 20 year extendable term for water reservations and regulatory information submittal requirements. Amendments to Division 10 establish new processes for critical ground water area proceedings.

For Further Information Contact: Rick Bastasch or Roberta Jortner (Rule Coordinator) Phone: 378-3671

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  
Copy

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  
(Date)

by the Water Resources Commission  
(Department) (Division)

to become effective August 8, 1990  
(Date)

The within matter having come before the Water Resources Commission  
(Department) (Division) after

all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises:

Notice of Intended Action published in Secretary of State's Bulletin: NO  YES  Date Published: April 15, 1990

NOW THEREFORE, IT IS HEREBY ORDERED THAT the following action be taken: (List Rule Number(s) or Rule Title(s) on Appropriate Lines Below)

Adopted: OAR Chapter 690, Division 10-053, 054, 070, Division 15-057, Division 60  
(New Total Rules) Compliance with Statewide Planning Goals, Compatibility with Comprehensive Plans, and Coordination on Land Use.

Amended: OAR Chapter 690, Division 10-050, Division 11-010, 020, 030, 040, 080,  
(Existing Rules) Division 15-060, 080, Division 18-020, 040, 050, 070, 090. (see attached sheet)

Rep:  
Total (New Total Rules Only)

is Administrative Rules of the Water Resources Department Resource Management Division  
(Department) (Division)

DATED this 8th day of August, 19 90

By: William H. Young  
(Authorized Signer)  
Title: Director

Statutory Authority: ORS 197.180, 536.027 or

Chapter(s) \_\_\_\_\_, Oregon Laws 19 \_\_\_\_\_ or

House Bill(s) \_\_\_\_\_, 19 \_\_\_\_\_ Legislature; or Senate Bill(s) \_\_\_\_\_, 19 \_\_\_\_\_ Legislature

Subject Matter: These new and amended rules establish the Water Resource Department's State Agency Coordination Program pursuant to ORS 197.180. OAR Chapter 690, Division 60 established general procedures for achieving compliance with Statewide Planning Goals and Compatibility with knowledgeable comprehensive plans. Amendments to several other rule divisions establish land use coordination procedures specific to individual Department programs affecting land use. In addition, amendments to Division 77 would establish a 20 year extendable term for water reservation and specify information submittal requirements. Amendments to Division 10 establish new processes for critical ground water area proceedings.

For Further Information Contact: Rick Bastasch or Roberta Jortner Phone: 378-3671  
(Rule Coordinator)

*Corrected  
Copy*

**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  
(Date)

by the Water Resources Commission  
(Department) Division)

to become effective August 8, 1990  
(Date)

The within matter having come before the Water Resources Commission after  
(Department) (Division)

all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises:

Notice of Intended Action published in Secretary of State's Bulletin: NO  YES  Date Published: April 15, 1990

NOW THEREFORE, IT IS HEREBY ORDERED THAT the following action be taken: (List Rule Number(s) or Rule Title(s) on Appropriate Lines Below)

Adopted: OAR Chapter 690, Division 10-053, 054, 070, Division 60 Compliance with  
(New Total Rules) Statewide Planning Goals, Compatibility with Comprehensive Plans, and  
Coordination on Land Use.

Amended: OAR Chapter 690, Division 10-050, Division 11-010, 030, 040, 080, Division  
(Existing Rules) 15-057, 060, 080, Division 18-020, 040, 050, 070, 090. (see attached sheet)

Repealed: \_\_\_\_\_  
(Total Rules Only)

as Administrative Rules of the Water Resources Department Resource Management Division  
(Department) (Division)

DATED this 8th day of August, 19 90.

By: William H. Young  
(Authorized Signer)

Title: Director

Statutory Authority: ORS 197.180, 536.027 or

Chapter(s) \_\_\_\_\_, Oregon Laws 19 \_\_\_\_\_ or

House Bill(s) \_\_\_\_\_, 19 \_\_\_\_\_ Legislature; or Senate Bill(s) \_\_\_\_\_, 19 \_\_\_\_\_ Legislature

Subject Matter: These new and amended rules establish the Water Resource Department's State Agency Coordination Program pursuant to ORS 197.180. OAR Chapter 690, Division 60 established general procedures for achieving compliance with Statewide Planning Goals and Compatibility with acknowledged comprehensive plans. Amendments to several other rule divisions establish land use coordination procedures specific to individual Department programs affecting land use. In addition, amendments to Division 77 would establish a 20 year extendable term for water reservations and specify information submittal requirements. Amendments to Division 10 establish new processes for critical ground water area proceedings.

For Further Information Contact: Rick Bastasch and Roberta Jortner Phone: 378-3671  
(Rule Coordinator)



see 1990 summary

CERTIFICATE AND ORDER  
FOR FILING  
**PERMANENT**  
ADMINISTRATIVE RULES WITH THE SECRETARY OF STATE

RECEIVED  
AUG 8 3 33 PM '90  
DAVID...  
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  
(Date)

by the Water Resources Commission  
(Department) (Division)  
to become effective August 8, 1990  
(Date)

The within matter having come before the Water Resources Commission  
(Department) (Division) after

all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises:

Notice of Intended Action published in Secretary of State's Bulletin: NO  YES  Date Published: April 15, 1990

NOW THEREFORE, IT IS HEREBY ORDERED THAT the following action be taken: (List Rule Number(s) or Rule Title(s) on Appropriate Lines Below)

Adopted:  
New Total Rules) OAR Chapter 690, Division 60, Compliance with Statewide Planning Goals, Compatibility with Comprehensive Plans, and Coordination on Land Use Matters.

Amended:  
Existing Rules) OAR Chapter 690, Division 10-050, 053, 054, 070. Division 11-010, 030, 040, 080. Division 15-057, 060, 080. Division 18-020, 040, 050, 070, 090.  
(see attached page)

Repealed:  
Total Rules Only) \_\_\_\_\_

as Administrative Rules of the Water Resources Department Resource Management Division  
(Department) (Division)

DATED this 8th day of August, 1990

By: John C. Border  
(Authorized Signer)

Title: Deputy Director

Statutory Authority: ORS 197.180, 536.027 or

Chapter(s) \_\_\_\_\_, Oregon Laws 19 \_\_\_\_\_ or

House Bill(s) \_\_\_\_\_, 19 \_\_\_\_\_ Legislature; or Senate Bill(s) \_\_\_\_\_, 19 \_\_\_\_\_ Legislature

Subject Matter: These new and amended rules establish the Water Resources Department's State Agency Coordination Program pursuant to ORS 197.180. OAR Chapter 690, Division 60 establishes general procedures for achieving compliance with Statewide Planning Goals and Compatibility with acknowledged comprehensive plans. Amendments to several other rule divisions establish land use coordination procedures specific to individual Department programs affecting land use. In addition, amendments to Division 77 would establish a 20 year extendable term for water reservations and specify information submittal requirements. Amendments to Division 10 establish new processes for critical ground water area proceedings.

For Further Information Contact: Rick Bastasch and Roberta Jortner Phone: 378-3671  
(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

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.

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.

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).

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 690-60-045 (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-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:

(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.

(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 (g), 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] 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.

3411D

3663D