

JUN 04 3:52
U. OF STATE

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 3, 1994
(Date)

by WATER RESOURCES DEPARTMENT
(Department)

WATER RIGHTS/ADJUDICATION
(Division)

become effective UPON FILING
(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:

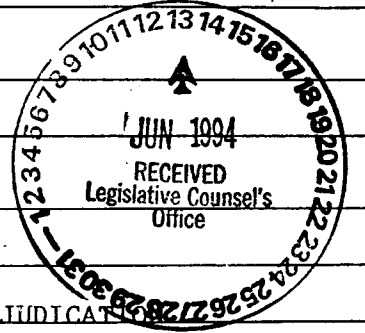
Notice of Intended Action published in Secretary of State's Bulletin: NO YES Date Published: MARCH 1, 1993

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

Numbered: Registration of Water Use for Road Maintenance and Construction
(Total Rules) OAR 690-11-047

Numbered: _____
(Pending Rules)

Numbered: _____
(Administrative Rules Only)



Administrative Rules of the WATER RESOURCES DEPARTMENT WATER RIGHTS/ADJUDICATION
(Department) (Division)

DATED this 10th day of June, 19 94

By: [Signature]
(Authorized Signer)

Title: Director

Statutory Authority: ORS 537.040 or

Number(s) 705 Oregon Laws 19 93 or

Senate Bill(s) 2970, 19 Legislature; or 93 Senate Bill(s) NA, 19 Legislature

Subject Matter: Amendment to OAR Chapter 690, Division 11 to implement ORS 537.040 to allow public agencies (e.g., Counties and State and Federal agencies with jurisdiction over public roads) to register water use for construction and maintenance of roads and highways. Sources of water and points of diversion are identified in the registration.

Further Information Contact: Beth Patrino Phone: 378-3739
(Rule Coordinator)

AMENDMENTS TO OAR CHAPTER 690, DIVISION 11

HB 2970

Registration of Water Use for Road Maintenance and Construction

690-11-047

(1) A request by a public agency to register water use for road and highway maintenance, construction and reconstruction shall be submitted on a form provided by the Water Resources Department and shall include at least the following:

- (a) The name and authorized agent of the public agency;
- (b) The address and telephone number of the agency's authorized agent;
- (c) If the source of water to be use for the agency's road maintenance or construction program,
 - (A) Is groundwater, attach copy of well log or description of the well,
 - (B) Is surface water, identify the name of the source and the stream or river the source is tributary to;
- (d) The maximum amount of water to be used during the calendar year in gallons or acre-feet;
- (e) The maximum amount of water to be used during any 24-hour period in gallons or acre-feet;
- (f) A map indicating the location(s) of the point(s) of diversion of water to be used for road maintenance or construction (the map shall be of sufficient scale to establish the location(s) of the point(s) of diversion to the nearest quarter section, township and range);
- (g) A fee in the amount of \$300 (more than one point of diversion may be identified per registration); and

(h) If water is obtained from a well, conveyance or storage facility that has a perfected or certificated water right,

(A) Provide the permit or certificate number or the court decree identification of the right, and

(B) Written authorization from the owner of the right that allows use of water from the well, conveyance or storage facility.

(2) The registrant may use either a county road map or a Water Resources Department basin map to indicate the location(s) of point(s) of diversion. Counties may submit one registration for all uses within the county. State-wide public agencies shall submit one registration for each of the agencies administrative units. (The Oregon Department of Transportation shall submit one registration for each of its Regions within which road construction or maintenance water is to be used.) Federal agencies with jurisdiction over roads/highways shall submit one registration for each of their administrative units.

(3) An Oregon Department of Fish and Wildlife "Requirements for Small Pump Screen", Self-Certification form shall accompany the registration form.

(4) As used in 690-11-047, public agency means:

(a) The State of Oregon or any agency of the State of Oregon;

(b) A county or a special road district of a county;

(c) A city, town or incorporated municipality; and

(d) Any federal agency that has jurisdiction over a roadway in this state.

(5) The registration is subject to the following terms:

(a) Water use authorized by the registration shall not have priority over any existing water right;

- (b) Water use authorized by the registration shall be subordinate to all future permitted or certificated water rights;
- (c) Water use authorized under the registration shall not exceed 50,000 gallons from a single source during any 24-hour period;
- (d) The registration shall be valid until the public agency voluntarily withdraws the registration or the public agency fails to file the annual renewal statement as required under OAR 690-11-047(5);
- (e) No person may construct any dam, reservoir or other impoundment facility to divert water ^{from} ~~from~~ within a designated scenic waterway; ✓
- (f) Under no circumstances may the registrant cause the water course to be dewatered to a degree that the live, continuous flow is obstructed;
- (g) The department may require the public agency to cease diversion of water at any time the director has reason to believe use of water under the registration is causing a significant adverse impact upon:
 - (A) The affected watershed; or
 - (B) Any existing water right; and
- (h) The registrant shall notify the watermaster for the district in which the water is to be diverted not fewer than 30 days nor more than 60 days prior to the date diversion under the registration is to be initiated. If the proposed diversion is within or above a designated scenic waterway, the registrant shall not withdraw water under the registration until the watermaster provides written findings that the proposed withdrawal will not interfere with the free-flowing character of the scenic waterway in quantities necessary for recreation, fish and wildlife uses.

(6) The registrant may authorize any person(s) to divert, transport or apply water under the registration; however, the registrant is responsible for the acts of such person(s) as authorized by the registration and these rules.

(7) The registrant shall provide copies of its registration form and map to the local office of the Oregon Department of Fish and Wildlife (ODFW) at least 30 days before water use under the registration is initiated. If sensitive, threatened or endangered aquatic species are present in the stream(s) proposed as a source(s) of water under the registration and such species may be adversely affected by withdrawal of water by the registrant, ODFW shall advise the watermaster to direct the registrant to withdraw water from an alternative location(s) or stream(s) where the proposed withdrawal will not cause significant adverse impact to the affected watershed.

(8) The public agency must submit an annual renewal statement on or before February 1 of each calendar year. The annual renewal statement shall be accompanied with a \$50 renewal fee and shall specify any change in:

- (a) The registrant's map;
- (b) The sources of water to be used;
- (c) The maximum amount of water to be used during the calendar year or during any 24-hour period; and
- (d) A map delineating any changes in the location(s) of point(s) of diversion.