

Secretary of State  
Certificate and Order for Filing  
**PERMANENT ADMINISTRATIVE RULES**

I certify that the attached copies\* are true, full and correct copies of the PERMANENT Rule(s) adopted on April 11, 2003 by the  
Date prior to or same as filing date.

Water Resources Commission  
Agency and Division

690  
Administrative Rules Chapter Number

Adam Sussman  
Rules Coordinator

(503) 378-8455, ext. 297  
Telephone

158 12<sup>th</sup> Street NE, Salem, OR 97310  
Address

to become effective May 1, 2003 Rulemaking Notice was published in the January 1, 2003 Oregon Bulletin.\*\*  
Date upon filing or later Month and Year

**RULEMAKING ACTION**  
List each rule number separately, 000-000-0000.

**ADOPT:**

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

See Attached

**AMEND:**

**REPEAL:**

Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

See Attached

Amend and Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

See Attached

Stat. Auth.: ORS 536.025 and 536.027

Other Authority:

Stats. Implemented: ORS 450.695, 536.050, 540.505 to 540.670

**RULE SUMMARY**

Under ORS 540.510, most changes in the place of use, point of diversion, or character of use of a water right may only be made after approval of the proposed change by the Water Resources Department. In determining whether to approve a proposed change, the Department must evaluate the effects of the change on other water rights and may not allow the change if it would result in injury to another water right. The Water Resources Commission adopted water right transfer rules under a new OAR Chapter 690, Division 380. These replace the rules that originally were in OAR Chapter 690, Division 15. The Department worked with a Rules Advisory Committee in developing the rules which clarify and streamline the transfer application process, and incorporate statutory changes enacted in 1999 and 2001.

Under these rules, the processing of water right transfer applications is changed. These rules modify the process to provide for a comment period on receipt of a transfer application. The Department would consider any comments received in making a preliminary determination of whether the application should be approved and, then, would provide a notice of the opportunity to protest the application and the Department's determination. Under the statutes and rules, the Department is required to initiate a contested case if a protest is filed.

The rules also incorporate water right cancellation proceedings into the transfer review process if protestants or the Department identify forfeiture for non-use as an issue. These rules combine the transfer and cancellation proceedings. However, the rules would not preclude individuals from filing affidavits alleging non-use and cancellation of a water right proposed for transfer outside of the protest period.

The rules also implement statutory changes from the 1999 and 2001 Legislative sessions. These changes include:

- SB 301 (1999) allowing transfer of a surface water right to ground water and substitution of a primary right for a supplemental right.
- HB 3356 (1999) allowing the Department to waive transfer fees and to assist in satisfying survey or final proof requirements for fish-friendly transfers.
- SB 644 (2001) allowing an expedited notice and waiting period for substitution of supplemental ground water right for primary water right during droughts and modifying procedures for irrigation district temporary transfers.
- SB 870 (2001) allowing water right holders to consent to injury and establishing procedures and requirements for the Department to consent to injury to instream water rights.

  
Authorized Signer

5/1/03  
Date

\*Copies include a photocopy of this certificate with paper copy of each rule listed in the Rulemaking Action.

\*\*The *Oregon Bulletin* is published on the 1<sup>st</sup> of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 p.m. on the 15<sup>th</sup> day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 p.m. on the preceding workday.

**ADOPT**

690-380-0090  
690-380-2000  
690-380-2200  
690-380-2260  
690-380-2300  
690-380-2330  
690-380-2340  
690-380-3050  
690-380-3400  
690-380-3410  
690-380-4000  
690-380-4010  
690-380-4200  
690-380-5030  
690-380-5040  
690-380-5050  
690-380-6050

**RENUMBER**

690-015-0020 to 690-380-3200  
690-015-0025 to 690-380-3220  
690-015-0075 to 690-380-5130  
690-015-0120 to 690-380-6040  
690-015-0310 to 690-380-8010  
690-015-0400 to 690-380-9000

**AMEND AND RENUMBER**

690-015-0001 to 690-380-0010  
690-015-0005 to 690-380-0100  
690-015-0010 to 690-380-2110  
690-015-0240 to 690-380-2120  
690-015-0210 to 690-380-2130  
690-015-0048 to 690-380-2250  
690-015-0030 to 690-380-2320  
690-015-0140 to 690-380-2410  
690-015-0150 to 690-380-2420  
690-015-0130 to 690-380-2430  
690-015-0060 to 690-380-3000  
690-015-0070 to 690-380-3100  
690-015-0080 to 690-380-4020  
690-015-0085 to 690-380-4030  
690-015-0050 to 690-380-5000  
690-015-0073 to 690-380-5060  
690-015-0057 to 690-380-5100  
690-015-0040 to 690-380-5110  
690-015-0045 to 690-380-5120  
690-015-0087 to 690-380-5140  
690-015-0090 to 690-380-6010  
690-015-0100 to 690-380-6020  
690-015-0110 to 690-380-6030  
690-015-0125 to 690-380-6060  
690-015-0300 to 690-380-8000  
690-015-0320 to 690-380-8020