

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

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AUG 10 3 08 PM '88

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of PERMANENT rule(s) adopted on August 5, 1988 STATE

RECEIVED

by the Water Resources Commission
(Department) (Division)

to become effective August 10, 1988
(Date)

RECEIVED

AUG 10 1988

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

LEGISLATIVE COUNSEL'S
OFFICE

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: June 1, 1988

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: Chapter 690, Division 16
(New Total Rules)

Amended: _____
(Existing Rules)

Repealed: Temporary Rules Chapter 690, Division
(Total Rules Only)

as Administrative Rules of the Water Resources Department Field Operations Division
(Department) (Division)

DATED this 10th day of August, 19 88

By: William H. Young
(Authorized Signer)

Title: Director, Water Resources Department

Statutory Authority: ORS _____ or

Chapter(s) 183, 536, 537, 540 and 649 Oregon Laws 19 87 or

House Bill(s) _____, 19 _____ Legislature; or Senate Bill(s) SB 142, 19 87 Legislature

Subject Matter: Division 16 rules describe the requirements and process for irrigation and water control districts to follow when moving irrigated areas within the same 1/4 1/4 section of land.

For further information contact: Bruce Estes Phone: 378-3739
(Rule Coordinator)

OREGON ADMINISTRATIVE RULES

CHAPTER 690

DIVISION 16

USE OF WATER ON ALTERNATE ACREAGE

Definitions of Terms

690-16-005 (1) Irrigation district: A district formed under ORS Chapter 545.

(2) Water control district: A district formed under ORS Chapter 553.

Districts to Submit Notice

690-16-010 When an irrigation district or water control district wishes to use water on alternate acreage within the same quarter-quarter section as the location specified in the water right, the district shall notify the Department. That notice and supporting map shall be complete to the satisfaction of the Director at least 60 days prior to the beginning of the irrigation season of the year in which the change is to occur. If no irrigation season has been defined for the water right the notice shall be submitted by February 1 of the year the change is to occur.

Notice Requirements

690-16-015 An irrigation district or water control district must file a notification for use of water on alternate acreage on a form provided or approved by the Department. The notice shall include but not be limited to:

1. District name and address;
2. Decree name and/or certificate number of water right involved;
3. Source of water and date of priority;
4. Location, including tax lot number of lands from which water is being removed;
5. Location, including tax lot number of lands on which water is to be used; and
6. A notarized statement of agreement by the owners of the affected lands.
7. If encumbrances, including taxes, mortgages, or sales contracts, exist against the property to which the existing rights are appurtenant, the notification must be accompanied by a notarized statement from the holder of the encumbrance that there is no objection to the proposed change.
8. A map according to the standards in OAR 690-16-020.
9. A statement that land use zoning for the alternate acreage is compatible with the requested change.
10. A notarized statement by a district official that the lands to which the water right is appurtenant have had water delivered within the past five years and the water will be completely removed from those lands, so that the water can be used on the alternate acreage without causing interference with

other rights or enlargement of the water right.

Map Requirements

690-16-020 (1) At the time of request, a map shall be provided of the entire quarter-quarter section. It shall include:

a. The tax-lot number as shown on the county assessor's map for each parcel of land.

b. All the lands authorized to be irrigated within the quarter-quarter section shall be hatchured and the acreage displayed.

c. The lands to which the right is appurtenant shall be hatchured in a another pattern and the acreage displayed.

d. The lands to which the water is to be delivered shall be hatchured in a third pattern and the acreage displayed.

(2) The maps shall be in ink and of good quality. The map scale shall be 1" = 1320' or 1" = 400', or the scale of the county assessor map for the area if larger.

(3) Accuracy is required to ten feet for the purpose of locating and quantifying water rights.

Review and Action on Notice

690-16-025 (1) The Department shall review each notification for use of water on alternate acreage to determine if the change would interfere with existing rights or result in enlargement of the right. The Director shall approve or deny the request to use water on alternate acreage within 60 days. If the Director fails to deny the request before the beginning of the irrigation season, approval is considered to be granted for the season.

(2) At the end of the season the right to use water shall revert back to the vested location.

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