

FILED
DEC 01 1987
BARBARA ROBERTS
SECRETARY OF STATE

CERTIFICATE AND ORDER for FILING ADMINISTRATIVE RULES WITH THE SECRETARY OF STATE

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of rule(s) adopted by the Oregon Water Resources Commission
(Agency)
on November 20, 1987 to become effective December 1, 1987
(Date) (Date)

The within matter having come before the Water Resources Department
(Agency)
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 OAR Bulletin:
No Yes Date: _____

NOW THEREFORE, IT IS HEREBY ORDERED THAT the following action be taken:

(List Rule Number(s) or Rule Title on Appropriate Lines Below)
Perm. or Temp.

Adopted:
(New Rules) Use of Water on Alternate Acreage Within a Quarter-Quarter Section, OAR Chapter 690, Division 16

Amended:
(Existing Rules) _____

Suspended:
(Temporary Only) _____

Repealed:
(Existing Rules) _____

RECEIVED
DEC 1 1987
LEGISLATIVE COUNSEL'S
OFFICE

as Administrative Rules of the Oregon Water Resources Department
(Agency)

DATED this 30 day of November, 19 87.

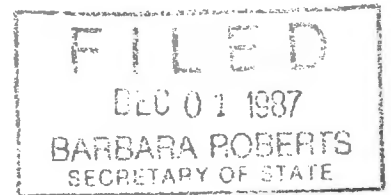
By: William H. Young
(Authorized Signer)
Title: Director

Statutory Authority: Chapter 649, Oregon Laws 1987

Subject Matter: Use of water on alternate acreage within a quarter-quarter section by irrigation districts or water control districts

Statement of Need Attached: Fiscal Impact Attached:
For Further Information Contact: Mary Graine Phone: 378-3066

BEFORE THE WATER RESOURCES COMMISSION
OF THE
STATE OF OREGON



IN THE MATTER OF THE ADOPTION) JUSTIFICATION FOR EMERGENCY ACTION
OF TEMPORARY RULES FOR USE OF) STATUTORY AUTHORITY, STATEMENT OF
WATER ON ALTERNATE ACREAGE) NEED, PRINCIPLE DOCUMENTS RELIED
WITHIN A QUARTER-QUARTER) UPON
SECTION)

Justification for Emergency Action:

Senate Bill 142, (Chapter 649 Oregon Laws 1987) passed the 1987 Legislature with a provision to allow irrigation districts and water control districts to request to use water on alternate acreage within a quarter-quarter section. The districts must be able to apply 60 days before the next irrigation season begins (approximately March 1, 1988). The districts and individual farmers could suffer economic losses if the rules are not in effect to allow the changes to occur. The Commission will adopt permanent rules in a timely fashion after the beginning of the next irrigation season.

Citation of Authority: ORS Chapter 183, ORS Chapter 536, ORS Chapter 537, ORS Chapter 540 and Chapter 649 Oregon Laws 1987.

Statement of Need: Chapter 649 Oregon Laws 1987 require the Water Resources Commission to approve or deny requests by irrigation districts and water control districts to use water on alternate acreage within a quarter-quarter section. Temporary rules are necessary to establish application and review procedures in time for the 1988 irrigation season.

Principle Documents Relied Upon: ORS Chapter 183, ORS Chapter 536, ORS Chapter 537, ORS Chapter 540, Chapter 649 Oregon Laws 1987, and OAR Chapter 690.

TEMPORARY ADMINISTRATIVE RULES

CHAPTER 690

DIVISION 16, USE OF WATER ON ALTERNATE ACREAGE

690-16-005 Definitions of terms.

1. Beneficial use: The reasonably efficient use of water without waste for a purpose consistent with the laws and the best interests of the people of the state.
2. Irrigation district: A district formed under ORS Chapter 545.
3. Water control district: A district formed under ORS Chapter 553.

690-16-010 Districts to Submit Notice.

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 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.

6-015 Notice Requirements.

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;
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 showing all the parcels of land within the quarter-quarter section according to the standards in OAR 690-16-020.

9. 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.
10. A statement of whether this notice is for a single irrigation season, or is to be continually renewed until a notice is submitted to the Water Resources Department that water will be delivered to the lands to which the right is appurtenant or a formal transfer is approved.

690-16-020 Map Requirements.

At the time of request, a map shall be provided of the entire quarter-quarter section. It shall include:

1. The tax-lot number as shown on the county assessor's map for each parcel of land.
2. All the lands authorized to be irrigated within the quarter-quarter section shall be hatchured and the acreage displayed.
3. The lands to which the right is appurtenant shall be hatchured in another pattern and the acreage displayed.
4. The lands to which the water is to be delivered shall be hatchured in a third pattern and the acreage displayed.

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.

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

At the end of the season a final map shall be submitted to show the items in 1 to 4 above as actually implemented. The final map shall be in ink on permanent-quality linen or 0.003 mylar.

690-16-025 Review and Action on Notice.

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 that season only.

By December 31 of that first year the district shall submit a final map of the irrigated lands showing where water was put to beneficial use for all notices that requested continuous renewal. The water shall be used on the alternate acreage in conformance with this map until such time as a request for use on alternate acreage or transfer is applied for again. If the director finds that the use of water has caused interference with other rights or enlargement of the right he may deny the request before the beginning of the next irrigation season. After denial the water will be delivered to the lands to which the right is appurtenant.

AFFIDAVIT OF APPLICANT

We, _____, being first duly sworn, depose and say that we have read the above and foregoing application for use of water on alternate acreage; that we know the contents thereof; and that the statements therein made are true and correct to the best of our knowledge and belief. We agree to the delivery of water to the lands as described in this notice.

In Witness whereof, this _____ day of _____, 19__.

Landowner(s) to which water right is
appurtenant

Landowner(s) to which water will be
delivered

Subscribed and sworn to before me this _____ day of _____, 19__.

[Notarial Seal]

NOTARY PUBLIC FOR OREGON

My commission expires _____

AFFIDAVIT OF DISTRICT

I, _____, affirm that water has been delivered within this quarter-quarter section for the indicated number of acres within the past five years, and that the water will be delivered only to those lands listed as alternate acreage without interference to other rights or enlargement of the water right.

In Witness Whereof, this _____ day of _____, 19__.

_____	_____
Signature	for the District of
_____	_____
Title	Date

Subscribed and sworn to before me this _____ day of _____, 19__.

[Notarial Seal]

NOTARY PUBLIC FOR OREGON

My commission expires _____

NOTICE OF USE ON ALTERNATE ACREAGE

To the WATER RESOURCES DIRECTOR OF OREGON:

_____ District
of _____,
(Mailing address) (City)

State of _____, _____, _____, requests to use water on
(Zip Code) (Phone number)
alternate acreage within a quarter-quarter section.

1. The water right is recorded in the name of _____.
2. Was the water right determined by Decree of the Court? _____ If yes,
(Yes or No)
title of proceedings _____
number of certificate _____.
3. Was the water right acquired by water Right Permit? _____
(Yes or No)
If yes, give number of permit _____. Number of Certificate _____
4. The source of water is _____.
5. The date of priority is _____.
6. The use to which the water is applied is _____

7. This notice is for a period of time equal to :
___ one irrigation season, or ___ continual renewal until further notice.

Location of irrigated area to which the water right is appurtenant:

	Township North or South	Range E or W of Willamette Meridian	Section	1/4 1/4 Section	Tax-lot	Number Acres Irrigated
From:						

Location of irrigated area to which water is being delivered:

To:						

(If more space is required, attach separate sheet)

8. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? _____
(Yes or No)

9. Are the lands from which you propose to move the water free of all encumbrances, including taxes, mortgages, and sales contracts? _____
(Yes or No)

10. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE PLACES OF USE.