

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 September 24, 2001 by the  
Date prior to or same as filing date.

Water Resources Commission  
Agency and Division

690  
Administrative Rules Chapter Number

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to become effective October 8, 2001 Rulemaking Notice was published in the July, 2001 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.

690-019-0058, 690-019-0059, 690-019-0085, 690-019-0105

**AMEND:**

690-019-0010, 690-019-0020, 690-019-0030, 690-019-0040, 690-019-0055, 690-019-0060, 690-019-0070, 690-019-0080, 690-019-0100

**REPEAL: N/A**

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

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

ORS 536.027 and ORS 536.750  
Stat. Auth.: ORS

\_\_\_\_\_  
Other Authority

ORS 536.700 through 536.780, and SB 644 (2001)  
Stats. Implemented: ORS

**RULE SUMMARY**

The rules in OAR Chapter 690, Division 19 pertain to drought mitigation activities. The rule changes approved by the Water Resources Commission make the rules more useful to meet the changing needs of the water user community. The changes update a rule cross-reference and add language relating to conditions and limitations. The rules also add new language to provide for temporary drought instream leases, amend the temporary drought transfer rule to make it consistent with recent statutory changes, and require public notice of applications. The rules also include language to allow for the possible refund of fees paid for emergency water use authorizations in drought declared areas. In addition, the changes bring the rules up-to-date with statutory revisions made by the Oregon Legislature with the enactment of SB 644 (2001). These changes include adding rule language to expedite the notice and waiting requirements for substitutions allowed under ORS 540.524 when a drought is declared, and allowing any water right holder to purchase an option or enter an agreement to use an existing water right for use during a declared drought.

Meg Reuss  
Authorized Signer

10/8/01  
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.

**OREGON ADMINISTRATIVE RULES  
WATER RESOURCES DEPARTMENT  
CHAPTER 690  
DIVISION 19  
DROUGHT MITIGATION**

**690-019-0010**

**Purpose of Rules**

(1) The following administrative rules (OAR) apply to drought mitigation activities. The mitigation activities were authorized by the 1989 legislature, amended by the 1993 **and 2001** legislatures, and are codified at ORS 536.700[20] through 536.780 "EMERGENCY WATER SHORTAGE POWERS."

(2) These rules provide for action available to the Governor and the Water Resources Commission. They become operative only during extraordinary drought situations. Action within these rules is intended to mitigate problems which may develop during years when water supplies are inadequate.

Statutory Authority: ORS 536.700 through 536.780

Stats. Implemented: ORS 536.700 through 536.780

Hist.: WRD 7-1990, f. & cert. ef. 6-25-90; WRD 8-1994, f. & cert. ef. 8-2-94, f. & cert. ef. 10-8-01

**690-019-0020**

**Definitions**

The following definitions apply in OAR 690, Division 19:

(1) "Agreement" means a contractual arrangement specifying an understanding or arrangement for one party to temporarily make use of valid permit or water right held by another party.

(2) "Commission" means the Water Resources Commission.

(3) "Department" means the Water Resources Department.

(4) "Director" means the Director of the Water Resources Department.

(5) "Designated Drought Area" means a specific area within the state so designated by the Governor.

(6) "Emergency Use Permit" means a temporary permit for use of water.

(7) "Human Consumption" means the use of water for the purposes of drinking, cooking, and sanitation.

(8) "Local Government" means any governmental entity authorized by the laws of this state.

(9) "Option" means a contractual arrangement for a specified consideration for the use of a valid permit or water right.

(10) "Political Subdivision" means any local government unit including a county, city, town, or district established under the laws of Oregon.

(11) "Public corporation" means a corporation which operates subject to control by a

local government entity or officers of a local government and which, at least in part, is organized to serve a public purpose of, and receives public funds or other support having monetary value, from such government.

(12) **“Scenic waterway flows” mean flows acknowledged by the Water Resources Commission pursuant to ORS 390.835.**

(13) "Temporary **drought** transfer" means a temporary change in use, change in place of use, or change in point of diversion **authorized pursuant to ORS 536.750.**

Statutory Authority: ORS 536.700 through 536.780

Stats. Implemented: ORS 536.700 through 536.780

Hist.: WRD 7-1990, f. & cert. ef. 6-25-90; WRD 8-1994, f. & cert. ef. 8-2-94, f. & cert. ef. 10-8-01

### **690-019-0030**

#### **Duration of Drought Declaration**

(1) During the effective time period of a drought declaration under ORS 536.740 in accordance with these rules, the Commission or the Director may take the following actions:

(a) Allow emergency water use under the terms of emergency use permits without first conducting a hearing under ORS 537.170;

(b) Waive the notice requirements under ORS 537.753 and the report required under ORS 537.762 pertaining to water well construction;

(c) Allow a temporary exchange of water as allowed under ORS 540.533 without first giving notice as required under ORS 540.535;

(d) Grant preference of use for human consumption, **and/or** stock watering; or

(e) Allow a temporary change in use, place of use or point of diversion of water under the terms of an emergency use permit without complying with the notice and waiting requirements under ORS 540.520.

(2) Termination of a declaration of drought shall be by order of the Governor.

Statutory Authority: ORS 536.700 through 536.780

Stats. Implemented: ORS 536.700 through 536.780

Hist.: WRD 7-1990, f. & cert. ef. 6-25-90; WRD 8-1994, f. & cert. ef. 8-2-94, f. & cert. ef. 10-8-01

### **690-019-0040**

#### **Emergency Water Use Permit**

(1) After the Governor declares that a severe, continuing drought exists, the Director may ~~[accept]~~ **approve** applications for emergency use permits. Emergency use permits shall allow use of water to replace water not available under an existing right because of the drought. Each application must be for use within a designated drought area. All fees required by OAR 690-019-0100 shall accompany the application. Application forms may be obtained from the Department.

(2) ~~[Except in applications for a secondary permit for use of stored water, the]~~ **An**

**emergency water use permit** applicant shall submit sufficient information to establish that:

(a) Drought conditions have created an inability on the part of the applicant to obtain water under an existing right; and

(b) Use is proposed in a designated drought area;

(c) Additionally, the Director may require the applicant to submit a plan and evidence showing conservation and water use curtailment measures have been taken before use is made of an emergency use permit.

(3) The Director shall approve an application for emergency water use upon findings that the proposed use will not cause injury to existing water rights and will not impair or be detrimental to the public interest. In evaluating whether the proposed use will impair or be detrimental to the public interest, the Director shall consider the factors described in OAR **690-310-0120 and 690-310-0130**; and:

(a) The need for water because of the drought emergency; and

(b) The short-term nature of the proposed emergency use.

(4) An emergency use permit may be issued upon approval by the Director. No hearing under ORS 537.170 is required:

(a) Public notice of receipt of emergency use applications **or approval of such applications** will be included in the Department's regular public notice of applications;

(b) The Director will consider all comments received concerning the use, or proposed use, under the emergency use permit throughout the life of the permit.

(c) Use of water under the emergency use permit may be regulated at any time in accordance with the terms and conditions of the permit;

~~[(d) If use of water under the emergency use permit causes injury to an existing water right, the permit shall be revoked unless the injury is mitigated to the satisfaction of the injured water right holder].~~

(5) Emergency use permits issued by the Director shall include the following conditions or limitations:

(a) Use of water is subject to prior **water right** permits, **certificates, decreed rights, scenic waterway flows** [rights] and minimum stream flows;

(b) A specified duration of use, **not to exceed one year, unless renewed pursuant to OAR 690-019-0085**;

(c) Rate, volume, and season limitations which shall not exceed the limitations of the underlying water right, including a condition that permits granted pursuant to this section shall not extend the season beyond historic use;

(d) The expiration date for the permit granted pursuant to this section which shall not exceed the term of the Governor's declared drought; [and]

**(e) If use of water under the emergency use permit causes injury to an existing water right, the permit shall be revoked unless the injury is mitigated to the satisfaction of the Director and injured water right holder; and**

**(f [e]) Any other conditions the Director deems appropriate, including but not limited to water use conservation, measurement and water curtailment measures.**

(6) An emergency use permit issued to a state agency or political subdivision shall require:

(a) Submission of a water conservation or curtailment plan for approval by the Director;  
or

(b) Implementation of an approved water conservation or curtailment plan when directed by the Governor.

(7) A previously submitted conservation or curtailment plan may be submitted in lieu of the requirement for submittal in subsection (6)(a) of this rule.

(8) If an application fails to meet any requirement of these rules the application shall not be filed and shall be returned to the applicant.

~~[(9) Notwithstanding the requirements of subsection (1) to use water under an emergency use permit to replace water not available under an existing water right and subsection (2)(a) of this rule, a holder of a water right that is subject to a national pollutant discharge elimination system permit issued by the Department of Environmental Quality may apply for an emergency water use permit under this rule to apply effluent for a beneficial use on land that does not have an existing appurtenant water right. An application made to the Department under this subsection shall be processed consistent with all other applicable provisions of this rule. The Department may only approve such an application with the concurrence of the Department Environmental Quality.]~~

Statutory Authority: ORS 536.700 through 536.780

Stats. Implemented: ORS 536.700 through 536.780

Hist.: WRD 7-1990, f. & cert. ef. 6-25-90; WRD 8-1994, f. & cert. ef. 8-2-94, f. & cert. ef. 10-8-01

#### **690-019-0050**

##### **Incomplete Applications**

When an application does not contain all the information and supporting material required by the application form and these rules, the application shall be declared incomplete. The applicant shall be notified. Additionally, the application or a portion of the application may be returned to the applicant. A request for additional information will be made of the applicant who shall have 30 days to complete the application. If the applicant fails to complete the application within 30 days, the application shall be rejected.

Statutory Authority: ORS 536.700 through 536.780

Stats. Implemented: ORS 536.700 through 536.780

Hist.: WRD 7-1990, f. & cert. ef. 6-25-90; WRD 8-1994, f. & cert. ef. 8-2-94

#### **690-019-0055**

##### **Temporary Drought Transfers**

(1) After the Governor declares that a severe, continuing drought exists, any person holding a water right **permit**, certificate, **decree or claim to a right under ORS Chapter 539** who because of the effects of the drought is unable to use water ~~[under the certificate]~~, may apply to the Director for a temporary change in use, place of use, or point of diversion of water from another **water [right] use subject to transfer, or a claim to a right under ORS Chapter 539,**

[certificate] **without complying with the notice and waiting requirements of ORS 540.520.** The Director shall approve such **temporary drought** transfer, with any appropriate conditions, including water use conservation, measurement and water curtailment measures, if:

(a) The temporary **drought** transfer [~~shall~~] **will** not result in injury to an existing right; and

(b) Total water use at the [~~proposed new~~] **receiving** location [~~may~~] **does** not exceed [~~either~~] the **maximum rate and duty for the receiving location** [~~amount in the original right or the amount in the transferred right, whichever is smaller~~].

(2) The full value of a right may be transferred. However, if a **right proposed for transfer is for irrigation purposes and the** transfer is made after the beginning of an irrigation season, only that portion of the right available for use during the rest of that irrigation season may be used **at the new place of use.**

(3) **A temporary drought transfer approved under this rule shall include a condition to require t[F]he Director [may] to revoke [a]the temporary drought transfer order if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.**

(4) The expiration date for the temporary **drought** transfer granted pursuant to this rule shall not exceed **one year or** the term of the Governor's declared drought, **whichever is shorter, unless otherwise renewed pursuant to OAR 690-019-0085.**

**(5) Public notice of a temporary drought transfer application or approval of such application shall be included in the Department's weekly notice.**

Statutory Authority: ORS 536.700 through 536.780

Stats. Implemented: ORS 536.700 through 536.780

Hist.: WRD 8-1994, f. & cert. ef. 8-2-94, f. & cert. ef. 10-8-01

#### **690-019-0058**

##### **Temporary Drought Instream Leases**

**(1) Notwithstanding the requirements of OAR 690-077-0077, after the Governor declares that a severe, continuing drought exists, any person holding a water use subject to transfer may enter into a temporary drought instream lease agreement to convert a water right or a portion of a water right to an instream water right. The Director shall approve a temporary drought instream lease provided:**

**(a) The temporary drought instream lease will not result in injury to an existing right; and**

**(b) Total water use for the proposed instream lease will not exceed the amount in the leased right.**

**(2) The full value of a right may be leased. However, if a right proposed for lease is for irrigation purposes and the lease is made after the beginning of an irrigation season, only that portion of the right available for use during the remainder of that irrigation season may be used for the instream water right.**

**(3) A temporary drought instream lease approved under this rule shall include a condition to require the Director may to revoke a the temporary drought instream lease**

**order if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and injured parties.**

**(4) The expiration date for the temporary drought instream lease granted pursuant to this rule shall not exceed one year or the term of the Governor's declared drought, whichever is shorter, unless otherwise renewed pursuant to OAR 690-019-0085**

**(5) Public notice of a temporary drought instream lease application or approval of such application shall be included in the Department's weekly notice.**

Statutory Authority: ORS 536.027 and ORS 536.750  
Stats. Implemented: ORS 536.700 through 536.780  
Hist.: WRD 9-2001, f. & cert. ef. 10-8-01

#### **690-019-0059**

#### **Temporary Substitution of Supplemental Ground Water Right for Surface Water Primary Right**

**(1) After the Governor declares that a severe, continuing drought exists, any person holding both a primary water right originating from a surface water source and a supplemental water right from a ground water source may apply to the Director to temporarily substitute the use of the supplemental right for the primary right. Applications must be for use in a designated drought area. The fee required under OAR 690-019-0100(4) shall accompany the application. Application forms may be obtained from the Department.**

**(2) The Department shall expedite the notice and waiting requirements of ORS 540.524. Upon receiving a completed application under section (1) of this rule, notice of the proposed temporary substitution application, or proposed approval of the application shall be included in the weekly notice published by the Department.**

**(3) Within 10 days after publication of the notice under section (2) of this rule, any person may file with the Department a protest against approval of the application. If a timely protest is filed, the Department shall hold a hearing on the matter pursuant to ORS 540.520(7).**

**(4) The Director shall approve a temporary substitution, with any appropriate conditions, including water use conservation, measurement, and water curtailment measures, provided the proposed substitution will not result in injury to other water rights. The Director may condition the approval of a temporary substitution to avoid or mitigate injury.**

**(5) A temporary substitution approved under this rule shall include a condition to require the Director to revoke the temporary substitution order if injury to existing water rights is shown and cannot be mitigated to the satisfaction of the Director and the injured parties.**

**(6) The expiration of a temporary substitution granted under this rule shall not exceed one year or the term of the Governor's declared drought, whichever is shorter, unless otherwise renewed pursuant to OAR 690-019-0085.**

Statutory Authority: ORS 536.027 and ORS 536.750

Stats. Implemented: ORS 536.700 through 536.780  
Hist.: WRD 9-2001, f. & cert. ef. 10-8-01

#### **690-019-0060**

##### **Potential Liability**

Issuance of an emergency use permit, temporary **drought** transfer or a grant of preference of use by order of the Commission may not protect the person receiving the permit, transfer or grant of preference from liability for improper use of the water under the permit, transfer or grant of preference.

Statutory Authority: ORS 536.700 through 536.780

Stats. Implemented: ORS 536.700 through 536.780

Hist.: WRD 7-1990, f. & cert. ef. 6-25-90; WRD 8-1994, f. & cert. ef. 8-2-94, f. & cert. ef. 10-8-01

#### **690-019-0070**

##### **Preference of Use, Human Consumption and Livestock**

(1) When the Governor declares that a severe, continuing drought exists, the Commission may grant a temporary preference of use to water rights for human consumption **and**/or stock watering. The temporary preference of use shall be by order of the Commission and shall apply only to designated drought areas. Temporary preference may be given over other water uses regardless of priority date.

(2) Applications for preference for human consumption **and**/or stock water shall be submitted on a form provided by the Department.

(3) In considering designation of an area for preferential use, the Commission may review recommendations from the Drought Council, recommendations from the Water Availability Committee, recommendations from county government officials within a designated drought area, and any other available information.

(4) Before issuing an order granting a temporary preference of use the Commission shall determine that the order is necessary to protect the health and welfare of the people of Oregon. Any order issued by the Commission for preference of use shall include:

(a) The expiration date for the temporary preference of use granted under the terms of this rule which shall not exceed the term of the Governor's declared drought;

(b) The geographic area specified for the temporary preference of use which shall be within a designated drought area;

(c) A general statement outlining which water uses have been designated temporarily inferior;

(d) A statement that there is an immediate threat to the health and welfare of the people of Oregon; and

(e) A requirement that political subdivisions within the designated drought area submit water conservation or curtailment plans for the Director's approval.

(5) Upon issuance of the order the watermaster within the designated drought area shall be notified of the temporary preference of use.

Statutory Authority: ORS 536.700 through 536.780  
Stats. Implemented: ORS 536.700 through 536.780  
Hist.: WRD 7-1990, f. & cert. ef. 6-25-90; WRD 8-1994, f. & cert. ef. 8-2-94, f. & cert. ef. 10-8-01

**690-019-0080**

**Option or Agreement for Use of Existing Right**

(1) In order to plan for and mitigate the effects of severe, continuing drought, a local government, [or] public corporation, **or water right holder** may enter into an option or agreement for the use of water under an existing permitted, certificated or decreed water right **within a designated drought area**. If approved as provided in sections (2) to (6) of this rule, an option or agreement may be exercised during a period of declared drought after the parties to the option or agreement notify the Department.

(2) Water used under the terms of an approved option or agreement may be used at locations, at points of diversion and for beneficial uses other than those described in the water right.

(3) The holder of the option or agreement is not required to construct any diversion or other appropriation facilities or works.

(4)(a) An option or agreement proposed under section (1) of this rule shall be subject to approval of the Director or Commission. The Director must find that the use of water under the proposed option or agreement will not cause injury to existing water rights and will not impair or be detrimental to the public interest;

(b) A local government, [or] public corporation, **or water right holder** proposing an option or agreement shall submit an application to the Director. The application shall be accompanied by the fee set forth in ORS 536.050 (1)(a)[(B)]. The application shall include the following information:

(A) The name of the local government, [or] public corporation, **or water right holder** applying for approval of the option or agreement;

(B) The name of the holder of the permitted, certificated, or decreed water right that will be affected by the option or agreement;

(C) A copy of the water right permit, certificate or decree that shall be affected by the option or agreement;

(D) A copy of the proposed option or agreement;

(E) A statement that the water is intended for in-stream use, or a description of the lands on which the water is currently used, and a description of the lands on which the water shall be used under the option or agreement;

(F) Evidence that the water to be used under the option or agreement has been used over the past five years according to the terms and conditions of the owner's permitted, certificated, or decreed water right.

(G) If not intended for in-stream use, evidence that the water shall be used to supplement an existing water right held by the local government, [or] public corporation, **or water right holder** and that water is not available under the existing right.

(5) Upon receipt of an application for an option or agreement, the Director will provide

notice in the regular weekly notice of the Department pertaining to applications received and by publication once a week for at least three successive weeks in a newspaper having general circulation in the area in which the water supply for the permitted, certificated or decreed water right is located and in which the option or agreement shall be exercised. The Director shall not take action on an application until at least 20 days after the last date the notice appeared in the newspaper.

(6) Any person whose use of water under an existing water right may be affected by the option or agreement, or any person who represents a public interest that may be affected by the option or agreement, may file a protest against approval of the application with the Department. The protest shall be filed with the Department within 30 days from the date of the first publication. If the petitioner seeks to protect a use of water under an existing water right, the protest shall contain a detailed statement of the petitioner's water use and how the use may be affected by approval of the option or agreement. If the petitioner represents a public interest, the protest shall contain a detailed statement of such public interest and the manner in which the public interest shall be affected by the option or agreement.

(7) Whenever a timely protest is filed or in the opinion of the Director a hearing is necessary to determine whether the exercise of a proposed option or agreement will result in injury to an existing water right or may impair or be detrimental to the public interest, the Director shall schedule a hearing and refer the matter to the Commission for final determination. Notice and conduct of the hearing shall be in accordance with the provisions of ORS 183.310 to 183.550 applicable to contested cases, and the hearing shall be held in the area where the underlying water rights that are subject to the proposed option or agreement are located unless all parties agree to a different location.

(8) If, after a hearing by the Commission or examination by the Director, it is found that the option or agreement can be implemented without injury to existing water rights or **impairment or detriment to** the public interest, the Director shall issue an order approving the option or agreement. The order shall:

(a) Contain conditions describing the period of time in which use may occur and include a limitation that use may occur under the option or agreement only after a declaration of severe, continuing drought has been made by the Governor, and use may not continue after the drought declaration has been rescinded;

**(b) Include any other conditions the Director deems appropriate, including but not limited to water use conservation, measurement and curtailment measures;** and

**([b]c) Remain in effect until terminated by the parties to the option or agreement or by order of the Commission or Director.**

(9) The Director may review any order issued under **subsection (8) of this section [rule]** to determine whether the order shall be continued in effect, modified or terminated in order to insure protection of other existing water rights and the public interest. Before making such determination the Director shall provide notice and an opportunity for hearing in the manner described in **subsections (2) to (6) of this section [rule]**.

(10) Any proposed change to ~~an~~ **a previously-approved** option or agreement shall be submitted to the Director for approval before the changes may be implemented. Upon receipt of any proposed change, the Director shall proceed as described in **subsection (5) of this section**

[rule]. If the Director determines that the proposed change substantially alters the previously-approved option or agreement, the Director may request additional information to review the proposed change. Prior to the date the Director may take action on the change, any person wishing to protest may proceed as allowed under subsection (6) of this section [rule]. Only the proposed change may be addressed in the process. The Director shall then proceed as per subsections (5), (6), ~~[and] (7), and (8)~~ of this section [rule].

(11) The Commission may enter into an **option or** agreement for the use of water **under an existing permitted, certificated or decreed water right within a designated drought area** ~~[for in-stream uses]~~ during the time in which a severe, continuing drought is declared to exist. **Water used under the terms of an approved option or agreement may be used at locations, at points of diversion, and for beneficial uses other than those described in the water right.** The total use of water by the water right holder and the Commission must be within the rate, volume and seasonal limits of the water right, and must not cause injury to any other water right.

(12) When the Governor declares that a severe, continuing drought exists, the Commission, a local government, ~~[or]~~ a public corporation, **or water right holder** may proceed with the terms of an approved option or agreement. In addition to the conditions in the agreement, the terms of the use shall be as follows:

- (a) Use may begin at any time, but the total use shall be limited to the rate, volume, acreage, time and other limits of the existing water right; and
- (b) The local watermaster shall be given written, advance notice of intent to proceed;
- (c) Measuring and reporting requirements may be a condition of use required by the Director.

(13) Use or nonuse of water under the terms of an approved option or agreement shall not be considered by the Department in a determination of abandonment of a perfected and developed water right under ORS 540.610(1).

Statutory Authority: ORS 536.700 through 536.780

Stats. Implemented: ORS 536.700 through 536.780

Hist.: WRD 7-1990, f. & cert. ef. 6-25-90; WRD 8-1994, f. & cert. ef. 8-2-94; WRD 3-1995, f. & cert. ef. 6-14-95, f. & cert. ef. 10-8-01

#### **690-019-0085**

##### **Renewal Process for Drought Water Use Authorizations**

**(1) This rule section applies only to persons that received Department approval for a drought water use authorization for:**

- (a) An emergency water use permit under OAR 690-019-0040;**
- (b) A temporary drought transfer under OAR 690-019-0055;**
- (c) A temporary drought instream lease under OAR 690-019-0058; or**
- (d) A temporary substitution under OAR 690-019-0060.**

**(2) If a drought declaration continues for consecutive years, a person that meets the requirement of subsection (1) of this section may request renewal of the drought water use authorization by letter to the Department. The renewal request shall:**

- (a) State the water use authorization number for the previously-approved drought**

**water use; and**

**(b) Identify any proposed changes that are not consistent with the previously-approved drought water use authorization.**

**(3) The Department shall review the renewal request in accordance with the process and standards provided in OAR 690-019-0040, 690-019-0055, 690-019-0058 or 690-019-0060.**

**(4) The Department may request additional information to process the renewal request.**

**(5) If the Department determines that the renewal request proposes to substantially alter the previously-approved drought water use authorization, the Department may require the filing of a new application.**

Statutory Authority: ORS 536.700 through 536.780

Stats. Implemented: ORS 536.700 through 536.780

Hist.: WRD 9-2001, f. & cert. ef. 10-8-01

### **690-019-0090**

#### **Requirement for Conservation and Curtailment Plans**

(1) When the Commission declares that a severe or continuing drought is likely to occur, it may order state agencies and political subdivisions to develop and file with the Director conservation or curtailment plans:

(a) The Commission's order shall require development of the plan within 30 days from the date of the order; and

(b) If a state agency or political subdivision fails to comply with the order to provide plans that are acceptable to the Director, or fails to implement approved plans when directed by the Governor, the Director may do any or all of the following:

(A) Delay approval of an emergency use permit requested by a state agency or political subdivision;

(B) Suspend use under an existing emergency use permit held by a state agency or political subdivision;

(C) Offer evidence of the failure to comply by a political subdivision to the Commission when the Commission is considering designating an area for preference of use for livestock and human consumption; and

(D) Develop an appropriate plan for the state agency or political subdivision. Plans developed by the Director shall be implemented by the state agency or political subdivision when directed by the Governor.

(2) Following a declaration by the Governor that a severe, continuing drought exists or is likely to exist, the Governor may direct state agencies and political subdivisions to implement water conservation or curtailment plans, as approved by the Director:

(a) Water conservation plans shall include procedures to:

(A) Reduce usage of water resources for non-essential public purposes;

(B) Undertake activities consistent with law designed to promote conservation, prevention of waste, salvage and reuse of water resources; and

(C) Establish programs consistent with law designed to promote conservation, prevention of waste, salvage and reuse of water.

(b) Water curtailment plans shall be developed to provide water necessary for human and livestock consumption during a severe, continuing drought. The plans shall specify procedures:

(A) To curtail, adjust or allocate the supply of water resources for domestic, municipal and industrial use; and

(B) To regulate the times and manner in which water resources are consumed.

(c) Approval by the Director of a water conservation plan or a water curtailment plan is contingent on the Director finding that the plan satisfactorily promotes uniformity in water conservation or curtailment practices and that there is consideration given to local conditions in providing coordination of usage regulation.

Statutory Authority: ORS 536.700 through 536.780

Stats. Implemented: ORS 536.700 through 536.780

Hist.: WRD 7-1990, f. & cert. ef. 6-25-90; ; WRD 8-1994, f. & cert. ef. 8-2-94

### **690-019-0100**

#### **Schedule of Fees**

The following is a schedule of fees for administrative work performed by the Department:

(1) Emergency **water use** permit [~~for a new use~~]:

(a) Examination fee = \$200 plus;

(b) Recording fee = \$400 for first cubic-foot/second or fraction thereof; \$100 for each additional cubic-foot/second or fraction thereafter.

(2) Temporary **drought transfer** [~~change in use, place of use, or point of diversion~~]:

(a) Examination fee = \$100 plus;

(b) Recording fee = \$100 for first cubic-foot/second or fraction thereof; \$50 for each additional cubic-foot/second or fraction thereafter.

(3) Option or Agreement: Application fee = \$200.

**(4) Temporary substitution: Application fee = \$100.**

Statutory Authority: ORS 536.700 through 536.780

Stats. Implemented: ORS 536.700 through 536.780

Hist.: WRD 7-1990, f. & cert. ef. 6-25-90; WRD 8-1994, f. & cert. ef. 8-2-94; WRD 3-1995, f. & cert. ef. 6-14-95, f. & cert. ef. 10-8-01

### **690-019-0105**

#### **Fee Refund**

**The Director may refund all or part of any fee submitted to the Department pursuant to OAR 690-019-0100.**

Statutory Authority: ORS 536.700 through 536.780

Stats. Implemented: ORS 536.700 through 536.780

Hist.: WRD 9-2001, f. & cert. ef. 10-8-01