

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

RECEIVED
AUG 6 3 34 PM '90
DAVID L. ...
SECRETARY OF STATE

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of rule(s) adopted by the Water Resources Commission
(Agency)
on August 3, 1990 to become effective August 6, 1990
(Date) (Date)

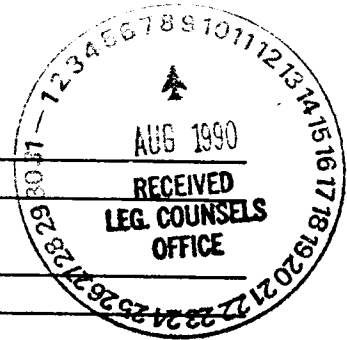
The within matter having come before the Water Resources Commission
(Agency)
after all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises.

Notice of Intended Action Published in OAR Bulletin:
No Yes Date: April 15, 1990

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) 690-26
- Amended:
(Existing Rules) _____
- Suspended:
(Temporary Only) _____
- Repealed:
(Existing Rules) _____



as Administrative Rules of the Water Resources Department
(Agency)

DATED this 7th day of August, 1990.

By: John E. Borden
(Authorized Signer)
Title: Deputy Director, Field Operations

Statutory Authority: 537.597, 537.599 and 537.800
Subject Matter: Filing and Processing of Spring Registration

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

OREGON ADMINISTRATIVE RULES
CHAPTER 690 DIVISION 26
FILING AND PROCESSING OF SPRING REGISTRATIONS

690-26-005 **Purpose**

These rules provide for the filing of registration statements with the Oregon Water Resources Department for springs which previously did not have a standing to develop a water right of record. The rules pertain to springs which would not naturally flow off the property as defined by the area owned at the time use first began. The rules establish the process for reviewing and approving the registrations.

690-26-010 **Definitions**

The following definitions apply in OAR 690 Division 26:

- (1) "Department" means the Oregon Water Resources Department.
- (2) "Director" means the Water Resources Director.
- (3) "Documentation" includes but is not limited to:
 - (a) Statements of persons having knowledge of historical use of water;
 - (b) A true copy of the original land patent taking the land in question from the public domain;
 - (c) A true copy of the original government land office survey map;
 - (d) A document that substantiates the time the project was initiated or constructed;
 - (e) Other relevant documents or information tending to establish the water right; and
 - (f) Contracts, easements, agreements or stipulations between water users that define rotation agreements, uses along a common ditch, or other conditions to reduce conflicts among users.
- (4) "Person" means any individual, partnership, corporation, association, governmental subdivision, private organization of any character, the State of Oregon or any political subdivision thereof, the United States, an Indian tribe, or any state or federal agency.
- (5) "Registrant" means any person who has filed a registration statement under ORS 537.800.
- (6) "Registration statement" means a completed form in writing by a person making claim to seepage or spring waters on lands on which the waters first arise.

(7) "Spring" means a point where water emerges naturally from the earth as a result of gravity flow or artesian pressure.

OAR 690-26-015

Notice of Need to Register Claims

The Department may provide notice of the importance of registering claims to springs or seepage waters by:

- (1) Holding public meetings;
- (2) Publishing announcements in newspapers of general circulation and applicable trade or organization newsletters;
- (3) Submitting public service announcements to local radio stations;
- (4) Submitting of notice for posting in appropriate post offices; and
- (5) Informing any of the following:
 - (a) State watermasters,
 - (b) County extension agents,
 - (c) Soil and water conservation districts,
 - (d) County livestock association,
 - (e) County wheat league,
 - (f) County historical society,
 - (g) County dairymen's association,
 - (h) Affected Indian tribes and government agencies,
 - (i) County courts and county commissioners,
 - (j) Certified Water Rights Examiners, and
 - (k) Oregon Farm Bureau.

OAR 690-26-020

Procedure for Filing a Registration Statement

General Instructions

- (1) Each registration statement shall be neatly printed in ink or typewritten on a form provided by the Department. The registration statement shall be verified as accurate by the registrant and shall be notarized.
- (2) One registration statement may include multiple uses with one common date of priority for parcels of contiguous land. A registration statement shall include lands that were at one time entirely under one ownership and which contained spring or seepage waters that naturally stayed entirely on the one property. Separate statements shall be filed for each spring.
- (3) Each item on the form shall be completed, except that if the answer to any question is not available a statement to that effect shall be made for each such entry.

(4) A map and a beneficial use report shall be prepared by a certified water rights examiner. The certified water rights examiner shall confirm the map by an on-site inspection. The map and report submitted become a part of the registration. The map and report shall meet the requirements of OAR 690-11-070, 690-14-100, and OAR 690-14-170. In addition the map or report shall include:

- (a) The date the survey was performed;
- (b) The point of beginning and the referenced land survey corner of the deed, if applicable;
- (c) The dimensions and the capacity of the diversion system,
- (d) The number of acres irrigated in each quarter quarter section shown to the nearest tenth of an acre,
- (e) A statement that the spring does not naturally flow off the original property as defined by the area owned at the time use first began, and
- (f) A sketch on the map of the course of the spring from its beginning to the end of the natural channel.

(5) Methods for estimating spring flows shall be as approved by the local regional manager for the Department.

(6) Forms prepared by the Department for filing registration statements shall be provided upon request. Forms shall be available at all state watermaster offices. The statement shall be filed, with the required map, fees and supporting documentation, in the office of the Department in Salem, Oregon.

(7) The Director may require additional information on any registration in order to make the filing complete.

OAR 690-26-025

Fees and Registration Times

Fees for filing spring registrations shall be the same as required by ORS 539.081. Fees shall be paid at the time a registration or claim is submitted. Registrations for preexisting rights for use of spring waters which at the time use first began naturally stayed entirely on one property, but which now cross a property boundary must be filed by December 31, 1994. After January 1, 1991, registrations for preexisting rights for use of spring or seepage waters which naturally stay entirely on one property must be filed before subdividing or partitioning lands.

OAR 690-26-030

Review of Registration Statements

(1) When a registration statement is received in acceptable form by the Department, the Director shall indorse on the registration the date it was received. When the statement is determined to be complete it shall be filed and a certificate of registration shall be sent to the registrant. A copy of the certificate of registration shall be sent to the watermaster.

(2) The registration shall be published in the Department's public notice of applications. Notice also may be published in a newspaper within the general area of the claim.

(3) The Director may investigate any registration statement in order to make a determination of its validity in accordance with the provisions of ORS 537.670 through 537.695, ORS Chapter 539, or Department rules promulgated implementing those statutes. An order of registration of a spring registration shall be made pursuant to OAR 690-28-029, -040, and -055.

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