

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

RECEIVED APR 28 10 40 AM '91

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of PERMANENT rule(s) adopted on April 26 1991

Water Resources Department Resource Management Division

become effective upon filing

The within matter having come before the Water Resources Commission after

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: March 1, 1991

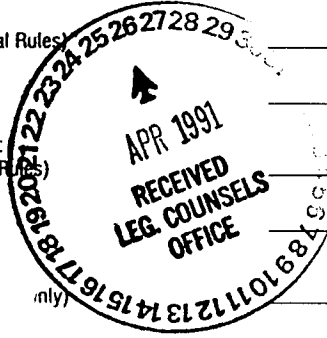
NOW THEREFORE, IT IS HEREBY ORDERED THAT the following action be taken: (List Rule Number(s) or Rule Title(s) on Appropriate Lines Below)

Number of Total Rules

Administrative Rules Chapter 690, Divisions -01-041(1),

11-080(1), 15-080(1) & (2), 18-050(3), 76-020(2),

77-025(4) & 030(1)(b), and 82-040.



Administrative Rules of the Water Resources Department Resource Management Division

DATED this 26th day of April, 1991

By: William H. Young (Authorized Signer) Director

Statutory Authority: ORS 536.025, 536.027

Other(s) Oregon Laws 19

Senate Bill(s) 19 Legislature; or Senate Bill(s) 19 Legislature

Subject Matter: Filing periods for exceptions to contested cases and for public commentary on water use applications.

Further Information Contact: Weisha Mize or Mike Mattick (Rule Coordinator) Phone: 378-3739

OREGON ADMINISTRATIVE RULES

CHAPTER 690, DIVISION 82

ACCEPTANCE OF APPLICATIONS FOR WATER
USES IN ADDITION TO CLASSIFIED USES

PURPOSE

690-82-010 These rules authorize the Director of the Water Resources Department to accept applications to appropriate water for a use in addition to the uses for which particular waters are classified in the applicable basin program. These rules apply in all basins for which the Water Resources Commission has adopted a basin program.

DEFINITIONS

690-82-020 The following definitions apply to OAR 690-82-010 through 690-82-080.

(1) "Affected local government" means any local government as defined in OAR 690-05-015, within whose jurisdiction water is or would be diverted, conveyed, or used under a proposed or approved permit or certificate.

(2) Basin Program: An administrative rule described in OAR 690-80-000, adopted by the Water Resources Commission under ORS Chapter 536.

(3) Classified Uses: Beneficial uses of water designated in the basin programs for which water use applications may be accepted.

(4) Commission: The Water Resources Commission.

(5) Department: The Water Resources Department.

(6) Director: The Director of the Water Resources Department.

APPLICATION FILING

690-82-030

(1) An application for a permit to appropriate water under these rules must be accompanied by a letter to the Director showing:

(a) The use will be of short duration during each year or for a continuous use period of no longer than five years; or

(b) The use is of an unusual nature not likely to recur in the basin, and unlikely to have been within the uses considered by the Commission in adopting present basin classifications.

(2) The application must also include land use information as provided in the Department's Land Use Planning Procedures Guide or a receipt signed and dated by a local government official as evidence that the request for land use information was received by the local planning department. If land use information is not postmarked, or received by the Department, within 60 days of request, as evidenced by a receipt, the Department shall conclude that the requirement for obtaining land use information has been met and may proceed with processing the permit.

SPECIAL APPLICATION PROCESS

690-82-040 When the Department receives a complete application form and letter under 690-82-030, notice that the Director proposes to accept the application under these rules shall be provided to the Commission, appropriate state and federal agencies, affected local government planning departments, appropriate Indian Tribes, others believed to have any interest in the proposed use and anyone requesting notice. The notice shall set the time and manner for filing objections to the proposed use. Objections shall be filed within 60 days of the date of agency mailing of the notice unless otherwise specified. The Director may presume that the application is allowed by and compatible with the plans and regulations of notified agencies and tribes unless informed otherwise within the comment period specified in the notice except as provided to local governments under OAR 690-82-030 (2). In the event of a land use dispute as defined in OAR 690-05-015 (Definitions), the Director shall follow procedures outlined in OAR 690-05-040 (Resolution of Land Use Disputes).

ACCEPTANCE OF APPLICATION

690-82-050 The Director shall accept the application if after full consideration of all the comments and objections received within the prescribed period the Director concludes that:

(1) Any valid objections to the proposed use could be fully satisfied by appropriate conditions on any permit or certificate issued; and

(2) The proposed use is unlikely to create adverse impacts on other water uses; and

(3) The proposed use is unlikely to adversely impact future appropriations for classified uses; and

(4) The proposed use has been evaluated in accordance with requirements established OAR 690-05-045 (Standards for Goal Compliance and Compatibility with Acknowledged Comprehensive Plans); and

(5) The source of water has not been withdrawn from further appropriation.

PRIORITY DATE

690-82-060 The date of priority for all applications received under OAR 690-82-040 shall be the date the application is accepted by the Director after review and approval of the proposed water use under 690-82-050.

NORMAL APPLICATION PROCESS

690-82-070 Any application accepted for filing under these rules shall be processed in the same manner as all other applications to appropriate water, as provided in OAR 690, Divisions 1 and 11.

RIGHT TO PETITION

690-82-080 No action taken under these rules shall affect an applicant's right to petition the Commission under the provisions of OAR 137-01-070 for a change in a basin program to allow specific water uses.

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