

Corrected Copy

FD FORM 425a v. 10-1-87

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

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of PERMANENT rule(s) adopted on June 21, 1990 (Date)

the Water Resources Commission (Department) Division

become effective August 8, 1990 (Date)

The within matter having come before the Water Resources Commission (Department) (Division) 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 [x] Date Published: April 15, 1990

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

Proposed: New Total Rules) OAR Chapter 690, Division 10-053, 054, 070, Division 15-057, Division 60 Compliance with Statewide Planning Goals, Compatibility with Comprehensive Plans, and Coordination on Land Use.

Proposed: Existing Rules) Title of OAR 690-76, Division 10-050, Division 11-010, 020, 030, 040, 080, Division 15-060, 080, Division 18-020, 040, 050, 070, 090 (see attached list)

Proposed: Deleted Total Rules Only)

Administrative Rules of the Water Resources Department (Department) Resource Management Division (Division)

DATED this 8th day of August, 19 90

By: William A. Young (Authorized Signer)

Title: Director

Statutory Authority: ORS 197.180, 536.027 or

Chapter(s) Oregon Laws 19 or

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

Subject Matter: These new and amended rules establish the Water Resources Department's State Agency Coordination Program pursuant to ORS 197.180. OAR Chapter 690, Division 60 established general procedures for achieving compliance with Statewide Planning Goals and Compatibility with acknowledged comprehensive plans. Amendments to several other rule divisions establish land use coordination procedures specific to individual Department programs affecting land use. In addition, amendments to Division 77 would establish a 20 year extendable term for water reservations and use information submittal requirements. Amendments to Division 10 establish new processes for critical ground water area proceedings.

For Further Information Contact: Rick Bastasch or Roberta Jortner (Rule Coordinator) Phone: 378-3671

Amended: OAR Chapter 690, Division 51-010, 060, 070, 100, 120, 260, Division 76, 010, 018, 020, 030, Division 77-010, 020, 025, 045, 075, 200, Division 82-020, 030, 040, 050, Division 90-010, 020, 025, Division 100,010, 020, 025.

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Copy*

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

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of PERMANENT rule(s) adopted on June 21, 1990  
(Date)

by the Water Resources Commission  
(Department) (Division)

to become effective August 8, 1990  
(Date)

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

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: April 15, 1990

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:  
(New Total Rules) OAR Chapter 690, Division 10-053, 054, 070, Division 15-057, Division 60  
Compliance with Statewide Planning Goals, Compatibility with Comprehensive  
Plans, and Coordination on Land Use.

Amended:  
(Existing Rules) OAR Chapter 690, Division 10-050, Division 11-010, 020, 030, 040, 080,  
Division 15-060, 080, Division 18-020, 040, 050, 070, 090. (see attached  
sheet)

Repealed:  
(Total Rules Only)

is Administrative Rules of the Water Resources Department Resource Management Division  
(Department) (Division)

DATED this 8th day of August, 19 90

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

Statutory Authority: ORS 197.180, 536.027 or

Chapter(s) \_\_\_\_\_, Oregon Laws 19 \_\_\_\_\_ or

House Bill(s) \_\_\_\_\_, 19 \_\_\_\_\_ Legislature; or Senate Bill(s) \_\_\_\_\_, 19 \_\_\_\_\_ Legislature

Subject Matter: These new and amended rules establish the Water Resource Department's State Agency  
Coordination Program pursuant to ORS 197.180. OAR Chapter 690, Division 60 established general  
procedures for achieving compliance with Statewide Planning Goals and Compatibility with  
acknowledged comprehensive plans. Amendments to several other rule divisions establish land  
use coordination procedures specific to individual Department programs affecting land use. In  
addition, amendments to Division 77 would establish a 20 year extendable term for water reserva-  
tion and specify information submittal requirements. Amendments to Division 10 establish new  
procedures for critical ground water area proceedings.

For Further Information Contact: Rick Bastasch or Roberta Jortner Phone: 378-3671  
(Rule Coordinator)



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**PERMANENT**  
ADMINISTRATIVE RULES WITH THE SECRETARY OF STATE

RECEIVED  
AUG 8 3 33 PM '90  
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See 1990 rules

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Notice of Intended Action published in Secretary of State's Bulletin: NO  YES  Date Published: April 15, 1990

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:  
New Total Rules) OAR Chapter 690, Division 60, Compliance with Statewide Planning Goals, Compatibility with Comprehensive Plans, and Coordination on Land Use Matters.

Amended:  
Existing Rules) OAR Chapter 690, Division 10-050, 053, 054, 070. Division 11-010, 030, 040, 080. Division 15-057, 060, 080. Division 18-020, 040, 050, 070, 090. (see attached page)

Repealed:  
Total Rules Only) \_\_\_\_\_

is Administrative Rules of the Water Resources Department (Department) Resource Management Division (Division)

DATED this 8th day of August, 1990

By: John C. Border (Authorized Signer)

Title: Deputy Director

Statutory Authority: ORS 197.180, 536.027 or  
Chapter(s) \_\_\_\_\_, Oregon Laws 19\_\_\_\_ or  
House Bill(s) \_\_\_\_\_, 19\_\_\_\_ Legislature; or Senate Bill(s) \_\_\_\_\_, 19\_\_\_\_ Legislature

Subject Matter: These new and amended rules establish the Water Resources Department's State Agency Coordination Program pursuant to ORS 197.180. OAR Chapter 690, Division 60 establishes general procedures for achieving compliance with Statewide Planning Goals and Compatibility with acknowledged comprehensive plans. Amendments to several other rule divisions establish land use coordination procedures specific to individual Department programs affecting land use. In addition, amendments to Division 77 would establish a 20 year extendable term for water reservations and specify information submittal requirements. Amendments to Division 10 establish new processes for critical ground water area proceedings.

For Further Information Contact: Rick Bastasch and Roberta Jortner (Rule Coordinator) Phone: 378-3671

## 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 25 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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