

COPY

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 _____

Water Resources Commission

(Agency)

on January 8, 1988

(Date)

to become effective upon filing

(Date)

The within matter having come before the Water Resources Commission after

(Agency)

all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises:

NOW THEREFORE, IT IS HEREBY ORDERED THAT the following rule(s) be adopted: Perm. or Temp.
(List Rule Number(s) or Rule Title on Appropriate Lines Below)

Adopted:
(New Rules)

OAR 690-82-010 through 690-82-080

Amended:
(Existing Rules)

Suspended:
(Temporary Only)

Repealed:
(Existing Rules)

as Administrative Rules of the Water Resources Commission

(Agency)

DATED this 11th day of January, 1988

By: William H. Young

William H. Young (Authorized Signer)

Title: Director, Water Resources Department

Statutory Authority: ORS Chapter 183 and 536

Subject Matter: Allows Director of WRD to accept applications for uses of water not included in a basin program. Specifies conditions.

Statement of Need Attached:

Fiscal Impact Attached:

For Further Information Contact: Lorraine Stahr

Phone: 378-3671

BEFORE THE WATER RESOURCES COMMISSION

OF THE

STATE OF OREGON

In the Matter of the Adoption of)	Statutory Authority
Rules for Review of Applications)	Statement of Need
for Beneficial Uses of Water)	Principal Documents
Not Allowed in Basin Programs)	Relied Upon
	Fiscal Impact

STATUTORY AUTHORITY: ORS 536.027, 183.335

STATEMENT OF NEED: The Water Resources Commission needs the rules to respond to public requests for uses of water not currently included in basin programs. The proposed rules allow the department to accept applications for water uses in limited cases where there are unusual circumstances and no known adverse impacts. The rules provide for public notice and opportunity for filing of objections. Without the rules, the Commission's only option for responding to these public requests is to amend the basin program. This procedure may be inappropriate or unnecessarily time-consuming or expensive in circumstances such as a proposal to use water for a short-term, emergency use.

PRINCIPAL DOCUMENTS RELIED UPON: Water Resources Commission Staff Report of May 30, 1986; Minutes of the Water Resources Commission meeting of August 25, 1987.

These documents are available for inspection during regular business hours at the Water Resources Department, 3850 Portland, Road NE, Salem, OR 97310.

FISCAL AND ECONOMIC IMPACT: Administrative costs to the Water Resources Commission may be less than at present because the Commission may not have to hold a hearing upon a request unless requested. No negative economic impact is anticipated on small businesses. The rules require proposed uses to be consistent with acknowledged comprehensive plans.

Dated this 12th day of October, 1987

WATER RESOURCES COMMISSION

William H. Young

William H. Young, Director
Water Resources Department

RULES FOR 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 to 690-82-080.

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

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

Commission: The Water Resources Commission.

Department: The Water Resources Department.

Director: The Director of the Water Resources Department.

APPLICATION FILING

690-82-030 An application for a permit to appropriate water under these rules must be accompanied by a letter to the Director showing:

1. The use will be of short duration during each year or for a continuous use period of no longer than five years; or
2. 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.

SPECIAL APPLICATION PROCESS

690-82-040 When the Department receives a completed 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 city or county 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.

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 is consistent with acknowledged comprehensive plans and land use regulations; 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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