

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

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SECRETARY OF STATE

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of PERMANENT rule(s) adopted on August 5, 1988
(Date)

by the Water Resources Commission
(Department) (Division)

RECEIVED

to become effective upon filing
(Date)

AUG 10 1988

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

LEGISLATIVE COUNSEL'S
OFFICE

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, 1988

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 690-85-005 to 690-85-030

Amended:
(Existing Rules)

Repealed:
(Total Rules Only)

as Administrative Rules of the Water Resources Department
(Department) (Division)

DATED this 10th day of August, 19 88

By: William N. Gentry
(Authorized Signer)

Title: Director, Water Resources Department

Statutory Authority: ORS 537.099 and 540.435 or

Chapter(s) _____ Oregon Laws 19 _____ or

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

Subject Matter:

Submittal of annual water use reports by governmental entities and designation of serious water management problem areas by the Water Resources Commission.

For further information contact Doug Parrow Phone: 378-3671
(Rule Coordinator)

OREGON ADMINISTRATIVE RULES
WATER RESOURCES DEPARTMENT
CHAPTER 690
ANNUAL REPORTS AND SERIOUS WATER MANAGEMENT PROBLEM AREAS

690-85-005 Purpose

These rules establish procedures and requirements for the annual reporting of water use by governmental entities pursuant to ORS 537.099. These rules also establish procedures for designation of serious water management problem areas pursuant to ORS 540.435.

690-85-010 Governmental Entities to Submit Annual Reports

- (1) As used in this rule, governmental entity includes any state or federal agency, local government as defined in ORS 294.004, irrigation district formed under ORS Chapter 545, water control district formed under ORS Chapter 553, and any other special purpose district organized under state law.
- (2) Beginning on December 31, 1989, any governmental entity that holds a water right shall submit a report detailing the use of water under the right for the previous water year (October 1 to September 30) to the Department by December 31 of each year. However, a governmental entity shall not be required to submit a report under this rule for a water right held because of default in repayment of loans or other debts owed to the state.
- (3) The report shall be submitted on forms supplied by, or in a format acceptable to, the Department. It shall include the name and address of the reporting entity, the location of each point of diversion, the amounts of water diverted or pumped each month, and the amount of water used for each major category of use. The information shall be submitted for each water right and for each point of diversion. For districts supplying irrigation water, the report shall also show the numbers of acres of land to which water was delivered.
- (4) Where metered water use data is not available, the Director may accept estimates of the amounts used. The report must include an explanation of how the estimates were generated. Methods for estimating amounts of water diverted or used must be approved in advance by the Director for reports submitted after December 31, 1991. Allowable methods for estimating diversions may include periodic flow measurements at a calibrated weir and/or measurements of electrical power used for pumping.
- (5) If the water right allows less than 9.2 acre-feet of storage or 0.1 cubic foot per second of water and is not distributed to more than one location, the Director may accept a report that states water was used in

(6) Agencies which manage numerous small water rights may aggregate water rights for reporting purposes after obtaining approval from the Director. It is not necessary to quantify or estimate the water used for purposes incidental to the primary use of a water right.

690-85-020 Serious Water Management Problem Areas

(1) The Commission may adopt a rule to designate an area as having serious water management problems and may order any affected water right holders to submit annual water use reports if it finds that:

(a) Ground water decline in the area is of such magnitude that the aquifer does not recover annually; or

(b) There are frequent water management disputes between water users in the area that cannot be privately resolved; or

(c) Substantial interference exists between wells; or

(d) The exercise of ground water rights interferes with flow of water in a nearby stream, to the detriment of senior surface water rights; or

(e) The diversion of water from streams is in such quantities that interference with nearby wells occurs; or

(f) There are frequent occurrences of surface or ground water shortages caused by use of water from streams or wells. Shortages may be evidenced by complaints from water right holders, requests to regulate water use, degraded water quality, or failure to meet administrative restrictions or minimum streamflows.

(2) The Commission may direct that a hearing be held to determine if an area has serious water management problems upon receipt of a complete petition with sufficient evidence of a serious management problem from a water right holder in the area, or from the director of a state or federal agency. The Commission also may hold a hearing to determine if an area has serious water management problems on its own motion.

(3) A petition for hearing shall include recommended boundaries of the area proposed for designation, a description of the water management problems in the area, a summary of data on water availability and use for the area, and a proposed water management and annual water use reporting program. This proposed program should include a description of any measuring devices to be required, information which would be submitted on any annual water use reports and proposed procedures for regulation of water use. The Commission shall review the data and recommendations in the petition and determine if a hearing shall be held.

(4) The hearing shall be held in the area proposed for designation as having serious water management problems. Notice of the hearing shall be published in a local newspaper at least two weeks before the hearing.

Additionally, the Department shall mail notice of the hearings to water rights holders in the area when feasible.

(5) Alternative proposals for measuring devices, methods of obtaining data, or formats for reporting data may be presented to the Department within 30 days after the hearing date.

(6) If the Commission determines there is a serious water management problem, it shall adopt a rule which specifies the nature of the problem, the boundaries of the area involved, who is required to install measuring devices, specifications for the types of measuring devices and annual reports, and timelines for implementation.

(7) The Commission may consider amendment of a rule designating a serious water management problem area upon receipt of a petition to initiate rulemaking or on the Commission's own motion.

690-85-030 Failure to Report

(1) The Director may order regulation or termination of deliveries of water to and use of water by any water right holder who fails to satisfactorily install or maintain a measuring device or to submit a report required by 690-85-020. Notice of intended regulation shall be served on the person by certified mail, return receipt requested. Regulation shall become effective not earlier than 30 days after the date of mailing of the notice. Regulation shall not become effective if the person satisfactorily complies within 30 days from the date of mailing of the notice or if the person is granted an extension of time under section (2) of this section.

(2) A water right holder required under OAR 690-85-010 or 690-85-020 to submit an annual water use report may request in writing a 60-day extension of time to submit the report. The Director may grant the extension upon finding that the additional time is needed by the person or government entity to compile and submit accurate and complete information.

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