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PERMANENT ADMINISTRATIVE RULES

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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on 11/21/2014 by the
Water Resources Department 690

Agency and Division Administrative Rules Chapter Number
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Address

To become effective 01/01/2015 Rulemaking Notice was published in the September 2014 Oregon Bulletin.

RULE CAPTION

Adjustment of transaction fees set by rule.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

690-310-0080, 690-340-0030, 690-340-0040, 690-382-0400

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:

ORS 536.050

Other Authority:

HB 2259 (2013)

Statutes Implemented:

ORS 537.143 & 537.144; ORS 537.040; ORS 537.150 & 537.620; ORS 537.610; ORS 540.505 - 540.532; HB 2123 (Ch. 614, 2005 Oregon Laws)

RULE SUMMARY

HB 2259 (2013) authorized transaction fee increases that average 13% to cover annual inflationary costs over a four-year period. Most of the fee adjustments are made in statute; those fees set in rule are addressed in this rulemaking.

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(d) A map delineating any changes in the location(s) of point(s) of diversion.

Stat. Auth.: ORS 536.027

Statutes Implemented: ORS 537.040

Hist.: WRD 6-1995, f. & cert. ef. 6-10-94; WRD 1-1996, f. & cert. ef. 1-31-96, Renumbered from 690-011-0047

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690-310-0080

Initial Review

(1) If the proposed use is not prohibited by statute, the Department shall undertake an initial review of the application and make a preliminary determination of:

(a) Whether the proposed use is restricted or limited by statute or rule;

(b) The extent to which water is available from the proposed source during the times and in the amounts requested; and

(c) Any other issue the Department identifies as a result of the initial review that may preclude approval of or restrict the proposed use.

(2) Upon completion of the initial review and no later than 30 days after determining an application to be complete and not defective as described in 690-310-0070, the Department shall send by regular mail, or with the consent of the recipient, by electronic means to the applicant an initial review report setting forth the Department's preliminary determinations. The applicant shall have 14 days from the date the Department sends the initial review report within which to notify the Department to stop processing the application or to proceed with the application. If the applicant notifies the Department to stop processing the application, the Department shall return the application and all except [~~\$50~~] (\$225) of any fees paid by the applicant. If the Department does not receive a timely response from the applicant, the Department shall proceed with the review of the application.

Text in bold and underlined (example) indicates proposed new text to existing rule.

Italicized text in brackets [*example*] indicates existing rule text proposed to be removed.