

Secretary of State  
Certificate and Order for Filing  
**PERMANENT ADMINISTRATIVE RULES**

**FILED**  
11-25-14 11:22 AM  
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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  
Joshua Spansail (503) 986-0874  
Rules Coordinator Telephone  
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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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Stat. Auth.: ORS 536.027

Stats. Implemented: ORS 537.150 & 537.620

Hist.: WRD 1-1996, f. & cert. ef. 1-31-96; WRD 1-2012, f 1-31-12, cert. ef. 2-1-12

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**690-382-0400**

### **Application for Modification of Certificate of Registration**

Each application for modification of a certificate of registration shall be prepared in ink or printed on a form provided by the Department. Applications shall contain the following minimum information concerning the certificate of registration and any appurtenant water right or permit, if applicable:

- (1) Applicant's name, mailing address, and telephone number.
- (2) Type of change proposed.
- (3) Name appearing on the certificate of registration.
- (4) Certificate of registration number for the registration to be modified.
- (5) Water right certificate, permit, or certificate of registration numbers, as applicable, for any layered water uses subject to transfer, permits, or certificates of registration.
- (6) Source of water as described on the certificate of registration.
- (7) Date of priority.
- (8) The authorized and proposed point(s) of appropriation located accurately in reference to a public land survey corner, if applicable.
- (9) The authorized and proposed use of water, if applicable.
- (10) The authorized and proposed place of use identified by its location within the public land survey and tax lot number, if applicable.

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.

(11) A map prepared pursuant to OAR 690-380-3100, except it need not be prepared by a water rights examiner.

(12) Land use information as outlined in the Department's Land Use Planning Procedures Guide, except for those modifications that meet the following four requirements:

(a) Where existing and proposed water uses would be located entirely within lands zoned for exclusive farm use as provided in ORS 215.203 or within irrigation districts;

(b) That involve changes in place of use only;

(c) That do not involve the placement or modification of structures including but not limited to water diversion, impoundment, or distribution facilities, water wells, and well houses; and

(d) That involve irrigation water uses only.

(13) For a change in point of appropriation, copies of water well reports for the authorized and proposed point of appropriation. If water well reports are not available, a description of the construction of each well, including but not limited to, well depth, static water level, casing size, and any other necessary information to establish the ground water body developed or proposed to be developed.

(14) A listing of the names and mailing addresses of:

(a) All affected local governments, including but not limited to, county, city, municipal corporations, and tribal governments; and

(b) Any district in which the affected registration is located or that serves the registration and any district in which the affected registration would be located or that would serve the registration after the proposed modification.

(15) An oath that the information contained in the application is true and accurate.

(16) The following information related to the authority of the applicant to pursue the proposed modification:

(a) A signed statement that the applicant understands that, upon receipt of the draft preliminary determination described in OAR 690-382-0700(4) and prior to Department recognition of the

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modification, the applicant will be required to provide the landownership information and evidence identified in OAR 690-382-0700(5) to demonstrate that the applicant is authorized to pursue the modification;

(b) A statement affirming that the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; or

(c) Documentation that the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the certificate of registration proposed for modification is appurtenant. Such an entity may only apply for recognition of a modification under this subsection if it has filed a condemnation action to acquire the property and deposited the funds with the court as required by ORS 35.265. Such an entity need not obtain the consent or authorization for the change from any other person or entity.

(17) The signature of the applicant, and if an entity, the title of the person signing the form.

(18) The appropriate fee required under ORS 537.610 as follows:

(a) For examination of an application to only change the place of use under a certificate of registration, [~~\$775~~] (**\$875**).

(b) For examination of all other applications to modify a certificate of registration, [~~\$1,125~~] (**\$1,250**).

Stat. Auth.: ORS 536.025; 536.027, 537.610, 540.531, HB 2123 (ch. 614, 2005 Oregon Water Laws)

Stats. Implemented: ORS 537.610, 540.505-540.532, HB 2123 (ch. 614, 2005 Oregon Water Laws)

Hist.: WRD 5-2006, f. & cert. ef. 10-6-06; WRD 8-2009, f. 12-8-09, cert. ef. 12-15-09

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