

Corrected 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 22, 1990
(Date)

by the Water Resources Commission
(Department) Division)

to become effective upon filing
(Date)

The within matter having come before the Water Resources Commission
(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: October 15, 1989

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 690-400-000 and 690-410-010, 020, 030 and 040

Amended:
(Existing Rules)

Repealed:
(Total Rules Only)

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

DATED this 25th day of June, 19 89

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

Statutory Authority: ORS 536.220, 536.300

Chapter(s) _____, Oregon Laws 19 _____

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

Subject Matter: Statewide water resource management. These rules establish statewide policies and principles pertaining to a wide range of water-related topics and activities including (a) basin planning; (b) interagency coordination; and (c) development and adoption of rules, standards, and implementing strategies to govern Department programs and activities.

For Further Information Contact: Tom Kline Phone: 378-3671
(Rule Coordinator)

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I HEREBY CERTIFY that the attached copy is a true, full and correct copy of PERMANENT rule(s) adopted on June 22, 1990
(Date)

is Water Resources Commission
(Department) (Division)

become effective upon filing
(Date)

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

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: October 15, 1989

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

Added: Total Rules) OAR 690-400-000 and 690-410-010, 020 and 040

Added: Pending Rules) _____

Added: Deleted Rules Only) _____

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

DATED this 25th day of June, 19 90

By: William N. Young
(Authorized Signer)

Title: Director

Primary Authority: ORS 536.220, 536.300 or

Order(s) _____, Oregon Laws 19 _____ or

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

Matter: Statewide water resource management. These rules establish statewide policies and principles pertaining to a wide range of water-related topics and activities including (a) basin planning; (b) interagency coordination; and (c) development and adoption of rules, standards, and implementing strategies to govern Department programs and activities.

Other Information Contact: Tom Kline Phone: 378-3671
(Rule Coordinator)

See replacement

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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 22, 1990

(Date)

Water Resources Commission

(Department)

Division)

Effective upon filing (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: October 15, 1989

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

Deleted: OAR 690-400-000 through 690-410-040

Deleted: (Total Rules)

Deleted: (Reg Rules)

Administrative Rules of the Water Resources Department

(Department)

Resource Management Division

(Division)

DATED this 25th day of June, 1990

By: William N. Young (Authorized Signer)

Title: Director

Statutory Authority: ORS 536.220, 536.300

Reference: Oregon Laws 19

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

Matter: Statewide water resource management. These rules establish statewide policies and principles pertaining to a wide range of water-related topics and activities including (a) basin planning; (b) interagency coordination; and (c) development and adoption of rules, standards, and implementing strategies to govern Department programs and activities.

Other Information Contact: Mike Mattick Phone: 378-3671

(Rule Coordinator)

conform to statements of state water resources policy as adopted by the Water Resources Commission.

GROUNDWATER MANAGEMENT

690-410-010

(1) Policy

The groundwaters of the State of Oregon belong to the public. The reasonable control, protection, and use of groundwater is governed by the state on behalf of the public. Groundwater shall be managed to promote efficient and sustainable use for multiple purposes. Groundwater overdraft and contamination shall be prevented to avoid health hazards, environmental damage, and costly correction programs. Interference between groundwater uses and competing groundwater and surface water uses shall be prevented and/or controlled to protect the water resource and existing rights. The state shall pursue restoration of contaminated groundwaters to protect present and future uses. Coordinated action by federal, state and local agencies, Indian tribes, and special districts, along with public education, shall be fostered to promote the effective management, protection and beneficial use of groundwater.

(2) Principles

Programs to achieve the policy in section (1) of this rule shall be guided by the following principles:

- (a) Groundwater and surface water shall be managed conjunctively where to do so will protect water resources, existing water rights, and the public interest.
- (b) Rules governing well construction, maintenance, and abandonment shall provide minimum standards for protection of the public welfare, safety, and health, and the groundwaters of the state.
- (c) Water well constructors, owners, and operators are responsible to construct, alter, maintain, operate, and abandon wells, and any holes through which the groundwater may be contaminated, in accordance with minimum statewide standards and shall undertake measures necessary to prevent waste, undue interference, contamination, or harm to the groundwater.
- (d) Low-temperature geothermal fluids are part of the groundwater resources of the state and are subject to applicable laws and plans. These fluids are developed primarily for thermal characteristics and may require special management approaches to promote beneficial use, protect the environment and achieve other policy directives.
- (e) Special-area designations (i.e., critical groundwater management areas, serious water management areas, basin plan restriction areas) may be warranted under

conditions such as:

- (A) past, existing or probable excessive groundwater level declines or overdraft,
- (B) substantial interference between two or more wells or between groundwater and surface water uses (including public instream uses), or between groundwater appropriation and geothermal appropriation under ORS Chapter 522, and/or
- (C) groundwater contamination.

(f) Special-area designations shall be invoked when site-specific standards and regulations are no longer sufficient to solve or prevent the problem(s). The invoking of special-area designations shall be accompanied by recommended monitoring, reporting, or regulating activities to prevent, correct or control existing or potential declines, overdraft, interference or contamination. Existing groundwater appropriations, which are generally protected from infringement, may be controlled if any of the conditions listed in (e) above are found to exist.

(g) Groundwater appropriation for artificial recharge is a beneficial use and can be approved if such action will not:

- (A) cause significant adverse effects on the quantity or quality of the supplying and receiving water sources, or
- (B) harm the public interest.

(h) Ongoing collection, analysis, and distribution of hydrogeologic information are necessary to manage groundwater for maximum beneficial use and to protect the public welfare, safety, and health.

(i) Public education programs, research, and demonstration projects are needed to increase citizen awareness of groundwater issues in this state.

(j) Adequate and safe supplies of groundwater for human and livestock consumption are given priority over other uses during times of shortage.

HYDROELECTRIC POWER DEVELOPMENT

690-410-020

(1) Policy

Development and production of hydroelectric power is a beneficial use. However, construction and operation of hydroelectric facilities have had significant adverse impacts on the State's natural resources. New hydroelectric development shall be permitted if it can be demonstrated that there will be no harm to the state's anadromous salmon and steelhead fish resource and habitat, and no net loss of the state's other natural resources. Relicensing of existing facilities, which have adversely impacted, or may preclude the recovery of, anadromous fish resources shall include measures to restore, enhance or

improve the anadromous fish resource. The relicensing of any facility shall include measures to prevent the net loss of other natural resources resulting from future operation of the facility.

(2) Principles

Programs to achieve the policy in section (1) of this rule shall be guided by the following principles:

(a) Hydroelectric power can provide valuable economic and social benefits when the natural resources of the state are protected from potential adverse impacts.

(b) Proposed or relicensed projects that can be developed consistent with Oregon's resource protection standards should be encouraged. New development shall be consistent with the provisions of the Columbia River Basin Fish and Wildlife Program as adopted by the Northwest Power Planning Council pursuant to PL 96-501.

(c) Mitigation shall be required for harm to Oregon's natural resources caused or likely to be caused by new permitted hydroelectric power development. These natural resources include but are not limited to anadromous fish, wildlife, water quality, scenic and aesthetic values, historic, cultural and archaeological sites.

(d) On relicensing of existing facilities, measures for restoration, enhancement or improvement for past harms to Oregon's anadromous and steelhead resource shall be considered and implemented.

(e) The state shall ensure that the laws of the state and the rules of the Commission concerning hydroelectric power development are satisfied at every stage of any hydroelectric power project. The state shall assert these laws and rules when participating in federal proceedings involving hydroelectric power. Participation in these proceedings by state agencies shall be fostered through the Strategic Water Management Group (SWMG).

INTERSTATE COOPERATION

690-410-040

(1) Policy

The state will seek to cooperate with other states in planning, developing, managing, and resolving conflicts involving surface or groundwater resources. Interstate cooperation shall be actively pursued to benefit the public interest, welfare, health, economy and safety of Oregon's citizens.

(2) Principles

Programs to achieve the policy in section (1) of this rule shall be guided by the following principles:

(a) Existing laws, agreements, water rights, individual state interests and resource conditions shall guide and limit interstate cooperation in order to protect the public interest.

(b) Cooperation is preferred, but not required, over unilateral action, litigation, arbitration, or adjudication.

(c) The meaning, intent and purpose of interstate cooperation as embodied in this policy also applies to federally recognized Indian Tribes, and their governments, located wholly or partially within this state.