

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on [November 16, 2012] by the Oregon Water Resources Commission.

Oregon Water Resources Department; Water Right Services Division		690
Agency and Division		Administrative Rules Chapter Number
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Rules Coordinator	Address	Telephone

to become effective [upon filing].	Rulemaking Notice was published in the [September 2012] Oregon Bulletin.**
Date upon filing or later	Month and Year

RULE CAPTION

Revision of the following coastal basin programs: Rogue, Umpqua, South Coast, North Coast and Mid-Coast

RULEMAKING ACTION

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

AMEND:

690-501-0005; 690-501-0010; 690-501-0030
690-515-0000; 690-515-0010; 690-515-0020; 690-515-0030; 690-515-0040; 690-515-0050; 690-515-0060
690-516-0005; 690-516-0010; 690-516-0030;
690-517-0000; 690-517-0020; 690-517-0030; 690-517-0040
690-518-0010; 690-518-0030; 690-518-0050

REPEAL:

690-501-0020
690-516-0020
690-517-0050
690-518-0040

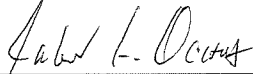
Stat. Auth.: ORS 536.025; ORS 536.300; ORS 536.340

Other Auth.:

Stats. Implemented: ORS

RULE SUMMARY

The Oregon Water Resources Commission develops, adopts and periodically modifies programs for the state's major administrative basins as part of its statutory responsibility to progressively formulate an integrated, coordinated program for the use and control of the water resources of the state (ORS 536.300). Basin programs are administrative rules which establish water management policies and objectives and which govern new appropriations of the surface and groundwater within each of the respective basins. There is a need to revise the basin program rules to reflect changes in statute and other related administrative rules. The Department is proposing changes to the basin programs for the Rogue (Division 515), Umpqua (Division 516), South Coast (Division 517), Mid-Coast (Division 518) and North Coast (Division 501), which together comprise the coastal basin programs for the state.

	RUBEN E. OCHOA	12/11/2012
Authorized Signer	Printed name	Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.

ARC 930-2005

**OREGON ADMINISTRATIVE RULES
WATER RESOURCES DEPARTMENT
CHAPTER 690
DIVISION 501
NORTH COAST BASIN PROGRAM**

[NOTE: The North Coast Basin is delineated on the agency Map 1.6, dated 1972.]

690-501-0005

Classifications

(1) In accordance with ORS 536.220, ORS 536.300, ORS 536.310, and ORS 536.340, the waters of the North Coast Basin are classified for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife, and fish life,

with the following exceptions:

(a) The waters of the natural lakes of the North Coast Basin are classified for utilization of water for domestic, livestock, power development not to exceed 7-1/2 theoretical horsepower, and in-lake uses for recreation, wildlife, and fish life purposes;

(b) The attainment of the highest and best use of the waters of Clatskanie and Klaskanine Rivers and their tributaries, Lewis and Clark River and Tillasqua Creek (Big Creek), has been determined through legislative withdrawal by ORS 538.251 to be for the protection of fish life. ORS 538.260 states that ORS 538.251 shall not affect any existing rights or prevent appropriation for domestic, stock, municipal, fish culture, esthetic, recreational, or public park purposes;

(c) The waters of the Columbia River creating a tidal influence in the mouths of the tributaries to the Columbia River within the Columbia Subbasin are classified for utilization of water for domestic, livestock, municipal, irrigation, industrial, recreation, wildlife, and fish life purposes;

(d) The waters of all streams tributary to Sand Lake are classified only for utilization for domestic, livestock, use in dairies, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, power development and instream use for recreation, fish life and wildlife purposes;

(e) The waters of Jetty Creek and its tributaries are classified for utilization of water for human consumption, livestock consumption, power development and instream uses for recreation, wildlife and fish life purposes. In addition, up to one cubic foot per second of the waters of Jetty Creek is classified for municipal use;

(f) The waters of Heitmiller Creek are classified for utilization of water for human consumption, livestock consumption, and instream uses for recreation, wildlife and fish life purposes;

(g) The waters of the following streams are classified for utilization of water for human consumption, livestock consumption, power development and instream uses for recreation, wildlife, and fish life purposes:

(A) Tillamook Subbasin:

(i) All streams tributary to Daley Lake;

(ii) All streams tributary to Netarts Bay;

(iii) Coleman Creek and its tributaries;

(iv) Vaughn Creek and its tributaries;

(v) Douhty Creek and its tributaries;

- (vi) Patterson Creek and its tributaries;
- (vii) Larson Creek and its tributaries;
- (viii) All streams tributary to Lake Lytle.
- (B) Nehalem Subbasin:
 - (i) Salmonberry River and its tributaries;
 - (ii) Rock Creek and its tributaries.
- (C) Columbia Subbasin:
 - (i) Short Sand Creek and its tributaries;
 - (ii) Arch Cape Creek and its tributaries;
 - (iii) Cullaby Creek and its tributaries;
 - (iv) John Day River and its tributaries;
 - (v) Gnat Creek and its tributaries;
 - (vi) All tributaries to Westport Slough, except Plympton Creek. In addition to uses in subsection (g) of this section, permits may also be used to collect and divert polluted industrial site runoff, before entering OK Creek, for pollution abatement purposes. This use shall be allowed only on the condition that all applicable requirements of other agencies are met;
 - (vii) Tide Creek and its tributaries, except that water from the main stem Tide Creek from the falls near river mile 3 to the mouth may be used for gravel washing provided that such use shall not diminish the flow in Tide Creek below 2.5 cfs;
 - (viii) Goble Creek and its tributaries, except that surface water legally stored and released from storage may be used for any beneficial purpose. Diversion for storage shall be limited to the period December 1 to February 28.

(2) Structures or works for utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310; and any such structures or works, which do not give cognizance to the multiple-purpose concept, are further declared to be prejudicial to the public interest.

Stat. Auth.: ORS 536.300, ORS 536.340 & ORS 537

Hist.: WRB 21, f. 11-8-62; WRB 27, f. 5-11-64; WRB 51, f. 5-14-73; WRD 5-1978, f. & cert. ef. 6-8-78; WRD 5-1981, f. & cert. ef. 6-19-81; WRD 5-1989, f. & cert. ef. 9-14-89; WRD 3-1991, f. & cert. ef. 3-14-91, Renumbered from 690-080-0010; WRD 11-12, f & cert. ef. 12-12-12

690-501-0010

Minimum Perennial Streamflows

For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for human consumption, livestock consumption, and waters legally released from storage shall be granted for the waters of the following streams and their tributaries for flows below the amounts specified in **Table 1**.

Stat. Auth.: ORS 536.300, ORS 536.340 & ORS 537

Stats. Implemented:

Hist.: WRB 21, f. 11-8-62; WRB 27, f. 5-11-64; WRB 51, f. 5-14-73; WRD 5-1978, f. & cert. ef. 6-8-78; WRD 5-1981, f. & cert. ef. 6-19-81; WRD 5-1989, f. & cert. ef. 9-14-89; WRD 3-1991, f. & cert. ef. 3-14-91, Renumbered from 690-080-0010; WRD 11-12, f & cert. ef. 12-12-12

690-501-0030

Out-of-Basin Appropriations

To support present and proposed North Coast Basin water resource development, no out-of-basin appropriation of the waters of the North Coast Basin shall be granted without the prior approval of, and following a public hearing by, the Water Resources Commission.

Stat. Auth.: ORS 536.300, ORS 536.340 & ORS 537

Stats. Implemented:

Hist.: WRB 21, f. 11-8-62; WRB 27, f. 5-11-64; WRB 51, f. 5-14-73; WRD 5-1978, f. & cert. ef. 6-8-78; WRD 5-1981, f. & cert. ef. 6-19-81; WRD 5-1989, f. & cert. ef. 9-14-89; WRD 3-1991, f. & cert. ef. 3-14-91, Renumbered from 690-080-0010; WRD 11-12, f & cert. ef. 12-12-12

690-501-0040

Water Quality

Rights to use of water grant by any state agency in accordance with this water use program shall be issued only on the condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Stat. Auth.: ORS 536.300, ORS 536.340 & ORS 537

Stats. Implemented:

Hist.: WRB 21, f. 11-8-62; WRB 27, f. 5-11-64; WRB 51, f. 5-14-73; WRD 5-1978, f. & cert. ef. 6-8-78; WRD 5-1981, f. & cert. ef. 6-19-81; WRD 5-1989, f. & cert. ef. 9-14-89; WRD 3-1991, f. & cert. ef. 3-14-91, Renumbered from 690-080-0010