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SEC. OFFICE

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 February 25, 1994
(Date)

by the Water Resources Commission
(Department) (Division)

to become effective upon filing
(Date)

The within matter having come before the Water Resources Commission after
(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: January 1, 1994

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)

Amended:
(Existing Rules)

OAR 690-200-026
OAR 690-502-160

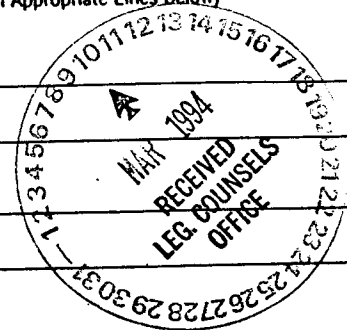
Repealed:
(Total Rules Only)

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

DATED this 10th day of March, 19 94

By: *Merrill D. Papp*
(Authorized Signer)

Title: Director



Statutory Authority: ORS Chapters 536 and 537 or

Chapter(s) _____ Oregon Laws 19 _____ or

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

Subject Matter: Extension of certain rules dealing with special area well construction standards and the appropriation of groundwater on Parrett Mountain.

For Further Information Contact: Beth Patrino Phone: 378-8455 ext. 290
(Rule Coordinator)

Groundwater Classifications and Conditions

690-502-160

(1) Use of groundwater from the basalt aquifer within the Cooper - Bull Mountain Critical Groundwater Area shall be as described in the State Engineer's order designating the Cooper - Bull Mountain Critical Groundwater Area dated May 17, 1974.

(2) Groundwater Classification:

The groundwater resources of the Willamette Basin are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and statutorily exempt groundwater uses with the following exceptions:

(a) Groundwater from the *shallow* Troutdale aquifer and the specially designated portion of the *deep* Troutdale aquifer in the Sandy - Boring area is classified for exempt uses only.

The Sandy - Boring Groundwater Limited Area is as described and shown in Exhibit 1. Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed and shall contain the Special Permit Conditions specified in Section (4) herein. Applications may be rejected if the aquifer displays any of the adverse impacts defined in OAR 690-08. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications.

(b) Groundwater from the basalt aquifers in the Damascus, Glad Tidings, Kingston, Mt. Angel, Parrett Mountain and Stayton - Sublimity areas, and the Troutdale aquifer in the Damascus area is classified for exempt uses only.

(A) The Damascus Groundwater Limited Area is as described and shown in Exhibit 2. The Glad Tidings Groundwater Limited Area is as described and shown in Exhibit 3. The Kingston Groundwater Limited Area is as described and shown in Exhibit 4. The Mt. Angel Groundwater Limited Area is as described and shown in Exhibit 5. The Parrett Mountain Groundwater Limited Area is as described and shown in Exhibit 9. The Stayton - Sublimity Groundwater Limited Area is as described and shown in Exhibit 7.

(B) Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed. Permits may be issued for a period not to exceed five years and shall contain the Special Permit Conditions specified in Section (4) herein. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications may be rejected or permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications. Within two years of permit issuance, the applicant shall prepare a plan for the Water Resources Commission which shall indicate the steps for obtaining an alternate long-term water supply.

(c) (A) Except as provided in paragraphs (B) and (C) of this subsection, groundwater from the basalt aquifers in the Sherwood - Dammasch - Wilsonville Groundwater Limited area as described and shown in Exhibit 6 is classified for exempt uses only.

(B) The unappropriated waters of the basalt groundwater sources in sections 5, 7 and 8, Township 3 South, Range 1 West, Willamette Baseline and Meridian, which lie above 300 feet elevation above mean sea level are withdrawn from further appropriation for all uses, including those exempt under ORS 537.545.

(C) The unappropriated waters of the basalt groundwater sources in sections 5, 7 and 8, Township 3 South, Range 1 West, Willamette Baseline and Meridian, which lie below 300 feet elevation above mean sea level are classified for exempt uses, domestic uses, and rural residential fire protection systems only.

(D) The withdrawal and classification established under paragraphs (B) and (C) of this subsection shall be in effect until [March 13, 1994] **November 13, 1994**, and will be reviewed prior to that date by the Water Resources Commission.

(d) Groundwater in the basalt aquifers in the Chehalem Mountain, Eola Hills and South Salem Hills Groundwater Limited Areas is classified for exempt uses, irrigation and rural residential fire protection systems only.

Permits may be issued, for a period not to exceed five years, for fire protection and for drip or equally efficient irrigation provided the Director finds the proposed use and amount do not pose a threat to the groundwater resource or existing permit holders. The amount of water used for irrigation shall be further limited to one (1) acre-foot per acre per year. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications may be rejected or permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08.

(A) The Chehalem Mountain Groundwater Limited Area is as described and shown in Exhibit 8. The Eola Hills Groundwater Limited Area is as described and shown in Exhibit 10. The South Salem Hills Groundwater Limited Area is as described and shown in Exhibit 11.

(B) Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed. Permits may be issued for a period not to exceed five years and shall contain the Special Permit Conditions specified in Section (4) herein. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications. Within two years of permit issuance, the applicant shall prepare a plan for the Water Resources Commission which shall indicate the steps for obtaining an alternate long-term water supply.

(e) Groundwater - surface water hydraulic connection:

These rules are in addition to the requirements of OAR 690-09. Groundwater in unconfined alluvium within one-quarter mile of the banks of a stream or surface water source is presumed to be in hydraulic connection with the surface water source, unless the applicant or appropriator provides satisfactory information or demonstration to the contrary. This hydraulically connected groundwater shall be classified the same as the

surface source. This section shall not apply to those groundwater uses exempted by ORS 537.545.

Notwithstanding such classification, permits may be issued for the use of water from a well in an unconfined aquifer that is hydraulically connected to groundwater, within a quarter mile of a stream, provided that surface water impacts are mitigated through storage releases.

(3) Special Columbia River Basalt Group Aquifer Permit Conditions:

New permits issued to appropriate groundwater from Columbia River Basalt Group aquifers shall be specially conditioned. The conditions shall specify:

- (a) A static water level measurement be made and submitted before any use of water may commence at the well.
- (b) The permittee/appropriator install a meter or other suitable measuring device approved by the Director and submit an annual report of water used to the Department.
- (c) Limits on acceptable amounts of depletion and interference with other users.
- (d) Use of water from the well be controlled or shut off if limits specified in the permit to protect the resource from depletion, and prior appropriators from interference, are exceeded.
- (e) The Department shall determine, from measurements submitted by the permittee/appropriator, or other data on file in the department, the initial and subsequent water levels from which the previously cited declines are referenced.
- (f) Following the issuance of a permit, the permittee/appropriator shall measure the water levels in the permitted well each year between March 1 and March 31 (spring high-water level) and submit the data to the Department within 90 days of measurement. Water level measurements shall be made by a certified water rights examiner, licensed water well driller, licensed pump installer, registered geologist, licensed land surveyor, registered professional engineer or the permittee/appropriator.
- (g) Any other conditions derived from OAR 690-08 as deemed necessary to protect the groundwater resource.

(4) Special Permit Conditions:

New permits issued to appropriate groundwater from aquifers within the Sandy - Boring Groundwater Limited Area and the Troutdale aquifer in the Damascus Groundwater Limited Area shall be specially conditioned. The conditions shall specify:

- (a) A static water level measurement be made and submitted before any use of water may commence at the well.
- (b) Limits on acceptable amounts of depletion and interference with other users.
- (c) Use of water from the well be controlled or shut off if limits specified in the permit to protect the resource from depletion, and prior appropriators from interference, are

exceeded.

(d) The Department shall determine, from measurements submitted by the permittee/appropriator, or other data on file in the department, the initial and subsequent water levels from which the previously cited declines are referenced.

(e) Following the issuance of a permit, the permittee/appropriator shall measure the water levels in the permitted well each year between March 1 and March 31 (spring high water level) and submit the data to the Department within 90 days of measurement. Water level measurements shall be made by a certified water rights examiner, licensed water well driller, licensed pump installer, registered geologist, licensed land surveyor, registered professional engineer or the permittee/appropriator.

(f) Any other conditions as specified in OAR 690-08 as deemed necessary to protect the groundwater resource.