

**CERTIFICATE AND ORDER  
FOR FILING  
PERMANENT  
ADMINISTRATIVE RULES WITH THE SECRETARY OF STATE**

RECEIVED  
MAR 15 1991

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of PERMANENT rule(s) adopted on March 8, 1991 (Date)  
by the Water Resources Department (Department) Resource Management Division (Division)  
to become effective upon filing (Date)

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

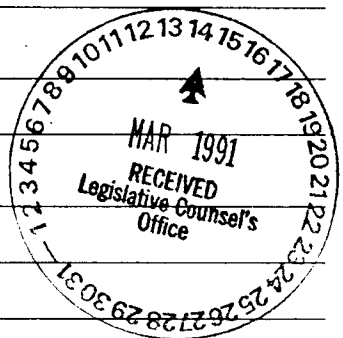
all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises:  
Notice of Intended Action published in Secretary of State's Bulletin: NO  YES  Date Published: October 1, 1990

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: Sandy Basin Program - Administrative Rules Chapter 690, Division 503-  
(New Total Rules) 010, 020, 030, 040, 050, 060

Amended: (Existing Rules)

Repealed: (Existing Rules Only)



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

DATED this 14th day of March, 19 91

By: Rebecca A. King (Authorized Signer)  
Title: Deputy Director

Statutory Authority: ORS 536.220, 536.300, 536.310 or

Chapter(s) \_\_\_\_\_, Oregon Laws 19 \_\_\_\_\_ or

House Bill(s) \_\_\_\_\_, 19 \_\_\_\_\_ Legislature; or Senate Bill(s) \_\_\_\_\_, 19 \_\_\_\_\_ Legislature

Subject Matter: Administrative Rules affecting the management, allocation, development and control of the surface and groundwater resources of the Sandy Basin.

For Further Information Contact: Amin Wahab (Rule Coordinator) Phone: 378-3671

**Water Resources Department  
Administrative Rules  
Chapter 690  
Division 503  
Sandy Basin Program**

**690-503-010 Definitions**

As used in this rule, unless the context requires otherwise:

- (1) The Sandy Basin is as shown by Water Resources Department Map No. 3.6 or 2C.6.
- (2) "Classification" or "classified" means the allowed and preferred beneficial use(s) of a given surface or groundwater source for which future uses of water shall be permitted. Except as otherwise provided by the Commission, the Department shall not issue permits to appropriate, and no use shall be initiated of, any of the surface or groundwaters of the Sandy Basin for any uses except those for which the waters are classified. A classification does not affect legal uses existing on the date of adoption or alteration of the classification. A classification does not affect the transfer to another beneficial use of any water right with a priority date prior to adoption of these rules.
- (3) "Aesthetic use" means use of water within its natural course for maintaining and enhancing scenic values.
- (4) "Aquifer" means a water-bearing body of naturally occurring earth materials that is sufficiently permeable to yield useable quantities of water to wells or springs.
- (5) "Commission" means the Water Resources Commission.
- (6) "Department" means the Water Resources Department.
- (7) "Commercial use" use of water at a place where commodities or services are bought or sold, such as a gas station, restaurant, motel, etc.
- (8) "Domestic use" use of water for human consumption, household purposes, watering livestock necessary for the sustenance of a family and related accessory uses.
- (9) "Group Domestic use" delivery and use of water through a delivery system supplying water for domestic purposes to more than one residence or dwelling unit.
- (10) "Fish life" includes use of water to support natural or artificial propagation of fish and other aquatic life.

(11) "Industrial use" means use of water associated with the production or manufacture of a product including other related miscellaneous uses.

(12) "Irrigation use" means the application of water to crops or plants by artificial means to promote growth, nourish plants, leach minerals, control frost, etc.

(13) "Livestock use" means use of water for domesticated animals and wild animals held in captivity as pets or for profit.

(14) "Mining use" means the use of water to extract metals or minerals including placer mining as defined in OAR Chapter 690, Division 11, and leaching operations.

(15) "Municipal use" means the delivery and use of water through the water service system of an incorporated municipality or nonprofit corporation and includes quasi-municipal uses as defined in OAR Chapter 690, Division 11.

(16) "Public park use" includes use of water for domestic, irrigation, and visual display of water in a public park.

(17) "Recreation" as a public use of water means any form of play relaxation, or amusement, mostly done during leisure, that occurs in or in conjunction with streams, lakes and reservoirs, including but not limited to boating, fishing, swimming, wading, and viewing scenic attractions.

(18) "Statutorily exempt uses" uses of groundwater as defined in ORS 537.545.

#### **690-503-020 Policies**

The surface water resources of the Sandy River Basin are important for maintaining instream and scenic values. The groundwater and surface waters are used for municipal, domestic, industrial and agricultural uses. The Bull Run Watershed is the main source of water for the city of Portland and the Portland metropolitan area. The protection and maintenance of water resources for these uses will promote the economic and general welfare of the people of the state. Therefore, it shall be the policy of the Commission:

(1) To limit future surface water appropriations, except for storage, in the Sandy Basin mainly to municipal and nonconsumptive, instream uses for the purpose of protecting and enhancing those statutorily preferred uses and values such as municipal, fish life, wildlife, recreation and aesthetics.

(2) To carry out the state groundwater management policy by addressing groundwater declines near Sandy, controlling interference with surface supplies and protecting the quality of shallow aquifers.

(3) To uphold, subject to senior claims, the city of Portland's exclusive right to the waters of the Bull Run and Little Sandy rivers for municipal use. The Commission supports further development of the Bull Run and Little Sandy rivers for municipal use under a planned approach, designed to best meet the needs of the city and region, while encouraging water use efficiency and conservation and protecting the naturally high quality of the water.

#### **690-503-030 Objectives**

The objectives of the Commission in managing the surface and groundwater resources of the Sandy Basin are to:

(1) Uphold existing legislative withdrawals and grants, and state scenic waterway designations, consistent with statutory direction.

(2) Protect existing rights.

(3) Maintain and enhance instream and scenic values in the Sandy River Scenic Waterway and Columbia Gorge and throughout the Sandy Basin by limiting new out-of-stream appropriation from natural summer flows and protecting remaining instream flows in the Sandy River main stem and its tributaries.

(4) Minimize groundwater/surface water hydraulic interference.

(5) Condition permits to regulate future use of groundwater in areas of documented declines near Sandy.

#### **690-503-040 Surface Water Classifications**

(1) By act of the Oregon Legislature, the following streams are closed to further appropriation unless otherwise indicated:

(a) The main stems and tributaries of the Bull Run and Little Sandy rivers are protected for the exclusive use of the city of Portland; subject to senior rights or claims predating February 24, 1909 (ORS 538.420).

(b) Hackett Creek, a tributary of the Sandy River located in Clackamas County, and its tributaries, are withdrawn from

appropriation except for fish life (ORS 538.150).

(c) Except as provided in ORS 538.210, the following streams forming waterfalls near the Columbia River Highway and flowing directly into the Columbia River shall not be diverted or interrupted for any purposes (ORS 538.200):

(A) Latourell Creek - forming Latourell Falls.

(B) An unnamed stream whose waterfall is approximately at the southwest quarter of the southwest quarter of the northwest quarter of section 28, township one north, range five east, at the northern edge of Tax Lot 27/28. The fall is on the south side of the old Columbia River Highway, 0.7 mile west of the highway bridge at Young Creek.

(C) An unnamed stream whose waterfall is approximately at the southeast quarter of the southwest quarter of the northwest quarter of section 28, township one north, range five east, at the northern intersection of Tax Lot 27/26. The falls are on the south side of the old Columbia River Highway, 0.6 mile west of the highway bridge at Young Creek.

(D) An unnamed stream whose waterfall is approximately at the northeast quarter of the northeast quarter of the northwest quarter of section 28, township one north, range 5 east, Tax Lot 3. The falls are on the south side of the old Columbia River Highway, 0.1 mile west of the highway bridge at Young Creek.

(E) Young Creek - forming Shepperd Dell Falls.

(F) Bridal Veil Creek - forming Bridal Veil Falls.

(G) Coopey Falls Creek.

(H) Mist Falls Creek.

(I) Wahkeena Creek - forming Wahkeena Falls, formerly known as Gordon Falls.

(J) Multnomah Creek - forming Multnomah Falls.

(K) Oneonta Creek - forming Oneonta Falls and Gorge.

(L) Horse Tail Creek - forming Horse Tail Falls.

(M) Tumalt Creek.

(N) McCord Creek, formerly known as Kelly Creek - forming Elwah Falls.

(O) Moffatt Creek - forming Wahe Falls.

(P) Tanner Creek - forming Wahclella Falls.

(2) Except as otherwise provided in sections (1) and (3) of OAR 690-503-040, all the surface waters of the Sandy Basin are classified only for fish life, domestic, stock, municipal, aesthetic, recreation and public park uses.

(3) In addition to uses in section (2) of OAR 690-503-040, all tributaries of the Sandy River but not the main stem Sandy River are open for storage from December 1 to June 1 of each year. Water stored during this period may be used at any time for any beneficial use,

(4) No permit shall be issued if the proposed use is found detrimental to the scenic waterway values as described in ORS 390.835.

#### **690-503-050 Groundwater Classification**

Permits to use groundwater may be issued only for the following classified uses:

(1) Except as provided in sections (2) and (3), the groundwater resources of the Sandy Basin are classified for commercial, group domestic, industrial, irrigation, mining, municipal, and statutorily exempt groundwater uses.

(2) Groundwater from the shallow Troutdale aquifer in the Sandy - Boring Groundwater Management Area, as shown in Figure 1, is classified for exempt uses only.

(3) Groundwater hydraulically connected to, and within 1/4 mile of, surface water shall be classified for the same uses as the surface water source and for uses exempted by ORS 537.545.

#### **690-503-060 Special Permit Conditions**

Permits issued to appropriate groundwater from aquifers in the Sandy Basin shall be specially conditioned. The conditions shall specify:

(1) Use of water from the well, as allowed herein, shall be regulated if the well displays:

(a) An average water level decline of three or more feet per year for five consecutive years; or

(b) A total water level decline of fifteen or more feet; or

(c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

(2) The permittee/appropriator shall install a meter or other measuring device suitable to the Director, and shall keep a complete record of water uses.

(3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.

(a) Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins.

(b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year at the time of spring high water during the period March 15 through April 15.

(c) All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologists, registered professional engineers, registered land surveyors, or the permittee/appropriator.

(d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.

(e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall be received not later than 30 days from the date of measurement.

(4) The Department shall determine when any of the declines cited in section (1) of this rule are evidenced by the well measurement required in section (3).