

November 13, 1996

OREGON ADMINISTRATIVE RULES
WATER RESOURCES DEPARTMENT
CHAPTER 690
DIVISION 504
HOOD BASIN PROGRAM

Classifications

690-504-000 (1) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Hood Basin and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife, fish life, pollution abatement uses, and the waters of the Hood Basin are hereby so classified with the following exceptions:

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of Dog River above its point of diversion at Water Resources Department - U.S. Geological Survey Gage 1134, as shown on State Water Resources Board Map 4.6, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for municipal use and the waters of Dog River above its point of diversion at Water Resources Department - U.S. Geological Survey Gage 1134, as shown on State Water Resources Board Map 4.6, are hereby so classified.

(b) The maximum economic development of this state and the attainment of the highest and best use of the waters of the natural lakes of the Hood Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7 1/2 theoretical horsepower, recreation, wildlife, and fish life uses and the waters of natural lakes of the basin are hereby so classified.

(2) Applications for the use of these specified waters of the Hood Basin shall not be accepted by any state agency for any other use and the granting of applications for such other uses is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.

(3) Structures or works for the 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 are further declared to

Note: These rules were filed with the Office of the Secretary of State and took effect on November 13, 1996. The rules are subject to non-substantive modifications such as renumbering and correction of typographical errors pursuant to ORS 183.360 (2)(a) when published by the Secretary of State.

be prejudicial to the public interest which do not give cognizance to the multiple-purpose concept.

Stat. Authority: ORS 536.220 and 536.310
Hist.: WRD , f. & ef. 11-13-96

Water Quality

690-504-020 Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Stat. Authority: ORS 536.310
Hist.: WRD , f. & ef. 11-13-96

Reservations

690-504-100 (1) Reservations of water for economic development are established pursuant to ORS 537.249 and 537.356 to ensure sufficient surface water will be available in the future to meet expected needs. Economic development includes, but is not limited to, the production of goods and services and management of natural resources which contribute economic benefits through both instream and out-of-stream uses of water.

(2) Notwithstanding OAR 690-504-000, stored water may be used for any beneficial purpose.

(3) "Multipurpose reservoir", as used in OAR 690-504-100 through 160, means a reservoir storing water to serve multiple potential beneficial uses such as irrigation, power generation, municipal water supply, recreation, and flow augmentation for instream purposes.

(4) Reservations of water for future economic development in OAR 690-504-110 through 160 allocate surface water for storage in multipurpose reservoirs. The storage of up to 2,000 acre-feet of water for livestock or domestic purposes authorized under water rights with priority dates after November 6, 1992, shall be exempt from regulation for storage of water reserved under OAR 690-504-110 through 160.

(5) In addition to the requirements of OAR Chapter 690, Division 310, an application for a permit to store reserved water shall include:

(a) An assessment of the effect of the proposed reservoir on fish and wildlife developed after consultation with the Oregon Department of Fish and Wildlife;

(b) An assessment of the effect of the proposed reservoir on water quality developed after consultation with the Oregon Department of Environmental Quality;

(c) An analysis of water supply alternatives to the proposed reservoir, such as off-stream storage, water right transfers and implementation of conservation measures; and

(d) An analysis summarizing and describing how the proposed project will enhance instream values, including but not limited to instream flows.

(6) For the purposes of review of applications to store reserved water under OAR Chapter 690, Division 310, the reserved quantities of water listed in OAR 690-504-110 through 160 are available for appropriation.

(7) In addition to any other findings required for issuance of a reservoir permit under OAR 690, Division 310, and prior to issuance of a permit for a proposed project storing water reserved under 690-504-110 through 160, the Department shall also find:

(a) The proposed reservoir is consistent with the purpose of the reservation following consultation with the Department of Agriculture and other state agencies;

(b) The proposed reservoir will enhance instream values, including but not limited to instream flows; and

(c) What storage season is appropriate and whether minimum bypass flows or other conditions should be included in the permit to insure no harm to senior water rights and to protect instream values.

(8) Permits to store reserved water shall receive the priority date of the reservation.

(9) If the Department has not received applications for multipurpose reservoir permits for the full quantity of reserved water five years after the adoption of these rules, the Department of Agriculture shall provide the Commission with a progress report on development of the reservations. The report shall include information on the continued need for the reservations and the quantities of water reserved. The Department of Agriculture shall continue to provide progress reports at five year intervals while these rules are in effect unless the Department receives applications for multipurpose reservoir permits for the full quantity of reserved water.

(10) If the Department has not received applications for multipurpose reservoir permits for the full quantity of water reserved twenty years after October 17, 1996, OAR 690-504-110 through 160 shall automatically be repealed on October 17, 2016, unless extended by further rulemaking of the Water Resources Commission.

Stat. Authority: ORS 536.310, 537.249, 537.356 and 537.358

Hist.: WRD , f. & ef. 11-13-96

West Fork Hood River Subbasin Reservation

690-504-110 Nine thousand (9,000) acre-feet of unappropriated water of the Lake Branch of the West Fork Hood River or its tributaries upstream of the confluence with the West Fork Hood River are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

Stat. Authority: ORS 537.249 and 537.356

Hist.: WRD , f. & ef. 11-13-96

East Fork Hood River Subbasin Reservation

690-504-120 Fifty Thousand (50,000) acre-feet of unappropriated water of the East Fork Hood River or its tributaries upstream of the confluence of the Dog River with the East Fork Hood River are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

Stat. Authority: ORS 537.249 and 537.356
Hist.: WRD , f. & ef. 11-13-96

Neal Creek Subbasin Reservation

690-504-130 Five thousand (5,000) acre-feet of unappropriated water of Neal Creek or its tributaries are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

Stat. Authority: ORS 537.249 and 537.356
Hist.: WRD , f. & ef. 11-13-96

Mosier Creek Subbasin Reservation

690-504-140 Six thousand four hundred (6,400) acre-feet of unappropriated water of Mosier Creek or its tributaries are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

Stat. Authority: ORS 537.249 and 537.356
Hist.: WRD , f. & ef. 11-13-96

Eightmile Creek Subbasin Reservation

690-504-150 Four thousand (4,000) acre-feet of unappropriated water of Eightmile Creek or its tributaries upstream of the confluence of Pine Hollow with Eightmile Creek are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

Stat. Authority: ORS 537.249 and 537.356
Hist.: WRD , f. & ef. 11-13-96

Fifteenmile Creek Subbasin Reservation

690-504-160 Unappropriated water in the Fifteenmile Creek subbasin is reserved as follows:

(1) Five thousand (5,000) acre-feet of unappropriated water of Fifteenmile Creek or its tributaries upstream of the City of Dufur water supply reservoir are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

(2) Three thousand five hundred (3,500) acre-feet of unappropriated water of Larch Creek or its tributaries are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

Stat. Authority: ORS 537.249 and 537.356
Hist.: WRD , f. & ef. 11-13-96

[NOTE: The Hood Basin is delineated on State Water Resources Board Map, File 4.6, available from the Water Resources Department.]