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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on 10/14/2016 by the  
Water Resources Department 690  
\_\_\_\_\_  
Agency and Division Administrative Rules Chapter Number  
Diana Enright (503) 986-0874  
\_\_\_\_\_  
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\_\_\_\_\_  
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To become effective Upon filing. Rulemaking Notice was published in the July 2016 Oregon Bulletin.

**RULE CAPTION**

Updates to Grande Ronde Basin Program and Extension of Reservations

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**ADOPT:**

**AMEND:**

690-508-0000, 690-508-0010, 690-508-0020, 690-508-0030, 690-508-0040, 690-508-0050, 690-508-0100, 690-508-0110

**REPEAL:**

**RENUMBER:**

**AMEND AND RENUMBER:**

**Statutory Authority:**

ORS 536 & 537

**Other Authority:**

**Statutes Implemented:**

ORS 536.220, 536.300, 536.310, 537.249, & 537.358

**RULE SUMMARY**

A reservation of water for future economic development sets aside a quantity of water for storage to meet future needs. The rules establishing the Grande Ronde Basin reservations of water are set to expire on February 7, 2017, unless extended by rule by the Water Resources Commission. This rule would extend reservations of water for future economic development for the Upper Grande Ronde Subbasin and Middle Grande Subbasin of the Grande Ronde Basin for an additional 20 years, and changes reporting requirements. Without these rules, the Grande Ronde Basin reservations will expire. In addition, the rules include expansion of classified uses to clarify that the allowable uses include agricultural, commercial, and flow augmentation for instream use, and to address inconsistencies in terminology.

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**WATER RESOURCES DEPARTMENT  
DIVISION 508  
GRANDE RONDE BASIN PROGRAM**

**NOTE:** The Grande Ronde Basin is delineated on the agency [Map No. 8.6, dated January 1, 1975](#).

**690-508-0000**

**General Classifications**

- (1) Stored water may be used for any beneficial purpose.
- (2) The storage of up to 900 acre-feet of water for domestic or livestock purposes authorized under water rights with priority dates after November 6, 1992, shall be exempt from regulation for storage of water reserved under OAR 690-508-0110 through 0120.

Stat. Auth.: ORS 536

Stats. Implemented: ORS 536.220 & ORS 536.310

Hist.: WRB 15, f. 3-7-62; WRB 27, f. 5-11-64; WRD 2-1981, f. & cert. ef. 4-30-81; WRD 5-1985, f. & cert. ef. 6-14-85; Administrative Renumbering 1-1993, Renumbered from 690-080-0080; WRD 2-1997, f. & cert. ef. 2-25-97; WRD 6-2016, f. & cert. ef. 10-18-16

**690-508-0010**

**Upper Grande Ronde Subbasin**

(1) Classifications:

(a) The maximum economic development of this state and the attainment of the highest and best use of the waters of the Upper Grande Ronde for the benefit of the state as a whole, will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, flow augmentation, commercial, agriculture, power development, industrial, mining, recreation, wildlife, and fish life uses and the waters of the Upper Grande Ronde Basin are hereby so classified.

(b) 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 applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Water Quality: Rights to use of water for industrial or mining purposes shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

*Note: These rules were filed with the Office of the Secretary of State and took effect on 10/18/2016. 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.*

(3) Power Development: Water rights acquired for hydroelectric power purposes utilizing the waters of the Upper Grande Ronde Basin shall be subordinate in priority to future upstream beneficial uses of water except for hydroelectric power.

Stat. Auth.: ORS 536

Stats. Implemented: ORS 536.220 & ORS 536.310

Hist.: WRB 15, f. 3-7-62; WRB 27, f. 5-11-64; WRD 2-1981, f. & cert. ef. 4-30-81; WRD 5-1985, f. & cert. ef. 6-14-85; Administrative Renumbering 1-1993, Renumbered from 690-080-0080; WRD 2-1997, f. & cert. ef. 2-25-97; WRD 6-2016, f. & cert. ef. 10-18-16

### **690-508-0020**

#### **Middle Grande Ronde Subbasin**

(1) Classifications:

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Middle Grande Ronde 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, flow augmentation, commercial, agriculture, power development, industrial, mining, recreation, wildlife and fish life purposes and the waters of the Middle Grande Ronde Basin are hereby so classified.

(b) 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 are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Water Quality: Rights to use of water for industrial or mining purposes shall be issued only on the condition that any effluents or return flows from such uses shall not interfere with other beneficial uses.

(3) Power Development: Water rights acquired for hydroelectric power purposes utilizing the waters of the Middle Grande Ronde Basin shall be subordinate in priority to future beneficial uses of water except for hydroelectric power.

Stat. Auth.: ORS 536

Stats. Implemented: ORS 536.220 & ORS 536.310

Hist.: WRB 15, f. 3-7-62; WRB 27, f. 5-11-64; WRD 2-1981, f. & cert. ef. 4-30-81; WRD 5-1985, f. & cert. ef. 6-14-85; Administrative Renumbering 1-1993, Renumbered from 690-080-0080; WRD 2-1997, f. & cert. ef. 2-25-97; WRD 6-2016, f. & cert. ef. 10-18-16

### **690-508-0030**

*Note: These rules were filed with the Office of the Secretary of State and took effect on 10/18/2016. 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.*

## **Lower Grande Ronde Subbasin**

### (1) Classifications:

(a) The maximum economic development of this state, the attainment of the highest and best use of waters of the Lower Grande Ronde 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, flow augmentation, commercial, agriculture, power development, industrial, mining, recreation, wildlife, and fish life uses and the waters of the Lower Grande Ronde Basin are hereby so classified.

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

(2) Water Quality: Rights to use of water for industrial or mining purposes 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. Auth.: ORS 536

Stats. Implemented: ORS 536.220 & ORS 536.310

Hist.: WRB 15, f. 3-7-62; WRB 27, f. 5-11-64; WRD 2-1981, f. & cert. ef. 4-30-81; WRD 5-1985, f. & cert. ef. 6-14-85; Administrative Renumbering 1-1993, Renumbered from 690-080-0080; WRD 2-1997, f. & cert. ef. 2-25-97; WRD 6-2016, f. & cert. ef. 10-18-16

**690-508-0040**

## **Wallowa River Subbasin**

### (1) Classifications:

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Wallowa River 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, flow augmentation, commercial, agriculture, power development, industrial, mining, recreation, wildlife, and fish life purposes and the waters of the Wallowa River Basin are hereby so classified with the following specific exceptions:

(A) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Minam River 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, recreation, wildlife, and fish life uses and the waters of the Minam River Basin are hereby so classified.

*Note: These rules were filed with the Office of the Secretary of State and took effect on 10/18/2016. 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.*

(B) Further, no out-of-basin diversions of waters of the Minam River shall be permitted for any use.

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

(2) Water Quality: Rights to use of water for industrial or mining purposes for waters of the Wallowa River Basin shall be issued only on the condition that any effluents or return flows from such uses shall not interfere with other beneficial uses.

Stat. Auth.: ORS 536

Stats. Implemented: ORS 536.220 & ORS 536.310

Hist.: WRB 15, f. 3-7-62; WRB 27, f. 5-11-64; WRD 2-1981, f. & cert. ef. 4-30-81; WRD 5-1985, f. & cert. ef. 6-14-85; Administrative Renumbering 1-1993, Renumbered from 690-080-0080; WRD 2-1997, f. & cert. ef. 2-25-97; WRD 6-2016, f. & cert. ef. 10-18-16

## **690-508-0050**

### **Innaha River Subbasin**

(1) Classifications:

(a) The maximum economic development of the state, the attainment of the highest and best use of the waters of the Innaha River 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, flow augmentation, commercial, agriculture, power development, industrial, mining, recreation, wildlife, and fish life purposes and the waters of the Innaha River Basin are hereby so classified.

(b) 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 applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Water Quality: Rights to the use of water for industrial or mining purposes shall be issued only on the condition that any effluents or return flows from such uses shall not interfere with other beneficial uses.

(3) Power Development: Water rights acquired for hydroelectric power purposes utilizing the waters of the Innaha River Basin shall be subordinate in priority to future upstream beneficial uses of water except for hydroelectric power.

*Note: These rules were filed with the Office of the Secretary of State and took effect on 10/18/2016. 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.*

Stat. Auth.: ORS 536

Stats. Implemented: ORS 536.220 & ORS 536.310

Hist.: WRD 2-1997, f. & cert. ef. 2-25-97; WRD 6-2016, f. & cert. ef. 10-18-16

## **690-508-0100**

### **Application Process to Store Reserved Water**

(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) "Multipurpose reservoir", as used in OAR 690-508-0100 through 0120, means a reservoir storing water to serve multiple potential beneficial uses such as, but not limited to irrigation, commercial, agriculture, power development, municipal, recreation and flow augmentation for instream purposes.

(3) Reservations of water for future economic development in OAR 690-508-0110 through 0120 reserve surface water for future storage in multipurpose reservoirs.

(4) Permits to store reserved water shall receive the priority date of the reservation. The priority date for reservations under 690-508-0110 through 0120 shall be November 6, 1992.

(5) In addition to the requirements of ORS Chapter 537, OAR Chapter 690, Division 310, and any other applicable rules, 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 water right permit applications to store reserved water under OAR Chapter 690, Division 310, the reserved quantities of water listed in OAR 690-508-0110 through 0120 are available for appropriation. However, the determination that water is available under OAR 690-508-0110 through 0120 shall not substitute for consideration during the public interest review of site-specific information as required under OAR Chapter 690, Division 310 and any other applicable statutes or rules. Because the finding that water is available in OAR

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690-0110 through 0120 is a water availability determination for a sub-basin, analysis of water availability at the specific location shall be conducted at the time of permit application review.

(7) In addition to any other findings required for issuance of a reservoir permit under ORS Chapter 537, OAR 690, Division 310, and applicable rules and prior to issuance of permit for a proposed project storing water reserved under 690-508-0110 through 0120, 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) Whether minimum bypass flow are required.

(8) The Department shall determine, and impose as a condition, an appropriate storage season and shall include other conditions to ensure no injury to senior water rights and to protect instream values.

(9) Progress Reports: Until the Department has issued permits for reservoir permits for the full quantity of reserved water under OAR 690-508-0110 through 0120, The Department shall biennially report to the Water Resources Commission on the amount of water available under the reservation, and the quantity allocated under the reservation. The Department or Commission may request periodic reports from the Oregon Department of Agriculture on continued interest in the reservation, efforts undertaken to develop the reservation, and any challenges to developing the reservation.

(10) Effective date of rules:

(a) OAR 690-508-0110 through 0120 shall be effective until February 7, 2037, unless effective date has been extended by further rulemaking of the Water Resources Commission.

(b) The expiration of these reservation rules shall not affect pending applications that have been received and deemed complete and not defective by the Water Resources Department pursuant to ORS 537.150(2), prior to the expiration date of the rules.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented: ORS 536.310, ORS 537.249, ORS 537.356 & ORS 537.358

Hist.: WRD 2-1997, f. & cert. ef. 2-25-97; WRD 6-2016, f. & cert. ef. 10-18-16

## **690-508-0110**

### **Upper Grande Ronde Subbasin Reservation**

*Note: These rules were filed with the Office of the Secretary of State and took effect on 10/18/2016. 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.*

Unappropriated water is reserved for storage in multipurpose reservoirs to be constructed in the future. The priority date of the reservations is November 6, 1992. The quantity and source of reserved water are as follows:

- (1) Fourteen thousand nine hundred (14,900) acre-feet of Meadow Creek and tributaries;
- (2) Twelve thousand (12,000) acre-feet of the Grande Ronde River and tributaries, including Fly Creek and tributaries, upstream of river mile 184 (NE 1/4, Section 14, Township 4 South, Range 35 East, Willamette Meridian).

Stat. Auth.: ORS 537

Stats. Implemented: ORS 537.249 & ORS 537.356

Hist.: WRD 2-1997, f. & cert. ef. 2-25-97; WRD 6-2016, f. & cert. ef. 10-18-16

### **690-508-0120**

#### **Middle Grande Ronde Subbasin Reservation**

Nine thousand (9,000) acre-feet of unappropriated water of Catherine Creek and tributaries above Ames Creek are reserved. The water is reserved for storage in multipurpose reservoirs to be constructed in the future. The priority date of the reservations is November 6, 1992.

Stat. Auth.: ORS 537

Stats. Implemented: ORS 537.249 & ORS 537.356

Hist.: WRD 2-1997, f. & cert. ef. 2-25-97;