

February 28, 1997

OREGON WATER RESOURCES DEPARTMENT
ADMINISTRATIVE RULES
CHAPTER 690
DIVISION 508
GRANDE RONDE BASIN PROGRAM

General Classifications

690-508-000 (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 690-508-110 through 120.

(3) Storage of water is a beneficial use in the Grande Ronde Basin.

Statutory Authority: ORS Ch. 536

Stats. Implemented: ORS 536.220 and 536.310

Upper Grande Ronde Subbasin

690-508-010 (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, power development, industrial, mining, recreation, wildlife, and fish life uses and the waters of the Upper Grande Ronde Basin are hereby so classified.

(b) Applications for the use of such water shall not be accepted by any state agency for any other purpose and the granting of applications for such other purposes is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated, coordinated program for the use and control of the water resources of the state.

(c) 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 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.

(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.

Statutory Authority: ORS Ch. 536

Stats. Implemented: ORS 536.220 and 536.310

Middle Grande Ronde Subbasin

690-508-020 (1) Classifications

(a) The maximum economic development of this state and 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, power development, industrial, mining, recreation, wildlife and fish life purposes and the waters of the Middle Grande Ronde Basin are hereby so classified.

(b) Applications for the use of such water shall not be accepted by any state agency for any other purpose and the granting of applications for such other purposes is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated, coordinated program for the use and control of the water resources of the state.

(c) 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 granted by any state agency 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.

Statutory Authority: ORS Ch. 536

Stats. Implemented: ORS 536.220 and 536.310

Lower Grande Ronde Subbasin

690-508-030 (1) Classifications

(a) The maximum economic development of this state and 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, power development, industrial, mining, recreation, wildlife, and fish life uses and the waters of the Lower Grande Ronde Basin are hereby so classified.

(b) Applications for the use of such water shall not be accepted by any state agency for any other purpose and the granting of applications for such other purposes is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated, coordinated program for the use and control of the water resources of the state.

(c) 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 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.

Statutory Authority: ORS Ch. 536
Stats. Implemented: ORS 536.220 and 536.310

Wallowa River Subbasin

690-508-040 (1) Classifications

(a) The maximum economic development of this state and 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, 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 and 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.

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

(b) Applications for use of the waters of the Wallowa River Basin shall not be accepted by any state agency for any other purpose and the granting of applications for such other purposes is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated, coordinated program for the use and control of the water resources of the state.

(c) 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 granted by any state agency 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.

Statutory Authority: ORS Ch. 536
Stats. Implemented: ORS 536.220 and 536.310

Imnaha River Subbasin

690-508-050 (1) Classifications

(a) The maximum economic development of the state and the attainment of the highest and best use of the waters of the Imnaha 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, power development,

industrial, mining, recreation, wildlife, and fish life purposes and the waters of the Imnaha River Basin are hereby so classified.

(b) Applications for the use of such water shall not be accepted by any state agency for any other purpose and the granting of applications for such other purposes is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated, coordinated program for the use and control of the water resources of the state.

(c) 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 granted by any state agency 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 Imnaha River Basin shall be subordinate in priority to future upstream beneficial uses of water except for hydroelectric power.

Statutory Authority: ORS Ch. 536

Stats. Implemented: ORS 536.220 and 536.310

Reservations

690-508-100 (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) "Multipurpose reservoir", as used in OAR 690-508-100 through 120, 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.

(3) Reservations of water for future economic development in OAR 690-508-110 through 120 allocate surface water for storage in multipurpose reservoirs.

(4) 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.

(5) For the purposes of review of applications to store reserved water under OAR Chapter 690, Division 310, and subject to the provisions of section (7), the reserved quantities of water listed in OAR 690-508-110 through 120 are available for appropriation .

(6) The determination of water availability under section (5) shall not substitute for consideration during the public interest review of site-specific information related to the capacity of the resource to support the proposed project, as required under OAR Chapter 690, Division 310.

(7) In addition to any other findings required for issuance of a reservoir permit under OAR 690, Division 310, and prior to issuance of permit for a proposed project storing water reserved under 690-508-110 through 120, 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 by February 7, 2002, 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 by February 7, 2017, OAR 690-508-110 through 120 shall automatically be repealed on February 7, 2017, unless extended by further rulemaking of the Water Resources Commission.

Statutory Authority: ORS Ch. 536 and 537

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

Upper Grande Ronde Subbasin Reservation

690-508-110 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 Meadows Creek and tributaries are reserved;

(2) Twelve thousand (12,000) acre-feet of the Grande Ronde River and tributaries, including Fly Creek and tributaries, upstream of river mile 184 (in NE 1/4 Sec. 14, T4S, R35E).

Statutory Authority: ORS Ch. 537

Stats. Implemented: ORS 537.249 and 537.356

Middle Grande Ronde Subbasin Reservation

690-508-120 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.

Statutory Authority: ORS Ch. 537

Stats. Implemented: ORS 537.249 and 537.356