

February 28, 1997

OREGON WATER RESOURCES DEPARTMENT
ADMINISTRATIVE RULES
CHAPTER 690
DIVISION 511
OWYHEE BASIN PROGRAM

Classifications

690-511-010 The maximum economic development of this state, the attainment of the highest and best use of the waters of the Owyhee 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 Owyhee Basin are hereby so classified with the following exceptions:

(1) The maximum economic development of this state, the attainment of the highest and best use of the waters of the mainstem of the South Fork Owyhee River from the Oregon - Idaho border to Three Forks (the confluence of the North, Middle and South Forks Owyhee River), and the main stem Owyhee River from Crooked Creek (river mile 118) to the mouth of Birch Creek (river mile 76), 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, industrial, mining, recreation, wildlife, and fish life uses and the aforementioned waters are hereby so classified.

(2) The maximum economic development of this state, the attainment of the highest and best use of the waters of the natural lakes of the Owyhee 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 the natural lakes of the Owyhee Basin are hereby so classified.

(3) Stored water may be used for any beneficial purpose.

(4) Storage, of up to 1,000 acre-feet of water in the Owyhee Basin, 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 690-511-110.

(5) Storage of water is a beneficial use in the Owyhee Basin.

Statutory Authority: ORS Ch. 536

Stats. Implemented: ORS 536.220 and 536.310

Water Quality

690-511-020 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.

Statutory Authority: ORS Ch. 536

Stats. Implemented: ORS 536.220 and 536.310

Reservations

690-511-100 (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 690-511-100 and 110, 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 690-511-110 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 690-511-110 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 a permit for a proposed project storing water reserved under 690-511-110, 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 January 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 January 7, 2017, OAR 690-511-110 shall automatically be repealed on January 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

Owyhee Reservations

690-511-110 Sixty thousand (60,000) acre-feet of unappropriated water of the Owyhee River and tributaries 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

Note: The Owyhee Basin is delineated on State Water Resources Board Map 11.6, available from the Water Resources Department.