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

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of PERMANENT rule(s) adopted on February 12, 1990
(Date)

by the Water Resources Commission
(Department) 23 DM (Division)

to become effective February 21, 1990
(Date)

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

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: December 15, 1989

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:
(New Total Rules)

Amended:
(Existing Rules)

OAR 690-80-130 and renumbered to OAR 690-513-010 to 060 (Goose and Summer Lakes Basin Programs)

Repealed:
(Total Rules Only)

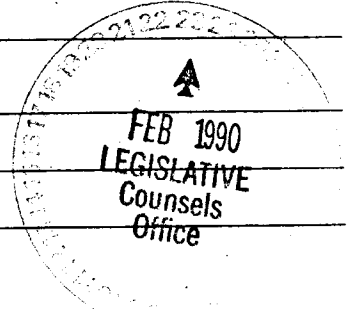
OAR 690-80-136 (Fort Rock Basin Withdrawal)

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

DATED this 22nd ^{DM} day of February, 19 90

By: William H. Young
(Authorized Signer)

Title: Director, Water Resources Department



Statutory Authority: ORS Chapters 183, 536 and 537 or

Chapter(s) _____, Oregon Laws 19 _____ or

House Bill(s) _____, 19 _____ Legislature; or Senate Bill(s) _____, 19 _____ Legislature

Subject Matter: Rules to amend the Goose and Summer Lakes Basin Programs, restrictively classifying the main ground water reservoir of the Fort Rock Basin and repeal of existing withdrawal rule on the reservoir.

For Further Information Contact: Donn Miller Phone: 378-8455
(Rule Coordinator)

**Water Resources Department
Administrative Rules
Chapter 690
Division 513
Goose and Summer Lakes Basin Program**

690-513-010 Definitions

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

- (1) The Goose and Summer Lakes Basin and the Goose Lake, Warner Lakes, Chewaucan and Summer Lakes Subbasins are as shown by Water Resources Department Map No. 13.6S.
- (2) "Classification" or "classified" means the allowed and preferred beneficial use(s) of a given surface or ground water 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 ground waters of the Goose and Summer Lakes Basin for any uses except those for which the waters are classified. A classification does not affect 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 August 5, 1988.
- (3) "Commission" means the Water Resources Commission.
- (4) "Department" means the Water Resources Department.
- (5) "Agriculture use" means the use of water for agricultural and forestry purposes other than irrigation and includes nursery operations use as defined in OAR Chapter 690, Division 11, protection of facilities and crops from fire, temperature control and other related miscellaneous uses.
- (6) "Domestic use" includes domestic use, domestic use expanded and commercial use as defined in OAR Chapter 690, Division 11 and other related miscellaneous uses.
- (7) "Fish Life use" includes use of diverted water to sustain fish confined to ponds and artificial impoundments and the use of stored water to supplement natural streamflows to improve habitat conditions.
- (8) "Ground water recharge" means the intentional addition of water to a ground water reservoir where consistent with OAR Chapter 690, Division 11.
- (9) "Industrial use" means the use of water in the manufacture of a product including other related miscellaneous uses.
- (10) "Instream use" means the public use of water where there is no diversion or other means of physical control over the water. Public uses include, but are not limited to, recreation; conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and any other ecological values; pollution abatement; or navigation.

- (11) "Irrigation use" means the application of water to crops or plants by artificial means to promote growth, nourish plants or leach minerals from croplands.
- (12) "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.
- (13) "Municipal use" means the delivery and use of water through the water service system of an incorporated municipality or a nonprofit corporation and includes quasi-municipal uses as defined in OAR Chapter 690, Division 11.
- (14) "Pollution Abatement" means the diversion of waters into artificial or other natural channels to remove or dilute pollutants and use of stored water to augment natural streamflow to remove or dilute pollutants.
- (15) "Power" means the use of water for electrical or mechanical power or for operation of a hydraulic ram where such uses are consistent with OAR Chapter 690, Division 51.
- (16) "Recreation" means the diversion of water from natural water courses or use of stored waters to provide scenic or recreational values.
- (17) "Stockwater use" means the physical diversion of water from the natural water course or storage of water for use by livestock or wildlife.

690-513-020 Policies

The water resources of the Goose and Summer Lakes Basin are important for irrigation and instream aquatic life, fish life, recreation and wildlife uses. The waters also are used for domestic, municipal, industrial and stockwatering purposes. 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 to:

- (1) Limit the potential for additional conflict over inadequate supplies of water and to enhance watershed conditions as needed to provide for instream and out-of-stream needs.
- (2) Promote improvement of water quality and quantity through protection and improvement of watershed conditions, particularly those within riparian areas.
- (3) Promote protection and restoration of the quality of surface and ground water supplies from the effects of past and future mining and waste disposal activities and to protect the public health where contamination has occurred.
- (4) Promote the improvement of watershed conditions and facilities needed for enhanced fish and wildlife habitat and recreational opportunities.
- (5) Cooperate with other states in the protection of existing users of water from reductions in the quantity or quality of supplies.
- (6) Promote the development and use of geothermal resources where development is accomplished in a manner consistent with conservation of the resource and without harming current water right holders.
- (7) Encourage the active involvement of basin residents in all decisions affecting the availability and quality of water in the area.

(8) Ensure the perpetual availability of ground water resources by protecting the resource from the demands of future uses where necessary.

690-513-030 Goose Lake Subbasin

(1) Objectives. The objectives of the Commission in managing the surface and ground water resources of the Goose Lake Subbasin consistent with the provisions of the Goose Lake Compact are to:

(a) Avoid additional conflicts over inadequate supplies of water from and protect the remaining instream flows in Thomas Creek.

(b) Prevent the spread of the contaminated water originating at the uranium mill tailings site near Lakeview through regulation of well construction.

(2) Classifications. Except as otherwise provided in this subsection, the surface and ground waters of the Goose Lake Subbasin are classified for agriculture, domestic, fish life, ground water recharge, industrial, instream, irrigation, mining, municipal, pollution abatement, power, recreation and stockwater uses.

(a) Surface waters of Thomas Creek and tributaries below the point where Thomas Creek enters Section 15, Township 38S, Range 19E, except Cottonwood Creek, are classified for any beneficial use of stored water, domestic and stockwater uses.

(b) Surface waters of Thomas Creek and tributaries above the point where Thomas Creek enters Section 15, Township 38S, Range 19E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.

(c) Ground water from alluvial aquifers within the Thomas Creek drainage above the point where Thomas Creek enters Section 15, Township 38S, Range 19E, is classified for domestic and stockwater uses only.

(d) Ground water from any well within 1,000 feet of Thomas Creek, or a tributary, and taking water from an unconfined aquifer is classified for domestic and stockwater uses only. This paragraph only applies to wells within the following areas:

(A) Sections 28, 29 and 31-35; Township 37S; Range 20E.

(B) Sections 10-15, 21-27 and 34-36; Township 38S; Range 19E.

(C) Sections 2-11, 14-22 and 28-33; Township 38S; Range 20E.

(D) Sections 1-3 and 10-15; Township 39S; Range 19E.

(E) Sections 3-10, 15-22 and 27-34; Township 39S; Range 20E.

(3) Reservoir Standards. Development of a reservoir may be permitted on any stream in the Goose Lake Subbasin, however, in addition to meeting any other standards required by the Commission, any person proposing development of a reservoir in the subbasin shall give due consideration to:

(a) Alternative sizing of the project to achieve a reasonable economic development of the proposed site,

(b) The potential for use of the reservoir, and any water which is stored and released, for multiple beneficial uses, and

(c) The maintenance of natural flows downstream from the reservoir at levels sufficient to meet instream and out-of-stream needs.

690-513-040 Warner Lakes Subbasin

(1) Objectives. The objectives of the Commission in managing the surface and ground water resources of the Warner Lakes Subbasin are to:

(a) Avoid additional conflicts over inadequate supplies of water from and protect the remaining instream flows in Deep and Camas, Honey and Snyder, and Twentymile Creeks.

(b) Maintain water levels in Pelican and Crump Lakes.

(2) Classifications. Except as otherwise provided in this subsection, the surface and ground waters of the Warner Lakes Subbasin are classified for agriculture, domestic, fish life, ground water recharge, industrial, instream, irrigation, mining, municipal, pollution abatement, power, recreation and stockwater uses.

(a) Except as provided in paragraphs (C) and (D) of this subsection, surface waters of Deep Creek and tributaries below the point where Deep Creek enters Section 20, Township 40S, Range 22E are classified for any beneficial use of stored water, domestic and stockwater uses.

(b) Surface waters of Deep Creek and tributaries above the point where Deep Creek enters Section 20, Township 40S, Range 22E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.

(c) Surface waters of Burnt Creek and tributaries above the point where Burnt Creek enters the east 1/2 section, Section 5, Township 40S, Range 22E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.

(d) Surface waters of Willow Creek and tributaries above the point where Willow Creek enters Section 8, Township 40S, Range 22E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.

(e) Surface waters of Honey Creek and tributaries below the point where Honey Creek enters Section 28, Township 36S, Range 22E are classified for any beneficial use of stored water, domestic and stockwater uses.

(f) Surface waters of Honey Creek and tributaries above the point where Honey Creek enters Section 28, Township 36S, Range 22E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.

(g) Surface waters of Twentymile Creek and tributaries are classified for any beneficial use of stored water, domestic and stockwater uses.

(h) Ground water from alluvial aquifers within the Deep Creek drainage and above the point where Deep Creek enters Section 21, Township 39S, Range 24E is classified for domestic and stockwater uses only.

(i) Ground water from alluvial aquifers within the Honey Creek drainage and above the point where Honey Creek enters Section 29, Township 36S, 24E is classified for domestic and stockwater uses only.

(j) Ground water from alluvial aquifers within the Twentymile Creek drainage and above the point where Twentymile Creek enters Section 24, Township 40S, Range 23E is classified for domestic and stockwater uses only.

(k) Ground water from any well within 1,000 feet of Deep, Honey or Twentymile Creeks, or a tributary, and taking water from an unconfined aquifer is classified for domestic and stockwater uses only. This paragraph only applies to wells within the following areas:

- (A) Sections 26-29 and 32-34; Township 36S; Range 24E.
- (B) Sections 1-4, 9-16, 21-29 and 31-36; Township 39S; Range 24E.
- (C) Sections 6, 7, 17-20 and 29-32; Township 39S; Range 25E.
- (D) Sections 12, 13 and 24; Township 40S; Range 23E.
- (E) Sections 1-11, 15-21 and 28-30; Township 40S; Range 24E.
- (F) Sections 5, 6 and 8; Township 40S; Range 25E.

(3) Reservoir Standards. Development of a reservoir may be permitted on any stream in the Warner Lakes Subbasin, however, in addition to meeting any other standards required by the Commission, any person proposing development of a reservoir in the subbasin shall give due consideration to:

- (a) Alternative sizing of the project to achieve a reasonable economic development of the proposed site,
- (b) The potential for use of the reservoir, and any water which is stored and released, for multiple beneficial uses, and
- (c) The maintenance of natural flows downstream from the reservoir at levels sufficient to meet instream and out-of-stream needs.

690-513-050 Chewaucan Subbasin

(1) Objective. The objective of the Commission in managing the surface and ground water resources of the Chewaucan Subbasin is to avoid additional conflicts over inadequate supplies of water from and to protect the remaining instream flows in the Chewaucan River.

(2) Classifications. Except as otherwise provided in this subsection, the surface and ground waters of the Chewaucan Subbasin are classified for agriculture, domestic, fish life, ground water recharge, industrial, instream, irrigation, mining, municipal, pollution abatement, power, recreation and stockwater uses.

(a) Surface waters of the Chewaucan River and tributaries above USGS gage 10384000 are classified for agriculture, domestic, fish life, ground water recharge, industrial, instream, irrigation, mining, municipal, pollution abatement, power, recreation and stockwater uses from November 1 to July 31.

(b) Surface waters of the Chewaucan River and tributaries between the point where the Chewaucan River enters Section 4, Township 34S, Range 18E and USGS gage 10384000 are classified for any beneficial use of stored water, domestic and stockwater uses from August 1 to October 31.

(c) Surface waters of the Chewaucan River and tributaries above the point where the Chewaucan River enters Section 4, Township 34S, Range 18E are classified for any beneficial use of stored water, domestic, instream and stockwater uses from August 1 to October 31.

(3) Reservoir Standards. Development of a reservoir may be permitted on any stream in the Chewaucan Subbasin, however, in addition to meeting any other standards required by the Commission, any person proposing development of a reservoir in the subbasin shall give due consideration to:

(a) Alternative sizing of the project to achieve a reasonable economic development of the proposed site,

(b) The potential for use of the reservoir, and any water which is stored and released, for multiple beneficial uses, and

(c) The maintenance of natural flows downstream from the reservoir at levels sufficient to meet instream and out-of-stream needs.

690-513-060 Summer Lake Subbasin

(1) Objectives. In developing a program for the management, use and control of the surface and ground water resources of the Summer Lake Subbasin, the Commission has the following objectives:

(a) Classify water in a manner consistent with the withdrawal of Silver Lake and Paulina Marsh and tributaries.

(b) Classify water in a manner consistent with the withdrawal of the waters of Dutchy, Church and No Name Lakes, and tributaries, to provide resting areas and breeding grounds for migratory and resident waterfowl.

(c) Prevent the spread of the contaminated water originating at the chemical waste disposal site near Alkali Lake through regulation of well construction.

(d) Classify the main ground water reservoir of the Fort Rock Basin to avoid overdraft and protect existing rights.

(2) Classifications. Except as otherwise provided in this subsection, the surface and ground waters of the Summer Lake Subbasin are classified for agriculture, domestic, fish life, ground water recharge, industrial, instream, irrigation, mining, municipal, pollution abatement, power, recreation and stockwater uses.

(a) The surface waters of Duncan and Bear Creeks and tributaries and all other tributaries to Silver Lake and Paulina Marsh not otherwise identified in this subsection are classified for any beneficial use of stored water, domestic and stockwater uses.

(b) The surface waters of Silver Creek and West Fork Silver Creek and tributaries below the points where the streams enter the north 1/2 section, Section 17, Township 29S, Range 14E are classified for any beneficial use of stored water, domestic and stockwater uses.

(c) The surface waters of Silver Creek and West Fork Silver Creek and tributaries above the points where the streams enter the north 1/2 section, Section 17, Township 29S,

Range 14E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.

- (d) The surface waters of Buck Creek and tributaries below the point where Buck Creek enters Section 7, Township 29S, Range 13E are classified for any beneficial use of stored water, domestic and stockwater uses.
- (e) The surface waters of Buck Creek and tributaries above the point where Buck Creek enters Section 7, Township 29S, Range 13E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.
- (f) The surface waters of Bridge Creek and tributaries below the point where Bridge Creek enters the northwest 1/4 section, Section 15, Township 29S, Range 13E are classified for any beneficial use of stored water, domestic and stockwater uses.
- (g) The surface waters of Bridge Creek and tributaries above the point where Bridge Creek enters the northwest 1/4 section, Section 15, Township 29S, Range 13E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.
- (h) Ground water from alluvial aquifers in the Silver Creek drainage above the point where Silver Creek enters Section 21, Township 28S, Range 14E is classified for domestic and stockwater uses only.
- (i) Ground water from alluvial aquifers in the Buck Creek drainage above the point where Buck Creek enters Section 18, Township 28S, Range 14E is classified for domestic and stockwater uses only.
- (j) Ground water from alluvial aquifers in the Duncan Creek drainage above the point where Duncan Creek enters Section 3, Township 29S, Range 15E is classified for domestic and stockwater uses only.
- (k) Ground water from alluvial aquifers in the Bridge Creek drainage above the point where Bridge Creek enters Section 20, Township 28S, Range 14E is classified for domestic and stockwater uses only.
- (l) The surface waters of Dutchy, Church and No Name Lakes, located in Sections 12 and 13, Township 30S, Range 16E, and the tributaries which feed and connect the lakes are classified for irrigation use between April 1 and September 30 of any year provided that such use is compatible with management programs for migratory and resident waterfowl.
- (m) Ground water from any well within Sections 12 and 13, Township 30S, Range 16E and taking water from an unconfined aquifer is classified for irrigation use between April 1 and September 30 of any year provided that such use is compatible with management programs for migratory and resident waterfowl.
- (n) Ground water from the main ground water reservoir of the Fort Rock Basin is classified for stockwater, watering any lawn or noncommercial garden not exceeding one-half acre in area, watering any lawn or noncommercial garden not exceeding three acres in area for public uses, quasi-municipal, single or group domestic, down-hole heat exchange, industrial, and commercial uses only. The main ground water reservoir of the Fort Rock Basin includes all water contained in the basalt, as well as the interbedded and overlying pyroclastic and sedimentary aquifers. Further, the water level altitudes in these

aquifers is approximately 4300 feet above mean sea level or lower. Precise boundaries include parts of Lake, Klamath, and Deschutes Counties and are described as follows:

Beginning at the southwest corner of Section 35, Township 22 South, Range 13 East, WM; thence northeasterly to the southeast corner of Section 25, Township 22 South, Range 15 East, WM; thence southeasterly to the southwest corner of Section 35, Township 23 South, Range 19 East, WM; thence southeasterly to the southeast corner of Section 9, Township 28 South, Range 21 East, WM; thence southwesterly to the southwest corner of Section 6, Township 29 South, Range 20 East, WM; thence northwesterly to the southwest corner of Section 16, Township 28 South, Range 18 East, WM; thence southwesterly to the southwest corner of Section 14, Township 29 South, Range 16 East, WM; thence southwesterly to the southeast corner of Section 21, Township 31 South, Range 15 East, WM; thence northwesterly to the southeast corner of Section 36, Township 30 South, Range 12 East, WM; thence northwesterly to the southwest corner of Section 34, Township 26 South, Range 10 East, WM; thence northeasterly to the point of beginning.

(3) Reservoir Standards. Development of a reservoir may be permitted on any stream in the Summer Lake Subbasin, however, in addition to meeting any other standards required by the Commission, any person proposing development of a reservoir in the subbasin shall give due consideration to:

- (a) Alternative sizing of the project to achieve a reasonable economic development of the proposed site,
- (b) The potential for use of the reservoir, and any water which is stored and released, for multiple beneficial uses, and
- (c) The maintenance of natural flows downstream from the reservoir at levels sufficient to meet instream and out-of-stream needs.