

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

RECEIVED  
DEC 11 7 31 AM '90  
SECRETARY OF STATE

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of PERMANENT rule(s) adopted on December 7, 1990  
(Date)

by the Water Resources Commission Resource Management Division  
(Department) (Division)

to become effective December 7, 1990  
(Date)

The within matter having come before the Water Resources Commission Resource Management Division  
(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: October 1, 1990

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) Mid-Coast Basin Program (OAR 690-80) renumbered as OAR 690-518-001  
through OAR 690-518-006

Repealed:  
(Total Rules Only) \_\_\_\_\_

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

DATED this 12th day of December, 19 90

By: William N. Yourey  
(Authorized Signer)  
Title: Director

Statutory Authority: ORS ORS 536.300, 536.340 and ORS Chapter 537

Chapter(s) \_\_\_\_\_, Oregon Laws 19\_\_

House Bill(s) \_\_\_\_\_, 19\_\_ Legislature; or Senate Bill(s) \_\_\_\_\_, 19\_\_ L

Subject Matter: Mid Coast Basin Program

**Water Resources Department  
Administrative Rules  
Chapter 690  
Division 518  
Mid-Coast Basin Program**

**690-518-001 Classifications**

(1) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Mid-Coast 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 with preference given to human consumption and livestock consumption over any other beneficial uses. The waters of the Mid-Coast Basin are hereby so classified with the following exceptions:

(a) The waters of the following natural lakes of the Mid-Coast Basin are classified only for utilization of water for domestic, livestock, and in-lake uses for recreation, wildlife, and fish life purposes: Devils, Triangle, Lily, Sutton, Mercer, Collard, Munsel, Cleawox, Carter, Lost, Elbow, Clear, Woahink, Siltcoos, Tahkenitch, and Threemile.

(b) The waters of Clear Lake are classified for municipal use in addition to the uses specified in subsection (a) of this section.

(c) The waters of the following streams and their tributaries are classified only for utilization of water for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development and instream uses for recreation, wildlife, and fish life purposes:

- (A) Schoolhouse Creek (Mouth in Township 8 South)
- (B) Fogarty Creek
- (C) Deadhorse Creek
- (D) Canal Creek of Alsea Bay
- (E) Cummins Creek
- (F) Bob Creek
- (G) Tenmile Creek
- (H) Big Creek at Roosevelt Beach
- (I) Cape Creek at Heceta Head
- (J) Quarry Creek
- (K) Knowles Creek of Siuslaw River
- (L) Hadsall Creek of Siuslaw River
- (M) Woahink Creek
- (N) Siltcoos River
- (O) Tahkenitch Creek
- (P) Threemile Creek

(d) The waters of the following streams and their tributaries are classified only for utilization of water for domestic, livestock, municipal, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development and instream uses for recreation, wildlife, and fish life purposes:

(A) Salmon River

(B) Schooner Creek of Siletz Bay upstream from the intersection of Schooner Creek and the section line between Section 25, Township 7 South, Range 11 West, WM, and Section 30, Township 7 South, Range 10 West, WM.

(C) Drift Creek of Siletz Bay

(D) Tributaries to Depoe Bay

(E) Rocky Creek

(F) Spencer Creek

(G) Moolack Creek

(H) Big Creek near Newport

(I) Henderson Creek (Mouth in Township 11 South)

(J) Beaver Creek (Mouth in Township 12 South)

(K) Big Creek at San Marine

(L) Vingie Creek

(M) Starr Creek

(N) Sutton Creek

(O) Munsel Creek

(e) The waters of Olalla Creek and its tributaries are classified for human consumption, livestock consumption, industrial, and instream uses for recreation, wildlife, and fish life purposes.

(f) The waters of Schooner Creek and its tributaries downstream from the intersection of Schooner Creek and the section line between Section 25, Township 7 South, Range 11 West, WM, and Section 30, Township 7 South, Range 10 West, WM, are classified for domestic, livestock, municipal, irrigation and frost control not to exceed an additional total appropriation of 2.5 cfs, power development and instream uses for recreation, wildlife, and fish life purposes.

(g) The waters of Thiel Creek are classified for domestic, livestock, municipal, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development, aesthetics and in-lake and instream uses for recreation, fish life and wildlife purposes.

(2) Applications for the use of the waters of the Mid-Coast Basin shall not be accepted by any state agency for any purposes contrary to the classifications herein specified, 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 this water use program.

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

#### **690-518-002 Reservations**

(1) In addition to the uses specified in subsection (1)(a) of OAR 690-518-001, 1.5 cfs of the waters of Woahink Lake are reserved for municipal purposes and 0.75 cfs for public park purposes.

(2) The waters of the following streams are reserved for municipal purposes in the amounts specified:

- (a) Alsea River below stream mile 25 -- 5 cfs
- (b) Yachats River below stream mile 5 -- 1 cfs

#### **690-518-003 Minimum Perennial Streamflows**

(1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and recreation, no appropriations of water except for reservations in OAR 690-518-002, human consumption, livestock consumption, or waters legally released from storage shall be made or granted by any state agency or public corporation of the state for the waters of the following streams and their tributaries for flows below the amounts specified in Table 1:

(2)(a) To support aquatic life and minimize pollution, in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriation of water shall be made or granted by any state agency or public corporation of the state for waters of the streams and tributaries listed in Table 2 when flows are below the specified levels. This limitation shall not apply to:

- (A) Human and livestock consumption.
- (B) Water legally released from storage.

(b) Attainment of the specified flow levels during some portions of the year will require development of water storage or implementation of other measures to augment flows.

(3) The minimum perennial streamflows established by the July 12, 1966 Mid-Coast Basin Program shall remain in effect over appropriations issued from July 12, 1966 to March 26, 1974.

#### **690-518-004 Storage**

All applications for appropriation of water for storage in structures impounding more than 3,000,000 gallons of water shall be reviewed by the Water Resources Commission prior to approval. During the review the Water Resources Commission may establish additional minimum flows on the natural flow of the stream to support aquatic life or minimize pollution.

#### **690-518-005 Out-of-Basin Appropriations**

To support present and proposed Mid-Coast Basin water resource development, no out-of-basin appropriation of the waters of the Mid-Coast Basin shall be made or granted by any state agency or public corporation of the state without the prior approval of, and following a public hearing by, the Water Resources Commission.

#### **690-518-006 Water Quality**

Rights to use of water granted by any state agency in accordance with this water use program shall be issued only on the condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

**NOTE: The Mid-Coast Basin is delineated on State Water Resources Board Map 18.6, dated 1964, available from the Water Resources Department.**