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WATER RESOURCES DEPARTMENT

**UMATILLA COUNTY CRITICAL GROUNDWATER TASK FORCE
MARK-UP**

DIVISION 507

UMATILLA BASIN PROGRAM

690-507-0010

Definitions

The following meanings apply to the terms as used in these rules for the Umatilla Basin Program. Other rules of the Department may define these words differently:

- (1) "Classification" or "Classified" means the allowed and preferred beneficial use(s) of a given surface or ground water source for which future appropriations of water shall be permitted.
- (2) "Commission" means the Water Resources Commission.
- (3) "Department" means the Oregon Water Resources Department.
- (4) "Director" means the Water Resources Director.
- (5) "Minimum Perennial Streamflow" or "Minimum Streamflow" means an administrative rule that establishes a flow necessary to support aquatic life, or recreation or minimize pollution. The rule includes a priority date and specifies streamflow levels for all or any period of the year. It establishes priority for instream use over future appropriations and identifies flow objectives for future management in streams where shortages occur.

(6) "Statutorily Exempt Ground Water Uses" means those uses for which no ground water application, permit, or certificate is required under ORS 537.545. These uses are for:

(a) Stockwatering purposes;

(b) Watering any lawn or noncommercial garden not exceeding one-half acre in area;

(c) Watering the grounds, three acres in size or less, or schools that have less than 100 students and that are located in cities with a population of less than 10,000;

(d) Single or group domestic purpose in an amount not exceeding 15,000 gallons a day;

(e) Down-hole heat exchange purposes; or

(f) Any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day.

(7) "Subbasin" means any subarea of a basin defined by surface drainage patterns such as the drainage basin of any tributary, or the area draining to any point on a river or draining between two points on a river.

(8) "Umatilla Basin" means the area comprised by the Walla Walla River, Wildhorse Creek, Upper Umatilla River, Birch and McKay Creeks, Columbia-Umatilla Plateau, Butter Creek, and Willow Creek subbasins as shown on Water Resources Department map number 7.6.

(9) "Withdrawal" or "Withdrawn" means an order of the Commission, or State Engineer or a Legislative act prohibiting all new appropriations for particular uses from a source for part or all of the year. A withdrawal can be set for a prescribed length of time or indefinitely until modified by the Commission.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 26, f. 3-2-64; WRD 1-1981, f. & cert. ef. 4-20-81; WRD 10-1985, f. & cert. ef. 9-3-85; WRD 13, f. & cert. ef. 12-18-85; WRD 14-1985, f. & cert. ef. 12-20-85; WRD 1-1986, RF. & cert. ef. 2-20-86; WRD 1-1987, f. & cert. ef. 2-27-87; WRD 8-1988, f. & cert. ef. 7-5-88; WRD 9-1990, f. & cert. ef. 6-25-90; Administrative Renumbering 1-1993, Renumbered from 690-080-0070

690-507-0020

Policies

(1) All rights to the surface waters of the Umatilla River and its tributaries initiated after September 28, 1987, shall be subordinate to permitted appropriations for the purpose of

artificial ground water recharge established before that date. In addressing artificial ground water recharge it shall be the Commissions Policy to:

(2) To support present and proposed basin resource developments, no out-of-basin or out-of-state appropriations of water shall be made or granted by any state agency or public corporation of the state for the waters of the Umatilla River Basin.

(3) Rights to use water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluent or return flows from such uses shall not interfere with other beneficial uses of water.

(4) Future permits for consumptive water use shall be issued only on condition that efficient water use techniques or water conservation measures are proposed in the application. Measures shall be implemented prior to perfection of the water permit and failure to implement maintain the proposed measures shall be a violation of the terms of the permit.

(5) ~~Municipal~~ Water supplies, interstate cooperation in water management, instream needs, out-of-stream needs, water quality and watershed management are issues of concern in the Umatilla River Basin. The Commission's policies on these issues are as follows:

(a) ~~Municipal~~ Water supply: In addressing the issue of ~~municipal~~ water supply in the Umatilla River Basin, it shall be the Commission's policy to:

(A) Assist cities with limited financial resources secure needed capital to develop, expand and improve municipal water supplies;

(B) Promote and aid municipal water conservation and ~~encourage~~ assist cities and counties to plan for, develop and protect emergency water supplies and other measures to deal with water service emergencies;

(C) Encourage the use, and assess the feasibility of artificial ground water recharge to supplement ~~city~~ ground water supplies and help ~~reduce~~ recover water levels ~~declines~~ in the basalt ground water reservoirs;

(D) Encourage, ~~and~~ promote and assess the feasibility of ~~concept~~ of regional, rural and municipal water supply systems and preserve the options for proposed systems;

(E) Promote and support the purchase and transfer of water rights to municipal use (If purchasing from agriculture this may conflict with Statewide Planning Goals and Land Use Law protecting agricultural viability);

(F) ~~Promote~~ Protect the continued viability of municipal water systems reliant on the basalt ground water reservoir.

(b) Interstate cooperation on water management: In addressing the issue of interstate cooperation on water management, it shall be the Commission's policy to:

(A) Coordinate and cooperate with the state of Washington in managing the water resources of the Walla Walla subbasin to the extent judicial decisions, stipulations and statutory authority allow;

(B) Open negotiations with the Washington Department of Ecology by 1990. ⁱ

(c) Instream needs: In addressing the issue of instream needs, it shall be the Commission's policy to:

(A) Support the anadromous fish production goals of the Northwest Power Planning Council, Oregon Department of Fish and wildlife and Confederated Tribes of the Umatilla Indian Reservation for the Umatilla River Basin;

(B) Protect and enhance instream values by limiting new uses of water from heavily appropriated streams and managing interconnected surface and ground water conjunctively;

(C) Support and encourage watershed and riparian zone projects which improve instream habitat and water quantity and quality, and which provide multiple water resources benefits.

(D) Validate the extent of the interconnectedness of alluvial aquifers and basin streams. Protect return flow from aquifers via incentives, conservation and alluvial aquifer recharge

(d) Out-of-stream use: In addressing the issue of out-of-stream use, it shall be the Commission's policy to:

(A) Establish efficiency standards and require conservation and efficient water use;

(B) Control growth of water demand by limiting new irrigation appropriations on selected streams and hydraulically connected aquifers to stored or conserved water;

(C) Catalogue surplus ground and surface water supplies in the Basin. Support and assess the feasibility of the efficient use of surplus surface and ground water to supplement declining ground water levels through artificial ground water recharge;

(D) Support development of multipurpose surface storage consistent with policies in paragraphs (A), (B), and (C) of this subsection.

(E) Assist existing water users with limited financial resources secure needed capital to develop, expand and improve conservation and efficiency practices.

(e) Water quality: In addressing the issue of water quality, it shall be the Commission's policy to:

(A) Encourage and promote a formal ground water quality monitoring programⁱⁱ to ensure safe municipal and domestic ground water supplies;

(B) Encourage development of management plans for ground water aquifers susceptible to contamination;

(C) Support surface water quality standards to satisfy selected subbasin beneficial water uses identified in this basin program;

(D) Encourage and promote control of nonpoint and point sources of water pollution.

(E) Assess the relationship between water quantity issues their impacts on surface and groundwater quality

(f) Conjunctive watershed management: In addressing the issue of conjunctive watershed management, it shall be the Commission's policy to:

(A) Assess the Carrying Capacity of ground and surface water resource quantity and quality. Develop mechanisms to implement a land and water resource regulatory program to assure that the carrying capacity of ground and water resources are not exceeded.

~~(A)~~ (B) Encourage and promote improvements in water quality, quantity and related resources through by managing through formal agency-public cooperation and coordination, and education about the benefits of watershed management;

~~(B)~~ (C) Encourage public and private landowners and managers to employ best management practices to benefit water quality and quantity; (Again, is this for new or existing water rights, this policy may conflict with (d)(A) above that essentially requires BMPs

~~(C)~~ (D) Encourage and support the retirement of highly erodible cropland as a means to enhance water quality and improve runoff patterns;

~~(D)~~ (E) Encourage and support riparian and stream channel enhancement as a means of improving flow distribution, water quality and related resource values.

(F) Encourage, support and assess the feasibility of water management alternatives that promote highest and best, and multiple uses of resources

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 26, f. 3-2-64; WRD 1-1981, f. & cert. ef. 4-20-81; WRD 10-1985, f. & cert.

ef. 9-3-85; WRD 13, f. & cert. ef. 12-18-85; WRD 14-1985, f. & cert. ef. 12-20-85; WRD 1-1986, RF. & cert. ef. 2-20-86; WRD 1-1987, f. & cert. ef. 2-27-87; WRD 8-1988, f. & cert. ef. 7-5-88; WRD 9-1990, f. & cert. ef. 6-25-90; Administrative Renumbering 1-1993, Renumbered from 690-080-0070

(We need to assess the success of managing based upon the sub basins listed below. Some sub basins may need to be added/amended to complete necessary management actions)

(Also consider a withdrawal of new permits in areas until the state and local stakeholders have a better picture of the water budget)

690-507-0030

Walla Walla River Subbasin

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

- (a) Develop interstate cooperation with Washington in the management of surface and ground water and related resources;
- (b) Protect instream values in selected streams by closing them to future appropriations or limiting new appropriations to selected nonirrigation uses;
- (c) Preserve the opportunity for future upstream storage for all beneficial uses;
- (d) Permit artificial ground water recharge to offset declining ground water levels and supplement existing ground water uses;
- (e) Protect municipal ground water supplies;
- (f) Prevent new appropriations from causing ground water/ surface water interference.

(2) Surface Water: Appropriation and use of surface water in the Walla Walla River subbasin shall comply with the following provisions:

- (a) The unappropriated waters of the Walla Walla River and tributaries from and including the Little Walla Walla Diversion to the state border are withdrawn from further appropriation. This withdrawal does not apply to domestic, livestock, fish and wildlife uses or water released from storage. Frost protection between March 1 and May 15, up to a cumulative total of 35 cfs of permits and rights with priority dates after December 2, 1985, is also exempt from this withdrawal. This withdrawal was established by the Commission on January 17, 1986;

(b) The waters of Dugger Creek and tributaries, being entirely appropriated, are withdrawn from further appropriation. The purpose of the withdrawal is to avoid conflict between new uses and existing rights and administrative problems in the distribution of water resulting from new appropriations. The withdrawal was ordered by the State Engineer on August 12, 1933;

(c) Classification: Permits to use surface water may be issued only for the following classified uses:

(A) The surface waters of the Walla Walla River subbasin generally, are classified for domestic, livestock, irrigation, municipal, industrial, power development (subject to limitations of OAR Chapter 690, Division 51), mining, fish life, wildlife, recreation, pollution abatement, artificial ground water recharge, and public instream uses only;

(B) The surface waters of the Walla Walla River and tributaries upstream from the Little Walla Walla diversion are classified for domestic, livestock, irrigation of noncommercial lawn and garden not to exceed 1/2 acre, municipal, mining, fish life, wildlife, recreation, pollution abatement, artificial ground water recharge and public instream uses only;

(C) Subject to the rights and priorities existing on June 24, 1988, and established minimum perennial streamflows, 40,000 acre-feet of the annual yield of the Walla Walla River upstream from the Little Walla Walla diversion is further classified for all beneficial uses in conjunction with storage. All natural flow rights issued on the Walla Walla River and its tributaries upstream from the Little Walla Walla diversion after June 24, 1988, shall be subordinate to this classification. Any storage project built under this classification shall include provisions for municipal, fish and wildlife, and recreation uses acceptable to the Commission;

(D) The surface waters of Mill Creek and tributaries are classified for domestic, livestock, irrigation of noncommercial lawn and garden not to exceed 1/2 acre, fish life, wildlife, pollution abatement, artificial ground water recharge and public instream uses only.

(E) The surface waters of Couse and Pine Creeks and tributaries are classified for domestic, livestock, irrigation or noncommercial lawn and garden not to exceed 1/2 acre, fish life, wildlife, pollution abatement, artificial ground water recharge and public instream uses only.

(d) Storage: Surface waters legally stored and legally released may be used for any beneficial purpose;

(e) Artificial ground water recharge: Use of surface water for ground water recharge shall be subject to the following conditions:

(A) Recharged water used under a secondary permit for irrigation may only provide supplemental water to lands with existing irrigation rights or permits on June 24, 1988;

(B) Diversion of surface water for recharge for irrigation under a secondary permit shall not exceed 3.375 acre feet per acre to be irrigated;

(C) If the recharged water is to be used for municipal or industrial purposes under a secondary permit, the applicant shall demonstrate to the satisfaction of the Commission that it has an active water conservation program; and

(D) Water shall be recharged only between December 1 and May 15.

(f) Minimum perennial streamflows: Minimum streamflows may be established to support aquatic life, minimize pollution or maintain recreation values:

(A) To support aquatic life 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 Walla Walla River and tributaries when flows are below the levels specified in **Table 1**. This limitation shall not apply to domestic and livestock use or to waters legally stored or released from storage; and

(B) To support aquatic life, no appropriations of water except for domestic and livestock uses or waters legally stored or released from storage shall be made or granted by any state agency or public corporation of the state when flows are below the specified levels for the streams listed in **Table 1** with priority dates of 3-31-88.

(3) Ground Water: Appropriation and use of ground water in the Walla Walla River subbasin shall comply with the following provisions:

(a) Classification: Permits to use ground water may be issued only for the following classified uses:

(A) The ground water resources of the Walla Walla River subbasin are classified for statutorily exempt ground water uses (see definition), irrigation, municipal, industrial, power development, low temperature geothermal, mining, fish life, wildlife, recreation, pollution abatement, and artificial ground water recharge; and

(B) Ground water from the basalt reservoir in a five-mile radius around any municipal well of the cities of Athena, Helix, Milton-Freewater, and Weston is classified for municipal, group domestic and statutorily exempt ground water uses (see definition) only. Other uses may be permitted if it is documented that a barrier to ground water movement separates a proposed well from municipal wells and there will be no interference with municipal wells. Applications for other uses of ground water within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest unless the affected city affirms that is in favor of the proposed appropriation. This classification applies only when the affected city(ies) have a full-time conservation program in effect.

(b) Permits issued to appropriate ground waters that may be hydraulically connected with surface water shall be specially conditioned. The condition shall specify that when exercise of the permit unduly interferes with surface water, the permit will be regulated in favor of the surface water source.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 26, f. 3-2-64; WRD 1-1981, f. & cert. ef. 4-20-81; WRD 10-1985, f. & cert. ef. 9-3-85; WRD 13, f. & cert. ef. 12-18-85; WRD 14-1985, f. & cert. ef. 12-20-85; WRD 1-1986, RF. & cert. ef. 2-20-86; WRD 1-1987, f. & cert. ef. 2-27-87; WRD 8-1988, f. & cert. ef. 7-5-88; WRD 9-1990, f. & cert. ef. 6-25-90; Administrative Renumbering 1-1993, Renumbered from 690-080-0070

690-507-0040

Wildhorse Creek Subbasin

(1) Objectives: In developing a program for the management, use and control of the surface and ground water resources of the Wildhorse Creek subbasin, the Commission has the following objectives:

- (a) Protect instream values by closing streams to future appropriations during the low-flow season and limiting future appropriations during the high-flow season to selected nonirrigation or nonconsumptive uses;
- (b) Permit artificial ground water recharge to offset declining ground water levels, ~~and~~ supplement existing ground water uses, and enhance base flow;
- (c) Protect municipal ground water supplies;
- (d) Prevent new appropriations from causing ground water/surface water interference;
- (e) Support regulatory and restoration efforts to reduce nonpoint source sediment loads in subbasin streams.

(2) Surface Water: Appropriation and use of surface water in the Wildhorse Creek subbasin shall comply with the following provisions:

- (a) Wildhorse Creek and tributaries are withdrawn from further appropriation of unappropriated waters during the period June 1 through October 31 each year. The withdrawal does not apply to domestic, livestock, fish and wildlife uses or water released from storage. This action was taken by the Commission on December 2, 1985;
- (b) Classification: Permits to use the surface waters of Wildhorse Creek and tributaries may be issued only for domestic, livestock, irrigation of noncommercial lawn and garden not to exceed 1/2 acre, power development (subject to the limitations of OAR Chapter

690, Division 51), mining, fish life, wildlife, recreation, pollution abatement, artificial ground water recharge and public instream uses during the period November 1 through May 31 each year. This classification rescinds the Commission's order of December 2, 1985, withdrawing the Umatilla River and tributaries from further appropriation from November 1 through May 31 each year until December 31, 1988. (c) Storage: Surface water legally stored during the period November 1 through May 31 and legally released may be used for any beneficial purpose;

(d) Artificial ground water recharge: Use of surface water for ground water recharge shall be subject to the following conditions:

(A) Recharged water used under a secondary permit for irrigation may ~~only~~ provide supplemental water to lands with existing irrigation rights or permits. ~~on June 24, 1988~~

(B) Diversion of surface water for recharge for irrigation under a secondary permit shall not exceed **2.25** acre feet per acre to be irrigated; ~~and~~

(C) Recharged water used under a primary permit for irrigation shall be limited to 70% of total amount of water recharged; and

~~(C)~~ (D) If the recharged water is to be used for municipal or industrial purposes under a secondary permit, the applicant shall demonstrate to the satisfaction of the Commission that it has an active water conservation program.

(3) Ground Water; Appropriation and use of ground water in the Wildhorse Creek subbasin shall comply with the following provisions:

(a) Classification: Permits to use ground water may be issued only for the following classified uses:

(A) The ground water resources of the Wildhorse Creek subbasin are classified for statutorily exempt ground water uses (see definition), irrigation, municipal, industrial, power development, low temperature geothermal, mining, fish life, wildlife, recreation, pollution abatement, and artificial ground water recharge; and

Withdrawal Option (A): The groundwater resources of the Wildhorse Creek subbasin are withdrawn from further primary appropriation until December __, 20__.

(B) Groundwater from the basalt reservoir in a five-mile radius around any municipal well of the cities of Adams, Athena, Helix, Pendleton, and Weston is classified for municipal, group domestic and statutorily exempt ground water uses (see definition) only. Other uses may be permitted if it is proven by the applicant that a barrier to ground water movement separates a proposed well from municipal wells and there will be no interference with municipal wells. Applications for other uses of ground water within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest. ~~unless the affected city affirms that it is in~~

~~favor of the proposed appropriation. This classification applies only when the affected city(ies) have a full time conservation program in effect.~~

(C) Groundwater from the basalt reservoirs are further classified for statutorily exempt groundwater uses (see definition) supplemental irrigation, municipal, industrial, power development, low temperature geothermal, fish life, wildlife, recreation, pollution abatement and artificial ground water recharge.

~~(b) Permits issued Applications to appropriate ground waters that may be hydraulically connected with surface water shall be accompanied by a hydrologic report stating that no hydraulic connection exists, specially conditioned. The condition shall specify that when exercise of the permit unduly interferes with surface water, the permit will be regulated in favor of the surface water source~~

(Nothing in here at all about metering, monitoring and reporting water use)

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 26, f. 3-2-64; WRD 1-1981, f. & cert. ef. 4-20-81; WRD 10-1985, f. & cert. ef. 9-3-85; WRD 13, f. & cert. ef. 12-18-85; WRD 14-1985, f. & cert. ef. 12-20-85; WRD 1-1986, RF. & cert. ef. 2-20-86; WRD 1-1987, f. & cert. ef. 2-27-87; WRD 8-1988, f. & cert. ef. 7-5-88; WRD 9-1990, f. & cert. ef. 6-25-90; Administrative Renumbering 1-1993, Renumbered from 690-080-0070

690-507-0050

Upper Umatilla River Subbasin

(1) Objectives: In developing a program for the management, use and control of the surface and ground water resources of the Upper Umatilla River subbasin, the Commission has the following objectives:

(a) Protect instream values by closing streams to future appropriations during the low-flow season and limiting future appropriations during the high-flow season to selected nonirrigation uses;

(b) Acknowledge the Confederated Tribes of the Umatilla Indian Reservation have ~~an~~ begun the process of assessing and ~~unquantified~~ quantifying their claim to water for on-reservation and off-reservation in-stream use. Support the assessment process and preserve water supplies to meet quantified rights; and preserve the opportunity for the Tribes to store excess winter flows for Tribal use or purposes;

(c) Preserve the opportunity for future upstream storage for all beneficial uses;

(d) Promote municipal use of surface waters;

(e) Permit artificial ground water recharge to offset declining ground water levels and supplement existing ground water uses, **and base flow**;

(f) Protect municipal ground water supplyies sources;

(g) Prevent new appropriations from causing ground water/surface water interference.

(2) Surface Water: Appropriation and use of surface water in the Upper Umatilla River subbasin shall comply with the following provisions:

(a) Subject to the rights existing on March 3, 1941 the waters of the North Fork Umatilla River and its tributaries were set aside by the Oregon Legislature for the exclusive use of the City of Pendleton, ORS 538.450. Nothing in the statute prohibits the City of Pendleton from using the main stem Umatilla River to convey this water to the City

(b) The Upper Umatilla River and tributaries are withdrawn from further appropriation of unappropriated waters during the period June 1 through October 31 each year. The withdrawal does not apply to domestic, livestock, fish and wildlife uses or water released from storage. This action was taken by the Commission on December 2, 1985;

(c) Classification: Permits to use surface water may be issued only for the following classified uses:

(A) Natural flows of the Upper Umatilla River and tributaries are classified for domestic, livestock, irrigation or noncommercial lawn and garden not to exceed 1/2 acre, municipal, industrial, power development (subject to the limitations of OAR Chapter 690, Division 51) mining (including sand and gravel mining), fish life, wildlife, recreation, pollution abatement, artificial ground water recharge, and public instream uses during the period November 1 through May 31 each year. This classification rescinds the Commission's order of December 2, 1985, withdrawing the Umatilla River and tributaries from further appropriation from November 1 through May 31 each year until December 31, 1988;

(B) Until there is a final quantification of any reserved water rights of the Confederated Tribes of the Umatilla Indian Reservation, up to 75,000 acre feet of water in the Upper Umatilla River subbasin ~~are~~ **is** classified for storage for the exclusive use of the Tribes. This classification applies to storage on or off the reservation in a single or multiple impoundments. Storage of this water is subject to the rights and priorities existing on June 24, 1988, and the withdrawal of the Umatilla River and tributaries from June 1 through October 31. All natural flow rights issued on the Umatilla River and its tributaries upstream from Pendleton and on the Umatilla main stem downstream from Pendleton after June 24, 1988, shall be subordinate to this classification. This classification shall be superior to the classification for storage contained in paragraph (C) of this subsection; and

(C) Subject to the rights and priorities existing on June 24, 1988, the withdrawal of the Umatilla River and tributaries from June 1 through October 31, and the 75,000 acre foot classification in paragraph (B) of this subsection, up to 100,000 acre feet of the annual yield of the Umatilla River above Pendleton are classified for all beneficial uses in conjunction with storage (Is this the remaining flow and how does this impact lower basin recharge, etc.?). All natural flow rights issued on the Umatilla River and its tributaries upstream from Pendleton and on the Umatilla main stem downstream from Pendleton after this date shall be subordinate to this classification, except that up to a total of 20,000 acre feet of additional permits may be granted for artificial ground water recharge without subordination under this paragraph. Any storage project built under this classification shall include provisions for municipal, fish and wildlife, and recreation uses acceptable to the Commission.

(d) Storage: Surface water legally stored during the period November 1 through May 31, and legally released may be used for any beneficial purpose;

(e) Artificial ground water recharge: Use of surface water for ground water recharge shall be subject to the following conditions:

(A) Recharged water used under a secondary permit for irrigation may ~~only~~ provide supplemental water to lands with existing primary irrigation rights or permits ~~on June 24, 1988~~;

(B) Diversion of surface water for recharge for irrigation under a secondary permit shall not exceed 2.25 acre feet per acre to be irrigated; and

(C) Recharged water used under a primary permit for irrigation shall be limited to 70% of total amount of water recharged; and

~~(C)~~ (D) If the recharged water is to be used for municipal or industrial purposes under a secondary permit, the applicant shall demonstrate to the satisfaction of the Commission that it has an active water conservation program.

(f) Minimum perennial streamflows: Minimum streamflows ~~may~~ should be established to support aquatic life, minimize pollution or maintain recreation values:

(A) To support aquatic life 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 Umatilla River and tributaries when flows are below the levels specified in **Table 1**. This limitation shall not apply to domestic and livestock use or to waters legally stored or released from storage; and

(B) To support aquatic life, no appropriations of water except for domestic and livestock uses or waters legally stored or released from storage shall be made or granted by any state agency or public corporation of the state when flows are below the specified levels for the streams listed in **Table 1** with priority dates of 3-31-88.

(3) Ground Water: Appropriation and use of ground water in the Upper Umatilla River subbasin shall comply with the following provisions:

(a) Classification: Permits to use ground water may be issued only for the following classified uses:

(A) The ground water resources of the Upper Umatilla River subbasin are classified for statutorily exempt ground water uses (see definition), irrigation, municipal, industrial, power development, low temperature geothermal, mining, fish life, wildlife, recreation, pollution abatement, and artificial ground water recharge; and

Withdrawal Option (A): The groundwater resources of the Umatilla River subbasin are withdrawn from further primary appropriation until December , 20 .

(B) Groundwater from the basalt reservoir in a five-mile radius around any municipal well of the cities of Adams and Pendleton is classified for municipal, group domestic and statutorily exempt ground water uses (see definition) only. Other uses may be permitted if it is proven by the applicant that a barrier to ground water movement separates a proposed well from municipal wells and there will be no interference with municipal wells. Applications for other uses of ground water within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest, ~~unless the affected city affirms that it is in favor of the proposed appropriation. This classification applies only when the affected city(ies) have a full time conservation program in effect.~~

(C) Groundwater from the basalt reservoirs are further classified for statutorily exempt groundwater uses (see definition) supplemental irrigation, municipal, industrial, power development, low temperature geothermal, fish life, wildlife, recreation, pollution abatement and artificial ground water recharge.

~~(b) Permits issued Applications to appropriate ground waters that may be hydraulically connected with surface water shall be accompanied by a hydrologic report stating that no hydraulic connection exists, specially conditioned. The condition shall specify that when exercise of the permit unduly interferes with surface water, the permit will be regulated in favor of the surface water source~~

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 26, f. 3-2-64; WRD 1-1981, f. & cert. ef. 4-20-81; WRD 10-1985, f. & cert. ef. 9-3-85; WRD 13, f. & cert. ef. 12-18-85; WRD 14-1985, f. & cert. ef. 12-20-85; WRD 1-1986, RF. & cert. ef. 2-20-86; WRD 1-1987, f. & cert. ef. 2-27-87; WRD 8-1988, f. & cert. ef. 7-5-88; WRD 9-1990, f. & cert. ef. 6-25-90; Administrative Renumbering 1-1993, Renumbered from 690-080-0070

690-507-0060

Birch and McKay Creeks Subbasin

(1) Objectives: In developing a program for the management, use and control of the surface and ground water resources of the Birch and McKay Creeks subbasin, the Commission has the following objectives:

(a) Protect instream values by closing streams to future appropriations during the low-flow season and limiting future appropriations during the high-flow season to selected nonirrigation uses;

(b) Preserve the opportunity for future upstream storage for all beneficial uses;

(c) Permit artificial ground water recharge to offset declining ground water levels, ~~and~~ supplement existing ground water uses, and enhance base flow;

(d) Protect municipal ground water supplyies sources;

(e) Prevent new appropriations from causing ground water/surface water interference.

(2) Surface Water: Appropriation and use of surface water in the Birch and McKay Creeks subbasin shall comply with the following provisions:

(a) Birch and McKay Creeks and tributaries are withdrawn from further appropriation of unappropriated waters during the period June 1 through October 31 each year. The withdrawal does not apply to domestic, livestock, fish and wildlife uses or water released from storage. This action was taken by the Commission on December 2, 1985;

(b) Classification: Permits to use surface water may be issued only for the following classified uses:

(A) The surface waters of Birch and McKay Creeks and tributaries are classified for domestic, livestock, irrigation of noncommercial lawn and garden not to exceed 1/2 acre, municipal, industrial, power development (subject to the limitations of OAR Chapter 690, Division 51) mining (including sand and gravel mining), fish life, wildlife, recreation, pollution abatement, artificial ground water recharge, and public instream uses during the period November 1 through May 31 each year. This classification rescinds the Commission's order of December 2, 1985, withdrawing the Umatilla River and tributaries from further appropriation from November 1 through May 31 each year until December 31, 1988;

(B) Subject to the rights and priorities existing on June 24, 1988, the withdrawal of Birch Creek and tributaries from June 1 through October 31, Birch Creek and tributaries are further classified for all beneficial uses in conjunction with storage. **All natural flow rights issued on Birch Creek and tributaries after this date shall be subordinate to this classification.** Any storage project built under this classification shall include provisions for municipal, fish and wildlife, and recreation uses acceptable to the Commission.

(c) Storage: Surface water legally stored during the period November 1 through May 31, and legally released may be used for any beneficial purpose;

(d) Artificial ground water recharge: Use of surface water for ground water recharge shall be subject to the following conditions:

(A) Recharged water used under a secondary permit for irrigation may ~~only~~ provide supplemental water to lands with existing primary irrigation rights or permits. ~~on June 24, 1988;~~

(B) Diversion of surface water for recharge for irrigation under a secondary permit shall not exceed 2.25 acre feet per acre to be irrigated; ~~and~~

(C) Recharged water used under a primary permit for irrigation shall be limited to 70% of total amount of water recharged; and

~~(C)~~ (D) If the recharged water is to be used for municipal or industrial purposes under a secondary permit, the applicant shall demonstrate to the satisfaction of the Commission that it has an active water conservation program.

(e) Minimum perennial streamflows: Minimum streamflows ~~may~~ should be established to support aquatic life, minimize pollution or maintain recreation values:

(A) To support aquatic life 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 Umatilla River and tributaries when flows are below the levels specified in **Table 1**. This limitation shall not apply to domestic and livestock use or to waters legally stored or released from storage; and

(B) To support aquatic life, no appropriations of water except for domestic and livestock uses or waters legally stored or released from storage shall be made or granted by any state agency or public corporation of the state when flows are below the specified levels for the streams listed in **Table 1** with priority dates of 3-31-88.

(3) Ground Water: Appropriation and use of ground water in the Birch and McKay Creeks subbasin shall comply with the following provisions:

(a) Classification: Permits to use ground water may be issued only for the following classified uses:

(A) The ground water resources of the Birch and McKay Creeks subbasin are classified for statutorily exempt ground water uses (see definition), irrigation, municipal, industrial, power development, low temperature geothermal, mining, fish life, wildlife, recreation, pollution abatement, and artificial ground water recharge; and

Withdrawal Option (A): The groundwater resources of the Birch and McKay Creeks subbasin are withdrawn from further primary appropriation until December , 20 .

(B) Groundwater from the basalt reservoir in a five-mile radius around any municipal well of the cities of Pendleton, and Pilot Rock is classified for municipal, group domestic and statutorily exempt ground water uses (see definition) only. Other uses may be permitted if it is proven by the applicant that a barrier to ground water movement separates a proposed well from municipal wells and there will be no interference with municipal wells. Applications for other uses of ground water within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest, ~~unless the affected city affirms that it is in favor of the proposed appropriation. This classification applies only when the affected city(ies) have a full-time conservation program in effect.~~

(C) Groundwater from the basalt reservoirs are further classified for statutorily exempt groundwater uses (see definition) supplemental irrigation, municipal, industrial, power development, low temperature geothermal, fish life, wildlife, recreation, pollution abatement and artificial ground water recharge.

~~(b) Permits issued Applications to appropriate ground waters that may be hydraulically connected with surface water shall be accompanied by a hydrologic report stating that no hydraulic connection exists. specially conditioned. The condition shall specify that when exercise of the permit unduly interferes with surface water, the permit will be regulated in favor of the surface water source~~

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 26, f. 3-2-64; WRD 1-1981, f. & cert. ef. 4-20-81; WRD 10-1985, f. & cert. ef. 9-3-85; WRD 13, f. & cert. ef. 12-18-85; WRD 14-1985, f. & cert. ef. 12-20-85; WRD 1-1986, RF. & cert. ef. 2-20-86; WRD 1-1987, f. & cert. ef. 2-27-87; WRD 8-1988, f. & cert. ef. 7-5-88; WRD 9-1990, f. & cert. ef. 6-25-90; Administrative Renumbering 1-1993, Renumbered from 690-080-0070

690-507-0070

Columbia-Umatilla Plateau Subbasin

(1) Objectives: In developing a program for the management, use and control of the surface and ground water resources of the Columbia-Umatilla Plateau subbasin, the Commission has the following objectives:

(a) Protect instream values in the Umatilla River main stem by closing the main stem to future appropriations during the low-flow season and limiting future appropriations during the high-flow season to selected nonirrigation or nonconsumptive uses;

(b) Permit future surface water storage for any beneficial use;

(c) Permit artificial ground water recharge to offset declining ground water levels, ~~and~~ supplement existing ground water uses, and enhance base flow;

(d) Achieve a balance between ground water pumpage and natural and artificial recharge in designated critical ground water areas, ~~and~~ ground water study areas, and other areas with identified groundwater declines;

(e) Assess the feasibility of and develop management practices to gradually recover the basalt ground water reservoirs;

~~(e)~~ (f) Protect municipal ground water supplies sources;

~~(f)~~ (g) Prevent new appropriations from causing ground water/ surface water interference.

(2) Surface Water: Appropriation and use of surface water in the Columbia-Umatilla Plateau subbasin shall comply with the following provisions:

(a) Umatilla River and tributaries are withdrawn from further appropriation of unappropriated waters during the period June 1 through October 31 each year. The withdrawal does not apply to domestic, livestock, fish and wildlife uses or water released from storage. This action was taken by the Commission on December 2, 1985;

(b) Classification: Permits to use surface water may be issued only for the following classified uses:

(A) Subject to the provisions of OAR 690-507-0050(2)(c)(B) and (C), the surface waters of the Umatilla River main stem are classified for domestic, livestock, irrigation of noncommercial lawn and garden not to exceed 1/2 acre, frost control, municipal, industrial, power development, mining, fish life, wildlife, recreation, pollution abatement, artificial ground water recharge, and public instream uses during the period November 1 through May 31 each year. This classification rescinds the Commission's order of December 2, 1985, withdrawing the Umatilla River and tributaries from further appropriation from November 1 through May 31 each year until December 31, 1988;

(B) The surface waters of Umatilla River tributaries are classified for domestic, livestock, irrigation, frost control, power development (subject to the limitations of OAR Chapter 690, Division 51), mining, pollution abatement and artificial ground water recharge during the period November 1 through May 31 each year; and

(C) The surface waters of all other streams are classified for domestic, livestock, irrigation, frost control, power development (subject to limitations of OAR Chapter 690, Division 51), mining and artificial ground water recharge.

(c) Storage: Surface water legally stored during the period November 1 through May 31, and legally released may be used for any beneficial purpose;

(d) Artificial ground water recharge: Use of surface water for ground water recharge shall be subject to the following conditions:

(A) Recharged water used under a secondary permit for irrigation may ~~only~~ provide supplemental water to lands with existing primary irrigation rights or permits ~~on June 24, 1988;~~

(B) Diversion of surface water for recharge for irrigation under a secondary permit shall not exceed 2.25 acre feet per acre to be irrigated; and

C) Recharged water used under a primary permit for irrigation shall be limited to 70% of total amount of water recharged; and

~~(C)~~ (D) If the recharged water is to be used for municipal or industrial purposes under a secondary permit, the applicant shall demonstrate to the satisfaction of the Commission that it has an active water conservation program.

(e) Minimum perennial streamflows: To support aquatic life 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 Umatilla River and tributaries when flows are below the levels specified in **Table 1**. This limitation shall not apply to domestic and livestock use or to waters legally stored or released from storage; and with priority dates of 3-31-88.

(3) Ground Water: Appropriation and use of ground water in the Columbia-Umatilla Plateau subbasin shall comply with the following provisions:

(a) Ground water resources of the basalt aquifer and shallow gravel aquifer within the Ordinance Critical Ground Water Area are closed to further appropriation by Order of the Director dated April 2, 1976;

(b) Ground water resources of the basalt aquifer within the Butter Creek Critical Ground Water Area are closed to further appropriation by Order of the Director dated August 18, 1986;

(c) Ground water resources of the basalt aquifer in the Stage Gulch Ground Water Study Area are closed to further appropriation by Proclamation of the Director dated January 31, 1985.

(d) Classification: Permits to use ground water may be issued only for the following classified uses:

(A) The ground water resources of the basalt aquifer in the Ella Butte Ground Water Study Area described in the Proclamation of January 31, 1985, are classified for statutorily exempt uses (see definition) only. This classification terminates the critical

ground water area determination proceeding initiated January 31, 1985, and the Proclamation of the same date issued for the Ella Butte study area;

(B) The ground water resources of the Columbia-Umatilla Plateau outside the Ordnance and Butter Creek Critical Ground Water Areas and the Ella Butte and Stage Gulch Ground Water Study Areas are classified for statutorily exempt ground water uses (see definition), irrigation, municipal, industrial, power development, low temperature geothermal, mining, fish life, wildlife, recreation, pollution abatement, and artificial ground water recharge;

Withdrawal Option (B): The groundwater resources of the Columbia-Umatilla Plateau subbasin are withdrawn from further primary appropriation until December , 20 .

(C) Groundwater from the basalt reservoir in a five-mile radius around any municipal well of the cities of Heppner, Helix, Ione, Lexington and Pendleton is classified for municipal, group domestic and statutorily exempt ground water uses (see definition) only. Other uses may be permitted if it is proven by the applicant that a barrier to ground water movement separates a proposed well from municipal wells and there will be no interference with municipal wells. Applications for other uses of ground water within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest. ~~unless the affected city affirms that it is in favor of the proposed appropriation. This classification applies only when the affected city(ies) have a full-time conservation program in effect.~~

(D) Subject to the more strict controls imposed by the existing State Gulch Proclamation or issuance of a critical area order for the Stage Gulch Ground Water Study Area, ground water from the basalt reservoir in a five-mile radius around any municipal well of the cities of Echo, Hermiston, Pendleton, Stanfield, and Umatilla is classified for municipal, group domestic and statutorily exempt ground water uses (see definition) only. Other uses may be permitted if it is documented by the applicant that a barrier to ground water movement separates a proposed well from municipal wells and there will be no interference with municipal wells. Applications for other uses of ground water within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest ~~unless the affected city affirms that is in favor of the proposed appropriation. This classification applies only when the affected city(ies) have a full-time conservation program in effect.~~

(E) Ground water from the basalt reservoirs are further classified for statutorily exempt groundwater uses(see definition) supplemental irrigation, municipal, industrial, power development, low temperature geothermal, fish life, wildlife, recreation, pollution abatement and artificial groundwater recharge.

(e) ~~Permits issued~~ Applications to appropriate ground waters that may be hydraulically connected with surface water shall be accompanied by a hydrologic report stating that no hydraulic connection exists. ~~specialy conditioned. The condition shall specify that when~~

~~exercise of the permit unduly interferes with surface water, the permit will be regulated in favor of the surface water source~~

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 26, f. 3-2-64; WRD 1-1981, f. & cert. ef. 4-20-81; WRD 10-1985, f. & cert. ef. 9-3-85; WRD 13, f. & cert. ef. 12-18-85; WRD 14-1985, f. & cert. ef. 12-20-85; WRD 1-1986, RF. & cert. ef. 2-20-86; WRD 1-1987, f. & cert. ef. 2-27-87; WRD 8-1988, f. & cert. ef. 7-5-88; WRD 9-1990, f. & cert. ef. 6-25-90; Administrative Renumbering 1-1993, Renumbered from 690-080-0070

690-507-0080

Butter Creek Subbasin

(1) Objectives: In developing a program for the management, use and control of the surface and ground water resources of the Butter Creek subbasin, the Commission has the following objectives:

(a) Protect instream values by closing streams to future appropriations during the low-flow season and limiting future appropriations during the high-flow season to selected nonirrigation uses;

(b) Preserve the opportunity for future upstream storage for all beneficial uses;

(c) Permit artificial ground water recharge to offset declining ground water levels, ~~and~~ supplement existing ground water uses and increase base flow;

(d) Achieve a balance between ground water pumpage and natural and artificial recharge in designated critical ground water areas, ~~and~~ ground water study areas, and other areas with identified groundwater declines;

(e) Assess the feasibility of and develop management practices to gradually recover the basalt ground water reservoirs;

~~(e)~~ (f) Prevent new appropriations from causing ground water/surface water interference.

(2) Surface Water: Appropriation and use of surface water in the Butter Creek subbasin shall comply with the following provisions:

(a) Butter Creek and tributaries are withdrawn from further appropriation of unappropriated waters during the period June 1 through October 31 each year. The withdrawal does not apply to domestic, livestock, fish and wildlife uses or water released from storage. This action was taken by the Commission on December 2, 1985;

(b) Classification: Permits to use surface water may be issued only for the following classified uses:

(A) The surface waters of Butter Creek and tributaries are classified for domestic, livestock, irrigation of noncommercial lawn and garden not to exceed 1/2 acre, municipal, industrial, power development (subject to the limitations of OAR Chapter 690, Division 51) mining (including sand and gravel mining), fish life, wildlife, recreation, pollution abatement, artificial ground water recharge, and public instream uses during the period November 1 through May 31 each year. This classification rescinds the Commission's order of December 2, 1985, withdrawing the Umatilla River and tributaries from further appropriation from November 1 through May 31 each year until December 31, 1988;

(B) Subject to the rights and priorities existing on June 24, 1988, the withdrawal of Butter Creek and tributaries from June 1 through October 31, Butter Creek and tributaries are further classified for all beneficial uses in conjunction with storage. All natural flow rights issued on Butter Creek and tributaries after this date shall be subordinate to this classification. Any storage project built under this classification shall include provisions for municipal, fish and wildlife, and recreation uses acceptable to the Commission.

(c) Storage: Surface water legally stored during the period November 1 through May 31, and legally released may be used for any beneficial purpose;

(d) Artificial ground water recharge: Use of surface water for ground water recharge shall be subject to the following conditions:

(A) Recharged water used under a secondary permit for irrigation may ~~only~~ provide supplemental water to lands with existing primary irrigation rights or permits on ~~June 24, 1988~~;

(B) Diversion of surface water for recharge for irrigation under a secondary permit shall not exceed 2.25 acre feet per acre to be irrigated; and

C) Recharged water used under a primary permit for irrigation shall be limited to 70% of total amount of water recharged; and

~~(C)~~ (D) If the recharged water is to be used for municipal or industrial purposes under a secondary permit, the applicant shall demonstrate to the satisfaction of the Commission that it has an active water conservation program.

(3) Ground Water: Appropriation and use of ground water in the Butter Creek subbasin shall comply with the following provisions:

(a) Ground water resources of the basalt aquifer and shallow gravel aquifer within the Ordinance Critical Ground Water Area are closed to further appropriation by Order of the Director dated April 2, 1976;

(b) Ground water resources of the basalt aquifer within the Butter Creek Critical Ground Water Area are closed to further appropriation by Order of the Director dated August 18, 1986;

(c) Classification: Permits to use ground water may be issued only for the following classified uses:

(A) The ground water resources of the Butter Creek subbasin outside the Ordinance and Butter Creek Critical Ground Water Areas are classified for statutorily exempt ground water uses (see definition), irrigation, municipal, industrial, power development, low temperature geothermal, mining, fish life, wildlife, recreation, pollution abatement, and artificial ground water recharge; and

(B) Groundwater from the basalt reservoir in a five-mile radius around any municipal well of the city of Heppner is classified for municipal, group domestic and statutorily exempt ground water uses (see definition) only. Other uses may be permitted if it is proven by the applicant that a barrier to ground water movement separates a proposed well from municipal wells and there will be no interference with municipal wells. Applications for other uses of ground water within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest, ~~unless the affected city affirms that it is in favor of the proposed appropriation.~~ ~~This classification applies only when the affected city(ies) have a full-time conservation program in effect.~~

(d) ~~Permits issued~~ Applications to appropriate ground waters that may be hydraulically connected with surface water shall be accompanied by a hydrologic report stating that no hydraulic connection exists, specially conditioned. ~~The condition shall specify that when exercise of the permit unduly interferes with surface water, the permit will be regulated in favor of the surface water source~~

.Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 26, f. 3-2-64; WRD 1-1981, f. & cert. ef. 4-20-81; WRD 10-1985, f. & cert. ef. 9-3-85; WRD 13, f. & cert. ef. 12-18-85; WRD 14-1985, f. & cert. ef. 12-20-85; WRD 1-1986, RF. & cert. ef. 2-20-86; WRD 1-1987, f. & cert. ef. 2-27-87; WRD 8-1988, f. & cert. ef. 7-5-88; WRD 9-1990, f. & cert. ef. 6-25-90; Administrative Renumbering 1-1993, Renumbered from 690-080-0070

690-507-0090

Willow Creek Subbasin

(1) Objectives: In developing a program for the management, use and control of the surface and ground water resources of the Willow Creek subbasin, the Commission has the following objectives:

(a) Protect instream values by limiting future appropriations to selected nonirrigation or nonconsumptive uses;

(b) Preserve the opportunity for future upstream storage for all beneficial uses;

(c) Permit artificial ground water recharge to offset declining ground water levels and supplement existing ground water uses;

(d) Achieve a balance between ground water pumpage and natural recharge in designated critical ground water areas and ground water study areas;

(e) Protect municipal ground water supplies;

(f) Prevent new appropriations from causing ground water/ surface water interference.

(2) Surface Water: Appropriation and use of surface water in the Willow Creek subbasin shall comply with the following provisions:

(a) Classification: Permits to use surface water may be issued only for the following classified uses:

(A) The surface waters of Willow Creek and tributaries are classified for domestic, livestock, irrigation of noncommercial lawn and garden not to exceed 1/2 acre, municipal, industrial, power development (subject to the limitations of OAR Chapter 690, Division 51) mining (including sand and gravel mining), fish life, wildlife, recreation, pollution abatement, artificial ground water recharge, and public instream uses; and

(B) Subject to the rights and priorities existing on June 24, 1988, Willow Creek and tributaries are further classified for all beneficial uses in conjunction with storage. All natural flow rights issued on Willow Creek and tributaries after this date shall be subordinate to this classification. Any storage project built under this classification shall include provisions for municipal, fish and wildlife, and recreation uses acceptable to the Commission.

(b) Storage: Surface water legally stored and legally released, may be used for any beneficial purpose;

(c) Artificial ground water recharge: Use of surface water for ground water recharge shall be subject to the following conditions:

(A) Recharged water used under a secondary permit for irrigation may only provide supplemental water to lands with existing irrigation rights or permits on June 24, 1988;

(B) Diversion of surface water for recharge for irrigation under a secondary permit shall not exceed 2.25 acre feet per acre to be irrigated; and

(C) If the recharged water is to be used for municipal or industrial purposes under a secondary permit, the applicant shall demonstrate to the satisfaction of the Commission that it has an active water conservation program.

(3) Ground Water: Appropriation and use of ground water in the Willow Creek subbasin shall comply with the following provisions:

(a) Ground water resources of the basalt aquifer within the Butter Creek Critical Ground Water Area are closed to further appropriation by Order of the Director dated August 18, 1986;

(b) Classification: Permits to use ground water may be issued only for the following classified uses:

(A) The ground water resources of the basalt aquifer in the Ella Butte Ground Water Study Area as described in the Proclamation of January 31, 1985, are classified for statutorily exempt uses (see definition) only. This classification terminates the critical ground water determination proceeding initiated January 31, 1985, and the Proclamation of the same date issued for the Ella Butte study area;

(B) The ground water resources of the Willow Creek subbasin outside the Butter Creek Critical Ground Water Area and the Ella Butte Ground Water Study Area are classified for statutorily exempt ground water uses (see definition), irrigation, municipal, industrial, power development, low temperature geothermal, mining, fish life, wildlife, recreation, pollution abatement, and artificial ground water recharge; and

(C) Groundwater from the basalt reservoir in a five-mile radius around any municipal well of the cities of Heppner, Ione and Lexington is classified for municipal, group domestic and statutorily exempt ground water uses (see definition) only. Other uses may be permitted if it is documented that a barrier to ground water movement separates a proposed well from municipal wells and there will be no interference with municipal wells. Applications for other uses of ground water within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest unless the affected city affirms that it is in favor of the proposed appropriation. This classification applies only when the affected city(ies) have a full-time conservation program in effect.

(c) Permits issued to appropriate ground waters that may be hydraulically connected with surface water shall be specially conditioned. The condition shall specify that when exercise of the permit unduly interferes with surface water, the permit will be regulated in favor of the surface water source.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRB 26, f. 3-2-64; WRD 1-1981, f. & cert. ef. 4-20-81; WRD 10-1985, f. & cert. ef. 9-3-85; WRD 13, f. & cert. ef. 12-18-85; WRD 14-1985, f. & cert. ef. 12-20-85; WRD

1-1986, RF. & cert. ef. 2-20-86; WRD 1-1987, f. & cert. ef. 2-27-87; WRD 8-1988, f. & cert. ef. 7-5-88; WRD 9-1990, f. & cert. ef. 6-25-90; Administrative Renumbering 1-1993, Renumbered from 690-080-0070

**Methods for Determining and Distributing the Sustainable Annual Yield
of the Basalt Groundwater Reservoir by Subarea for the
Butter Creek Critical Groundwater Area**

690-507-0610

Purpose

(1) The Director issued an order on August 18, 1986 declaring the Butter Creek Critical Ground Water Area. The order described the exterior boundaries and divided the area into six subareas for the purpose of managing the ground-water resource. The response of ground-water levels to pumpage from each subarea is largely independent of pumpage within other subareas.

(2) To promote optimum use of the limited ground water supply in the Butter Creek Critical Ground Water Area, the Commission encourages development of water management plans to maintain a high standard of water use efficiency.

(3) The Commission recognizes that exempt users in the North subarea are a stress on the ground water resource in the Butter Creek Critical Ground Water Area. ~~If, by~~ By December 31, 2008, reasonably stable water levels have not been achieved, the Department shall inventory alternative means of obtaining water existing and future exempt domestic users and determine whether or not to require prior authorization under these rules for ground water uses that are exempt under ORS 537.545.

(4) The purpose of these rules is to stabilize water levels in the basalt ground water reservoir in the Butter Creek Critical Ground Water Area of Umatilla and Morrow counties, and to support the process of gradually recovering the basalt groundwater reservoirs. These rules carry out the authority granted to the Commission in ORS 536.900 to 536.935 and ORS 537.505 to 537.745.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented: ORS 537.535

Hist.: WRD 9-1990, f. & cert. ef. 6-25-90; WRD 2-1999, f. & cert. ef. 3-3-99

690-507-0620

Definitions

The following definitions apply to OAR Chapter 690, Division 507:

(1) "Commission" means the Water Resources Commission.

- (2) "Department" means the Water Resources Department.
- (3) "Director" means the Director of the Water Resources Department.
- (4) "Physically capable" means that the well, pump installed, and distribution system are able to produce and distribute the quantity of water requested.
- (5) "Reasonably stable water level" means an annual static water level decline of less than one foot over the entire subarea as determined by averaging the annual water level change of the representative wells in the subarea, and the water level change for the subarea averaged over five consecutive years displays no decline.
- (6) "Sustainable annual yield" means the volume of water that can be pumped on an annual basis while maintaining reasonably stable water levels. This is a measurement of the capacity of the available source.
- (7) "Gradual Recovery" means an annual static water level increase
- ~~(7)~~ (8) "Water user" means a person who pumps water from the basalt ground water reservoir.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented: ORS 537.535

Hist.: WRD 9-1990, f. & cert. ef. 6-25-90; WRD 2-1999, f. & cert. ef. 3-3-99

690-507-0630

General Requirements

- (1) Except as specified in OAR 690-507-0650(3) and 690-507-0670(7), the use of water from the basalt ground water reservoir within the Butter Creek Critical Ground Water Area shall be limited to the sustainable annual yield.
- (2) The Commission delegates to the Director the authority to implement these rules.
- (3) Water from the basalt ground water reservoir in the Butter Creek Critical Ground Water Area shall be used for irrigation only during the irrigation season. The irrigation season begins on the 15th of March and ends on the 1st of November.
- (4) The Department shall not accept any new applications for appropriation of water from the basalt ground water reservoir within the Butter Creek Critical Area.

Stat. Auth.: ORS 537.515, ORS 537.525, ORS 537.545 & ORS 537.730 - ORS 537.745

Stats. Implemented: ORS 537.535

Hist.: WRD 9-1990, f. & cert. ef. 6-25-90; WRD 3-1992, f. & cert. ef. 2-10-92; WRD 7-1992, f. & cert. ef. 5-14-92; WRD 2-1999, f. & cert. ef. 3-3-99

690-507-0635

Water Users Exempt from Division Requirements

Any school located in the Butter Creek Critical Ground Water Area using water from the basalt reservoir for watering lawns, grounds and fields not exceeding ten acres in area shall meet the requirements of OAR 690-507-0640(2) to (5) and 690-507-0645. All other water users exempt under the provisions of ORS 537.545(a), (b), (d), (e), and (f) are not subject to the provisions of OAR 690, Division 507. Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented: ORS 537.535

Hist.: WRD 9-1990, f. & cert. ef. 6-25-90; WRD 2-1999, f. & cert. ef. 3-3-99

690-507-0640

Duties of Water Users

- (1) Appropriation of ground water from the Butter Creek Critical Ground Water Area is prohibited unless the water user meets the requirements of section (2) to (5) of this rule.
- (2) A water user authorized by OAR 690-507-0670 to pump water from the basalt ground water reservoir shall satisfy the following conditions:
 - (a) Wells shall have an access port with a minimum diameter of 3/4 inch. The access shall be adequate to determine the water level at any time.
 - (b) A water user may install a functioning airline with a pressure gauge in addition to the access port. The airline shall be calibrated and yield accurate data. The airline shall not enter the well through the access port. The airline shall be adequate to determine the water level at any time.
 - (c) A water user shall install and maintain a totalizing flow meter on each well authorized by OAR 690-507-0670. The meter shall meet the requirements of OAR 690-507-0645.
- (3) A water user shall record flow meter and power meter readings on a weekly basis at times when water is being used. The water user shall use forms provided by the Department and shall mail the readings to the Department in Salem by December 1st of the same year.
- (4) A water user shall report broken flow meters to the watermaster in Pendleton within 48 hours after determining that the flow meter is broken. A water user shall not appropriate for more than 30 days without an operating flow meter. While the flow meter is broken, the water user shall record daily the hours the pump operates, the power meter reading and the time the power meter was read. The water user shall mail the data to the Department in Salem within one week of the installation of the repaired or replacement

flow meter. The data shall include a statement of the initial reading on the newly installed flow meter and the current power meter reading. The water user shall notify the watermaster within 48 hours of installing the repaired or replacement flow meter.

(5) A water user shall notify the Department prior to commencing any repair or modification work on a pump or well. A water user shall mail a description of the repair or modification work to the Department within ten days of the completion of the repair or modification.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented: ORS 537.535

Hist.: WRD 9-1990, f. & cert. ef. 6-25-90; WRD 2-1999, f. & cert. ef. 3-3-99

690-507-0645

Flow Meter Specifications and Installation Guidelines

(1) A flow meter shall meet the following specifications:

(a) A flow meter shall be of the velocity-propeller type or shunt line venturi type with enclosed propeller made of non-corrosive materials. Other types of flow meters may be used with the written approval of the Water Resources Director;

(b) A flow meter shall have a rated accuracy of plus or minus 2 percent of actual flow for all rates of flow within the range of flow for which the meter is designed. The flow meter shall register the full range of discharge from the source of water for which it is to be used;

(c) The register head of the flow meter shall have a visual, recording, mechanical, digital totalizer located on or adjacent to the flow meter and shall be equipped with a test sweep hand so that flow rate can be quickly determined. The register face shall be protected by a suitable plate or cover;

(d) Units of water measurement shall be in acre-feet, cubic feet, or gallons. The totalizer shall read directly in the above-described units. Flow meters recording in acre-feet shall read to the nearest 1/10th acre-foot, and the decimal multiplier shall be clearly indicated on the face of the register head;

(e) The totalizing part of the flow meter shall have a sufficient capacity to record the quantity of water authorized to be pumped over a period of 2 years;

(f) Both the register and the flow meter unit shall be provided with a method of sealing with a wire or lead seal to prevent unauthorized tampering with the placement or position of the flow meter.

(2) The flow meter installation shall be as follows:

(a) The flow meter shall be installed in accordance with manufacturer's specifications and in such a manner that there shall be a full pipe of water at all times during which water is being pumped;

(b) There shall be no turnouts or diversions between the source of water and the flow meter installation;

(c) The flow meter shall be placed in the pipe not less than five pipe diameters downstream from any valve, elbow, or other obstruction which might create turbulent flow, or install straightening vanes as recommended by the flow meter manufacturer. There shall also be at least one pipe diameter of unobstructed flow on the downstream side of the flow meter;

(d) All in-line saddle flow meters equipped with U-bolt fasteners shall be provided with a sealing wire and lead seal near the terminal ends of the U-bolt following the complete installation of the flow meter;

(e) The flow meter and register shall not be locked in a building which would prevent access to the register. The register or flow meter shelter may be equipped with a lock to prevent tampering or breakage, provided that a lock is used and for which the watermaster has a key;

(f) Provisions shall be made for rating of the flow meter in accordance with the manufacturers specifications;

(g) The flow meter installation is subject to inspection and approval by the Director;

(h) In the case of artesian wells which flow at various times, the flow meter shall be installed in a manner which will measure both pumped and flowing discharges.

(3) Flow meters shall be kept clear of debris or other foreign or vegetative growth which could impede their operation. All flow meters shall be lubricated as specified by the manufacturer.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRD 9-1990, f. & cert. ef. 6-25-90

690-507-0647

New Subarea Boundaries

(1)The Echo Junction Subarea shall be divided into two separate subareas being the Fourmile Canyon Subarea and the Echo Junction Subarea with boundaries as prescribed in sections a and b of this rule:

(a) Echo Junction Subarea: Beginning at a point approximately 3,290 feet east of the northwest corner of Section 3, Township 3 North, Range 28 East, WM; thence southerly through Emigrant Buttes in the east half of Section 3, Township 3 North, Range 28 East, WM; thence southerly through the center of Section 22, Township 3 North, Range 28 East, WM; and continuing southerly towards Service Buttes to a point approximately 750 feet east of the southwest corner of Section 10, Township 2 North, Range 28 East, WM; thence west to the southwest corner of Section 10, Township 2 North, Range 28 East, WM; thence southwest along a straight line to the southwest corner, northwest quarter southwest quarter, Section 22, Township 2 North, Range 27 East, WM; thence north along the west line of said Section 22 to the west quarter corner of Section 22, Township 2 North, Range 27 East, WM; thence northeast along a straight line to the southwest corner, northwest quarter southwest quarter, Section 19, Township 3 North, Range 28 East, WM; thence north along the Range line common to Range 27 East and Range 28 East to the northwest corner of Township 3 North, Range 28 East, WM; thence east along the Township line to a point approximately 3,290 feet east of the northwest corner of Section 3, Township 3 North, Range 28 East, WM; the point of beginning.

(b) Fourmile Canyon Subarea: Beginning at the southwest corner, northwest quarter southwest quarter, Section 22, Township 2 North, Range 27 East, WM; thence southwest along a straight line to the southwest corner of Section 21, Township 2 North, Range 27 East, WM; thence northwest along a straight line to the northwest corner of Section 1, Township 2 North, Range 26 East, WM; thence east along the Township line common to Township 2 North and Township 3 North, to the southwest corner of Section 35, Township 3 North, Range 27 East, WM; thence northeast along a straight line to the southwest corner of Section 6, Township 3 North, Range 28 East, WM; thence south along the Range line common to Range 27 East and Range 28 East to the southwest corner, northwest quarter southwest quarter, Section 19, Township 3 North, Range 28 East, WM; thence southwest along a straight line to the west quarter corner of Section 22, Township 2 North, Range 27 East, WM; thence south to the southwest corner, northwest quarter southwest quarter, Section 22, Township 2 North, Range 27 East, WM; the point of beginning.

(2) The North Subarea shall be divided into two separate subareas being the "North Subarea" and "Section 21" with boundaries as prescribed in sections (a) and (b) of this rule:

(a) North Subarea: Being the basalt aquifer underlying the following area; beginning at the center of Section 9, Township 5 North, Range 28 East, WM, at the Columbia River; thence southerly through Umatilla Butte in the east half of Section 28, Township 5 North, Range 28 East, WM; thence continuing southerly through Hermiston Butte within the northeast quarter of the northwest quarter, Section 10, Township 4 North, Range 28 East, WM and continuing southerly towards Emigrant buttes in the east half of Section 3, Township 3 North, Range 28 East, WM, to a point on the Township line common to Township 3 North and Township 4 North, Range 28 East, WM; thence westerly along the Township line common to Township 3 North and Township 4 North, to the Southwest corner of Township 4 North, Range 28 East, WM; thence northerly along the west

boundary line of Range 28 East to the Northwest corner of Township 4 North, Range 28 East, WM; thence easterly along the Township line to the southwest corner of Section 31, Township 5 North, Range 28 East, WM; thence north along the west boundary line of Range 28 East to the Columbia River; thence easterly along the south edge of the Columbia River to the point of beginning, excepting therefrom the following:

(b) Section 21: Being the basalt aquifer underlying the following area above 100 feet in elevation above mean sea level, described as follows: beginning at a point 1725 feet west of the northeast corner of Section 21, Township 5 North, Range 28 East, WM on the section line common to Section 16 and Section 21, Township 5 North, Range 28 East, WM; thence southerly to a point 1100 feet west of the southeast corner of Section 21, Township 5 North, Range 28 East, WM on the section line common to Section 21 and Section 28, Township 5 North, Range 28 East, WM; thence westerly along the section line common to Section 21 and Section 28, Township 5 North, Range 28 East, WM to the southwest corner of Section 21, Township 5 North, Range 28 East, WM; thence northerly along the section line common to Section 20 and Section 21, Township 5 North, Range 28 East, WM to the northwest corner of Section 21, Township 5 North, Range 28 East, WM; thence easterly along the section line common to Section 16 and Section 21, Township 5 North, Range 28 East, WM to the point of the beginning., all that portion of Section 21, Township 5 North, Range 28 East, WM within the North Subarea.

Stat. Auth.: ORS 537.515, ORS 537.525, ORS 537.545 & ORS 537.730 - ORS 537.745

Stats. Implemented: ORS 537.535

Hist.: WRD 3-1992, f. & cert. ef. 2-10-92; WRD 2-1999, f. & cert. ef. 3-3-99

690-507-0650

Sustainable Annual Yield

(1) Each of the eight subareas in the Butter Creek Critical Ground Water Area shall be managed according to the sustainable annual yield within that subarea. The Department shall refine the sustainable annual yield value over time through the use of pumpage data and the response of ground water levels.

(2) The initial sustainable annual yield for each of the eight subareas was calculated using data from the 1983 through the 1989 irrigation seasons and is listed below by subarea followed by the Sustainable Annual Yield in Acre Feet:

(a) North, 250 Acre Feet;

(b) Section 21, 28 Acre Feet;

(c) Echo Junction, 1,260 Acre Feet;

(d) Fourmile Canyon, 1,300 Acre Feet;

(e) West, 5,670 Acre Feet;

(f) East, 720 Acre Feet;

(g) Pine City, 4,150 Acre Feet;

(h) South, 1,000 Acre Feet.

Stat. Auth.: ORS 537.515, ORS 537.525, ORS 537.545 & ORS 537.730 - ORS 537.745

Stats. Implemented: ORS 537.535

Hist.: WRD 9-1990, f. & cert. ef. 6-25-90; WRD 3-1992, f. & cert. ef. 2-10-92; WRD 7-1992, f. & cert. ef. 5-14-92; WRD 2-1999, f. & cert. ef. 3-3-99

690-507-0660

Method for Determining the Sustainable Annual Yield

(1) The Department shall determine the sustainable annual yield for each subarea by comparing the volume of ground water pumped annually from each subarea for a given year to the average of the annual changes in ground water levels for the subarea for the same year.

(a) The Department shall calculate pumpage from each well based on data collected by the Department and as submitted under OAR 690-507-0640. The pumpage for each subarea shall be calculated by totaling the pumpage from each non-exempt well in the subarea.

(b) The Department shall calculate annual change in ground water levels for a subarea by subtracting the current year's February or March water level from the previous year's February or March water level. The average shall be calculated by adding the change at each well in the subarea and dividing by the number of wells with available water level data. Data from all permitted or certificated wells in each subarea that are measurable shall be used to calculate the average annual change. If water level data cannot be collected at a particular well, data from a nearby well may be substituted.

(2) The total volume of ground water pumped from each subarea for a given year shall be plotted against the average change in ground water levels from that subarea for that year.

(3) A line of regression is drawn through the data using the least squares fit method and extended through the zero decline axis.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented: ORS 537.535

Hist.: WRD 9-1990, f. & cert. ef. 6-25-90; WRD 2-1999, f. & cert. ef. 3-3-99

690-507-0670

Distribution of Sustainable Annual Yield

(1) The method for distributing the sustainable annual yield from the basalt ground water reservoir within each subarea in the Butter Creek Critical Ground Water Area is as follows:

(a) Except as provided in sections (5) of this rule, a water user who intends to pump water during any year shall make a request to the Department in Salem by July 1st of the preceding year on forms provided by the Department.

(b) The distribution of ground water shall be based on the priority dates of the water rights within the individual subarea.

(c) In determining the amount of ground water each water user is allocated to pump during the next calendar year or irrigation season, the Department may consider:

(A) Request for allocations received;

(B) The sustainable annual yield;

(C) The limits of the ground water rights;

(D) The relative dates of priority;

(E) Historical usage;

(F) Whether or not a water user is physically capable of pumping and putting to a beneficial use the quantity requested; and

(G) Any other factors deemed appropriate by the Department.

(d) The Department shall notify, by certified mail with return receipt requested, each water user by August 1st of the amount of ground water allocated under these rules to each water user for the next calendar year or irrigation season.

(2) If pumpage for a particular year exceeds the sustainable annual yield for a subarea, the total subarea allocation for the second year after that occurrence shall be reduced by that volume.

(3) If any water user requests more water than has been historically used, the Department may allocate less water than requested if, upon investigation, it appears unlikely the user will pump the volume requested.

(4) If any water user requests less water than has been historically used, the Department may allocate more water than requested if, upon investigation, it appears likely that the user will pump more than the volume requested.

(5) The method of requesting and distributing water in section (1) of this rule may not apply if a voluntary agreement among ground water users in any subarea is reached. The Director may approve the agreement if it is consistent with ORS 537.730 to 537.740 and the requirements of these rules (Division 507). The Department shall be a party to any agreement reached.

(6) Any agreement approved by the Director may be terminated by the lapse of time as provided in the agreement, by consent of the parties to the agreement or by the Director if the Director finds, after investigation and a public hearing upon adequate notice, that:

(a) The agreement is not being substantially complied with by the parties thereto;

(b) Changed conditions have made the continuance of the agreement a detriment to the public welfare, safety and health or contrary in any particular to the intent, purposes and requirements of ORS 537.505 to 537.795 or OAR Division 690, Chapter 507; or

(c) That the agreement is ineffective in achieving reasonably stable water levels.

Stat. Auth.: ORS 537.515, ORS 537.525, ORS 537.545 & ORS 537.730 - ORS 537.745

Stats. Implemented: ORS 537.535

Hist.: WRD 9-1990, f. & cert. ef. 6-25-90; WRD 3-1992, f. & cert. ef. 2-10-92; WRD 7-1992, f. & cert. ef. 5-14-92; WRD 2-1999, f. & cert. ef. 3-3-99

690-507-0680

Process of Periodic Review of Sustainable Annual Yield

(1) The Department shall determine whether a reasonably stable water level was achieved in the basalt ground water reservoir in each subarea in 2000 and every five years thereafter. An update to the sustainable annual yield shall be completed by the Department no later than December 31, 2009.

(2) For any subarea in which a reasonably stable water level was achieved, the Department may increase the sustainable annual yield if the evaluation under section (1) of this rule indicates that more water is available than the existing sustainable annual yield.

(3) For any subarea in which a reasonably stable water level was not achieved, the Department may decrease the sustainable annual yield or modify subarea boundaries, or both, if the evaluation under section (1) of this rule indicates that less water is available than the existing sustainable annual yield.

(4) For any subarea in which a reasonably stable water level was achieved but for which individual wells, in the Director's judgement, show significant water level declines, the Department may propose modification of subarea boundaries.

(5) If the Department proposes to modify sustainable annual yields or subarea boundaries, it shall conduct a rulemaking hearing as part of the basin program.

(6) The Department may propose modification of subarea boundaries at times other than the five year review required in section (1) of this rule.

(7) Individuals with a ground water right in the Butter Creek Critical Ground Water Area may petition the Department to modify subarea boundaries under the following conditions:

(a) The petition shall be in writing;

(b) The petition shall contain evidence in support of the proposed boundary change; and

(c) The petition shall specify the proposed location of the boundary.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented: ORS 537.535

Hist.: WRD 9-1990, f. & cert. ef. 6-25-90; WRD 2-1999, f. & cert. ef. 3-3-99

690-507-0690

Annual Reporting

The Department shall publish a report for the Butter Creek Critical Ground Water Area by May 31 of each year. The report shall include the water user's name, well locations, permit numbers, priority dates, authorized diversions, actual diversion and water levels.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented: ORS 537.535

Hist.: WRD 9-1990, f. & cert. ef. 6-25-90; WRD 2-1999, f. & cert. ef. 3-3-99

690-507-0700

Violation Policy

Whenever the Department has reason to believe a violation of a rule in OAR 690, Division 507 has occurred, it shall investigate. If a violation has occurred, the Director may take enforcement action.

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: WRD 9-1990, f. & cert. ef. 6-25-90

**Methods for Determining and Distributing the Sustainable Annual Yield
of the Basalt Groundwater Reservoir by Subarea for the
Stage Gulch Critical Groundwater Area**

690-507-0750

Purpose

(1) The Director issued an order on May 15, 1991 declaring the Stage Gulch Critical Groundwater Area. The order described the exterior boundaries and divided the area with eight subareas for the purposes of managing the groundwater resource. The response of ground-water levels to pumpage in each subarea is largely independent of pumpage within other subareas.

(2) To promote optimum use of the limited groundwater supply in the Stage Gulch Critical Groundwater Area, the Commission encourages development of water management plans to maintain a high standard of water use efficiency.

(3) The purpose of these rules is to stabilize water levels in the basalt groundwater reservoir in the Stage Gulch Critical Groundwater area of Umatilla County. These rules carry out the authority granted to the Commission in ORS 536.900 to 536.935 and ORS 537.505 to 537.745.

Stat. Auth.: ORS 536.900 - ORS 536.935 & ORS 537.505 - ORS 537.745

Stats. Implemented:

Hist.: WRD 6-1991, f. & cert. ef. 6-14-91

690-507-0760

Definitions

The following definitions apply to OAR Chapter 690, Division 507:

(1) "Commission" means the Water Resources Commission.

(2) "Department" means the Water Resources Department.

(3) "Director" means the Director of the Water Resources Department.

(4) "Physically Capable" means that the well, pump installed, and distribution system are able to produce and distribute the quantity of water requested.

(5) "Reasonably Stable Water Level" means an annual static water level decline of less than one foot over the entire subarea as determined by averaging the annual water level change of the representative wells in the subarea, and the water level change for the subarea averaged over five consecutive years displays no decline.

(6) "Sustainable Annual Yield" means the volume of water that can be pumped on an annual basis while maintaining reasonably stable water levels. This is a measurement of the capacity of the available source.

(7) "Water User" means a person who pumps water from the basalt groundwater reservoir.

Stat. Auth.: ORS 536.900 - ORS 536.935 & ORS 537.505 - ORS 537.745

Stats. Implemented:

Hist.: WRD 6-1991, f. & cert. ef. 6-14-91

690-507-0770

General Requirements

(1) The use of water from the basalt groundwater reservoir within the Stage Gulch Critical Groundwater Area shall be limited to the sustainable annual yield.

(2) The Commission delegates to the Director the authority to implement these rules.

(3) Water from the basalt groundwater reservoir in the Stage Gulch Critical Groundwater Area shall be used for irrigation only during the irrigation season. The irrigation season shall begin on the 1st of March and end on the 30th of November. Water for all other authorized uses may be used at any time :

(a) A water user who wishes to use water for irrigation at any time other than the irrigation season designated in this section shall make a written request to the Department in Salem;

(b) If the request is authorized, the Department may require the water user to submit to the Department in Salem a static water level measurement for each well authorized to be pumped. Water level measurements shall be made by a Certified Water Rights Examiner, Licensed Water Well Driller, Registered Geologist, Licensed Land Surveyor, Registered Professional Engineer, pump installer, or the water user.

(4) The Department shall not accept any new applications for appropriation of water from the basalt groundwater reservoir within the Stage Gulch Critical Groundwater Area.

Stat. Auth.: ORS 536.900 - ORS 536.935 & ORS 537.505 - ORS 537.745

Stats. Implemented:

Hist.: WRD 6-1991, f. & cert. ef. 6-14-91

690-507-0775

Water Users Exempt from Division Requirements

(1) Any school located in the Stage Gulch Critical Groundwater Area using water from the basalt reservoir for watering lawns, grounds and fields not exceeding ten (10) acres in area shall meet the requirements of OAR 690-507-0780(2) to (5) and 690-507-0785. Except as provided in section (2) of this rule, water users with wells located in Subarea E of the Stage Gulch Critical Groundwater Area and all other water users exempt under the provisions of ORS 537.545(a), (b), (d), (e) and (f) are not subject to the provisions of OAR 690, Division 507.

(2) Permitted wells located in Subarea E of the Stage Gulch Critical Groundwater Area shall not be deepened to a point where the well would penetrate the deep basalt reservoir underlying said subarea.

Stat. Auth.: ORS 536.900 - ORS 536.935 & ORS 537.505 - ORS 537.745

Stats. Implemented:

Hist.: WRD 6-1991, f. & cert. ef. 6-14-91

690-507-0780

Duties of Water Users

(1) Appropriation of groundwater from the Stage Gulch Critical Groundwater Area is prohibited unless the water user meets the requirements of sections (2) to (5) of this rule.

(2) A water user authorized by OAR 690-507-0810 to pump water from the basalt groundwater reservoir shall satisfy the following conditions:

(a) Wells shall have an access port with a minimum diameter of 3/4 inch. The access shall be adequate to determine the water level at any time;

(b) A water user may install a functioning airline with a pressure gage in addition to the access port. The airline shall be calibrated and yield accurate data. The airline shall not enter the well through the access port. The airline shall be adequate to determine the water level at any time;

(c) A water user shall install and maintain a totalizing flow meter on each well authorized by OAR 690-507-0810 except wells authorized for irrigation of ten acres or less. The meter shall meet the requirements of OAR 690-507-0785.

(3) If a flow meter is required, a water user shall record flow meter and power meter readings on a weekly basis at times when water is being used. The water user shall use forms provided by the Department and shall mail the readings to the Department in Salem by December 1st of the same year. The Department may accept other power-use information from a water user in lieu of weekly power meter readings. Acceptable power-use information may include, but is not limited to, copies of monthly statements provided by the water user or directly by the utility.

(4) A water user shall report broken flow meters to the watermaster in Pendleton within 48 hours after determining that the flow meter is broken. A water user shall not appropriate for more than 60 days without an operating flow meter. While the flow meter is broken, the water user shall record daily the hours the pump operates, the power meter reading and the time the power meter was read. The water user shall mail the data to the Department in Salem within one week of the installation of the repaired or replacement flow meter. The data shall include a statement of the initial reading on the newly installed flow meter and the current power meter reading. The water user shall notify the watermaster within 48 hours of installing the repaired or replacement flow meter.

(5) A water user shall notify the Department in Salem or the watermaster in Pendleton prior to commencing any repair or modification work on a pump or well. If emergency repairs are required at times that preclude prior Department notification, a water user shall notify the Department by 5 p.m. on the first business day following commencement of the repair work. A water user shall mail a description of the repair or modification work to the Department within ten days of the completion of the repair or modification.

Stat. Auth.: ORS 536.900 - ORS 536.935 & ORS 537.505 - ORS 537.745

Stats. Implemented:

Hist.: WRD 6-1991, f. & cert. ef. 6-14-91

690-507-0785

Flow Meter Specifications and Installation Guidelines

(1) A flow meter shall meet the following specifications:

(a) A flow meter shall be of the velocity-propeller type or shunt line venturi type with enclosed propeller made of non-corrosive materials. Other types of flow meters may be used with the written approval of the Water Resources Director;

(b) A flow meter shall have a rated accuracy of plus or minus two percent of actual flow for all rates of flow within the range of flow for which the meter is designed. The flow meter shall register the full range of discharge from the source of water for which it is to be used;

(c) The register head of the flow meter shall have a visual, recording, mechanical, digital totalizer located on or adjacent to the flow meter and shall be equipped with a test sweep hand so that flow rate can be quickly determined. The register face shall be protected by a suitable plate or cover;

(d) Units of water measurement shall be in acre-feet, cubic feet, or gallons. The totalizer shall read directly in the above-described units. Flow meters recording in acre-feet shall read to the nearest 1/10th acre-foot, and the decimal multiplier shall be clearly indicated on the face of the register head;

(e) The totalizing part of the flow meter shall have a sufficient capacity to record the quantity of water authorized to be pumped over a period of two (2) years;

(f) Both the register and the flow meter unit shall be provided with a method of sealing with a wire or lead seal to prevent unauthorized tampering with the placement or position of the flow meter.

(2) The flow meter installation shall be as follows:

(a) The flow meter shall be installed in accordance with manufacturer's specifications and in such a manner that there shall be a full pipe of water at all times during which water is being pumped;

(b) There shall be no turnouts or diversions between the source of water and the flow meter installation;

(c) The flow meter shall be placed in the pipe not less than five pipe diameters downstream from any valve, elbow, or other obstruction which might create turbulent flow, or install straightening vanes as recommended by the flow meter manufacturer. There shall also be at least one pipe diameter of unobstructed flow on the downstream side of the flow meter;

(d) All in-line saddle flow meters equipped with U-bolt fasteners shall be provided with a sealing wire and lead seal near the terminal ends of the U-bolt following the complete installation of the flow meter;

(e) Except for wells authorized for municipal use, the flow meter and register shall not be locked in a building which would prevent access to the register. The register or flow meter shelter may be equipped with a lock to prevent tampering or breakage, provided that a lock is used and for which that watermaster has a key;

(f) The flow meter installation is subject to inspection and approval by the Director;

(g) In the case of artesian wells which flow at various times, the flow meter shall be installed in a manner which will measure both pumped and flowing discharges.

(3) Flow meters shall be kept clear of debris or other foreign or vegetative growth which could impede their operation. All flow meters shall be lubricated as specified by the manufacturer.

Stat. Auth.: ORS 536.900 - ORS 536.935 & ORS 537.505 - ORS 537.745

Stats. Implemented:

Hist.: WRD 6-1991, f. & cert. ef. 6-14-91

690-507-0790

Sustainable Annual Yield

(1) Each of the subareas in the Stage Gulch Critical Ground-water Area shall be managed according to the sustainable annual yield within that subarea. The Department shall refine the sustainable annual yield over time through the use of pumpage data and the response of ground-water levels.

(2) The initial sustainable annual yield for each of the seven managed subareas in the Stage Gulch Critical Groundwater Area was determined using data from the 1980 through the 1989 irrigation season and is listed below:

SUBAREA -- SUSTAINABLE ANNUAL YIELD

A -- 11,450 Acre Feet

B -- 200

C -- 400

D -- 3,250

F -- 200

G -- 2,750

H -- 8,850

Stat. Auth.: ORS 536.900 - ORS 536.935 & ORS 537.505 - ORS 537.745

Stats. Implemented:

Hist.: WRD 6-1991, f. & cert. ef. 6-14-91

690-507-0800

Method for Determining the Sustainable Annual Yield

(1) The Department shall determine the sustainable annual yield for each subarea by comparing the volume of groundwater pumped annually from each subarea for a given year to the average of the annual changes in groundwater levels for the area for the same year:

(a) The Department shall calculate pumpage from each well based on data collected by the Department and as submitted under OAR 690-507-0780. The pumpage for each subarea shall be calculated by totaling the pumpage from each well in the subarea required to have a flow meter;

(b) The Department shall calculate annual change in groundwater levels for a subarea by subtracting the current year's February or March water level from the previous year's February or March water level. The average shall be calculated by adding the change at each well in the subarea and dividing by the number of wells with available water level data. Data from all permitted or certificated wells in each subarea that are measurable shall be used to calculate the average annual change. If water level data cannot be collected at a particular well, data from a nearby well may be substituted.

(2) The total volume of groundwater pumped from each subarea for a given year shall be plotted against the average change in groundwater levels from that subarea for that year.

(3) A line of regression is drawn through the data using the least squares fit method and extended through the zero decline axis.

(4) The initial determination of sustainable annual yield for subareas B, C, and F of the Stage Gulch Critical Groundwater Area shall be based on the average annual pumpage in each subarea during the period 1985 through 1989, rounded upward to the nearest 50 acre-feet.

Stat. Auth.: ORS 536.900 - ORS 536.935 & ORS 537.505 - ORS 537.745

Stats. Implemented:

Hist.: WRD 6-1991, f. & cert. ef. 6-14-91

690-507-0810

Distribution of Sustainable Annual Yield

(1) The method for distributing the sustainable annual yield from the basalt groundwater reservoir within each managed subarea in the Stage Gulch Critical Groundwater Area is as follows:

(a) Except as provided in section (5) of this rule, a water user who intends to pump water for any authorized use except municipal use during any year shall make a request to the Department in Salem by July 1st of the preceding year on forms provided by the Department;

(b) The Department shall assume that municipal water users intend to pump a quantity of water equivalent to the average pumped for the previous three (3) years, unless the municipal water user informs the Department otherwise by July 1st;

(c) Except as provided in section (5) of this rule, the distribution of groundwater for any authorized use except municipal use shall be based on the priority dates of the water rights within the individual subarea;

(d) In determining the amount of groundwater each water user is allocated to pump during the next calendar year or irrigation season, the Department may consider:

- (A) Requests for allocations received;
 - (B) The sustainable annual yield;
 - (C) The limits of the groundwater rights;
 - (D) The relative dates of priority, with preference given without regard to priority date for municipal use;
 - (E) Historical usage;
 - (F) Whether or not a water user is physically capable of pumping and putting to a beneficial use the quantity requested; and
 - (G) Any other factors deemed appropriate by the Department.
- (e) The Department shall notify by certified mail with return receipt requested, each water user by August 1st of the amount of groundwater allocated under these rules to each water user for the next calendar year or irrigation season;
- (f) Persons who wish to challenge the allocation determined under this rule shall request a hearing before the Department pursuant to ORS 183.415 to 183.470.
- (2) If pumpage for a particular year exceeds the sustainable annual yield for a subarea, the total subarea allocation for the second year after that occurrence shall be reduced by that volume.
- (3) If any water user requests more water than has been historically used, the Department may allocate less water than requested if, upon investigation, it appears unlikely the user will pump the volume requested.
- (4) If any water user requests less water than has been historically used, the Department may allocate more water than requested if, upon investigation, it appears likely that the user will pump more than the volume requested.
- (5) The method of requesting and distributing water in section (1) of this rule may not apply if a voluntary agreement among groundwater users in any subarea is reached. The Director may approve the agreement if it is consistent with ORS 537.730 to 537.740 and the requirements of these rules (Division 507). The Department shall be a party to any agreement reached.
- (6) Any agreement approved by the Director may be terminated by the lapse of time as provided in the agreement, by consent to the parties to the agreement or by the Director if the Director finds, after investigation and a public hearing upon adequate notice, that:
- (a) The agreement is not being substantially complied with by the parties thereto;

(b) Changed conditions have made the continuance of the agreement a detriment to the public welfare, safety and health or contrary in any particular to the intent, purposes and requirements of ORS 537.505 to 537.795 or OAR Division 690, Chapter 507; or

(c) That the agreement is ineffective in achieving reasonably stable water levels.

(7) A gradual reduction of pumpage in excess of the sustainable annual yield shall be implemented beginning in 1992:

(a) Those users who would not be allocated any water in 1992 shall be allowed to pump seventy-five percent of their average pumpage for the period 1986 to 1990;

(b) Those users who would not be allocated any water in 1993 shall be allowed to pump fifty percent of their average pumpage for the period 1986 to 1990;

(c) Those users who would not be allocated any water in 1994 shall be allowed to pump twenty-five percent of their average pumpage for the period 1986 to 1990.

(8) Those users who would be allocated only a portion of their request because it exceeds the sustainable annual yield shall be allowed to pump that volume of water requested that is within the sustainable annual yield. The volume of water allocated under the sustainable annual yield shall be subtracted from the user's average pumpage for the period 1986 to 1990. A percentage of the difference shall be allocated as described in section (7) of this rule in addition to the volume allocated below the sustainable annual yield.

Stat. Auth.: ORS 536.900 - ORS 536.935 & ORS 537.505 - ORS 537.745

Stats. Implemented:

Hist.: WRD 6-1991, f. & cert. ef. 6-14-91

690-507-0820

Process of Periodic Review of Sustainable Annual Yield

(1) The Department shall determine whether a reasonably stable water level was achieved in the basalt groundwater reservoir in each subarea in 1995 and every five years thereafter. An update to the sustainable annual yield shall be completed by the Department no later than December 31, 2009.

(2) For any subarea in which a reasonably stable water level was achieved, the Department assess the level of natural recharge necessary to begin gradual recovery of the basalt groundwater reservoirs. ~~may increase the sustainable annual yield if the evaluation under section (1) of this rule indicates that more water is available than the existing sustainable annual yield.~~

(3) For any subarea in which a reasonably stable water level was not achieved, the Department may decrease the sustainable annual yield or modify subarea boundaries, or both, if the evaluation under section (1) of this rule indicates that less water is available than the existing sustainable annual yield.

(4) For any subarea in which a reasonably stable water level was achieved but for which individual wells, in the Director's judgment, show significant water level declines, the Department may propose modification of subarea boundaries.

(5) If the Department proposes to modify sustainable annual yields or subarea boundaries, it shall conduct a rulemaking hearing as part of the basin program.

(6) The Department may propose modification of subarea boundaries or sustainable annual yields at times other than the five year review required in section (1) of this rule.

(7) Individuals with a groundwater right in the Stage Gulch Critical Groundwater Area may petition the Department to modify subarea boundaries or sustainable annual yields under the following conditions:

(a) The petition shall be in writing;

(b) The petition shall contain evidence in support of the proposed modification; and

(c) The petition shall specify the proposed location of the boundary or sustainable annual yield.

Stat. Auth.: ORS 536.900 - ORS 536.935 & ORS 537.505 - ORS 537.745

Stats. Implemented:

Hist.: WRD 6-1991, f. & cert. ef. 6-14-91

690-507-0830

Annual Reporting

The Department shall publish a report for the Stage Gulch Critical Groundwater Area by May 31 of each year. The report shall include the water user's name, well locations, permit numbers, priority dates, authorized diversions, actual diversion, and water levels.

The Department shall assess alternative means of providing water to groundwater rights in the Critical Groundwater Areas and publish a report with recommendations and funding opportunities to replace Ground Water Rights with Surface Water.

Stat. Auth.: ORS 536.900 - ORS 536.935 & ORS 537.505 - ORS 537.745
Stats. Implemented:
Hist.: WRD 6-1991, f. & cert. ef. 6-14-91

690-507-0840

Violation Policy

Whenever the Department has reason to believe a violation of a rule in OAR 690, Division 507 has occurred, it shall investigate. If a violation has occurred, the Director may take enforcement action.

Stat. Auth.: ORS 536.900 - ORS 536.935 & ORS 537.505 - ORS 537.745
Stats. Implemented:
Hist.: WRD 6-1991, f. & cert. ef. 6-14-91

DRAFT

Methods for Developing the Umatilla Basin Replacement Program, Determining Replacement Program Boundaries, Permitting Replacement Rights and Distributing the Rights within Project Boundaries

690-507-0900

DRAFT

Questions and Issues to Address in Rule Revisions

- 1) Does the Five Mile Radius Rule work to protect municipal water supplies in the Basalt Aquifer?
- 2) How can OWRD enhance their ability to prevent new appropriations from causing groundwater/surface water disturbance?
- 3) Do withdrawal dates work to protect in-stream flow needs or should the withdrawal be based upon stream flow?
- 4) How much water is available to be appropriated during the available period and could classifications be further broken out based upon amount of water availability (e.g. Upper Umatilla Sub-Area classifies specific quantities of water for specific purposes)?
- 5) What prompted the WRC to decide upon 2.25 af per acre for lands irrigated from recharge water when duty on most groundwater rights are 3 af per acre
- 6) Can WRC develop rules that protects water recharged by a municipality for municipal use, limiting capture other than just a five-mile rule?
- 7) Does a public interest review need to be conducted to assess what water supplies are considered surplus and what should be reserved to assure proper stream function in the winter and spring periods?
- 8) How can OWRD preserve regional water supply options under the current water permitting scenario? Is there the ability to classify a certain amount of water to be utilized for regional water supply systems or aquifer restoration?
- 9) Is multipurpose defined in water law?
- 10) The Walla Walla River SubBasin and Willow Creek SubBasin were not included in these recommendations. Stakeholders of these SubBasins should be included in any rule revision process.
- 11) Subject to the rights existing on March 3, 1941 the waters of the North Fork Umatilla River and its tributaries were set aside by the Oregon Legislature for the exclusive use of the City of Pendleton, ORS 538.450. Nothing in the statute prohibits the City of Pendleton from using the main stem Umatilla River to convey this water to the City (Has this been changed based on new City of Pendleton agreements?)
- 12) How to put to beneficial use for irrigation in November through May and not then rely on groundwater to supplement remainder? Does primary irrigation water in the winter lead to increased supplemental groundwater demand in the summer?
- 13) Is “Tribes” defined in water law?
- 14) If Tribal classification is “up to” how to assure that the water is there when they make a call on all 75,000 acre feet? We need an accurate figure of 80-year average winter and summer flows minus the amount needed for stream maintenance then classify the rest for the uses.
- 15) If only 20,000 acre-feet is available downstream from Pendleton and it can only be used for groundwater recharge than is the Umatilla River Below Pendleton essentially closed. If so how are surface storage and winter irrigation rights still be issued? Also, if there are permits and rights being issued downstream and a call is made for all 100,000 acre-feet upstream would the lower basin users be cut

- off? In summary, are the storage classifications taken into account when issuing rights for winter storage in the lower basin?
- 16) Should stored water be used for anything or are there future use priorities?
 - 17) Where is Table 1 and what is the general totals for unappropriated waters that exceed Table 1? Should we not do away with dates and utilize the flow tables directly?)
 - 18) Can basin rules be more strict than statutes when allowing exempt uses?
 - 19) How are subordinate uses managed at this time?
 - 20) Have more cities adopted Conservation Plans requiring OWRD to implement the 5 mile radius rule protections?
 - 21) Do rules need to be added to encourage new commercial and industrial proposals to hook up to the regional water system in areas within the place of use of the Port of Umatilla/City of Hermiston Regional Water System?
 - 22) Can a petition for a boundary change in the CGA's include expanding the entire CGA boundary?
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ⁱ Interstate Cooperation on Water Management should not be limited to just the Walla Walla River. Should also incorporate basin interests in the protection and use of Columba River Supplies, not just tributaries.

ⁱⁱ Is this coordinated with DEQ?