WRD 2-2014

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PERMANENT ADMINISTRATIVE RULES

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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on 09/25/2014 by the

Water Resources Department	690
Agency and Division	Administrative Rules Chapter Number
Joshua Spansail	(503) 986-0874
Rules Coordinator	Telephone
725 Summer St. NE, Suite A, Salem, OR 97301	
Address	

To become effective Upon filing. Rulemaking Notice was published in the September 2014 Oregon Bulletin.

RULE CAPTION

Preference for Human Consumption and Stock Water Use in Klamath County During Governor-Declared Drought

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:
690-022-0020, 690-022-0025, 690-022-0030

AMEND:

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:
ORS 536.025; ORS 536.027; ORS 536.750

Other Authority:
OAR 690-019-0070

Statutes Implemented:
ORS 536.750

WRD 2-2014

RULE SUMMARY

ORS 536.750 authorizes the Oregon Water Resources Commission, pursuant to a gubernatorial declaration of drought, to grant a preference of water use for human consumption and stock watering over other uses of water regardless of priority date. Without the preference, the use of water for human consumption and stock watering would be subject to regulation, and as a result, water that would otherwise be used to meet these needs would not be available. For some water users, there are no readily available alternative sources of water for either stock watering or human consumption. These rules propose to grant a preference for the use of water for stock watering and human consumption n Klamath County during a governor declared drought emergency in Klamath County.

Joshua Spansail	joshua.a.spansail@wrd.state.or.us
Rules Coordinator Name	Email Address

Authorization Page

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Adopted on	
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Preference for Human Consumption and Stock Water Use in Klamath County During Governor-Declared Drought

Not more than 15 words

RULEMAKING ACTION

ADOPT: 690-022-0020,690-022-0025,690-022-0030

AMEND:

REPEAL:

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AMEND & RENUMBER:

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Authorized Signer	Printed Name	Date
	Joshua Spansail	9/26/14

Authorization Page replaces the ink signature on paper filings. Have your authorized signer sign and date, then scan and attach it to your filing. You must complete this step before submitting your Permanent and Temporary filings.

DIVISION 22
EMERGENCY WATER PROVISIONS – KLAMATH COUNTY

690-022-0020
Purpose and Authority
(1) The purpose of these rules is to implement ORS 536.750(1)(c), which authorizes the Commission, pursuant to a gubernatorial declaration that a severe, continuing drought exists, to grant a temporary preference to water rights for human consumption or stock watering use over other water uses regardless of priority date.
(2) These rules, pursuant to the Governor's Executive Order no.14-01, dated February 13, 2014, are effective upon filing, and shall remain effective until December 31, 2014. During the effective period of these rules and a drought declaration under ORS 536.740 in Klamath County, the Commission grants a preference in Klamath County of use for water rights for human consumption or stock watering as provided in this rule. The temporary preference of use shall only apply to Klamath County and shall remain in effect only during the effective time period of the Governor's drought declaration in Klamath County while these rules are in effect.
(3) These rules are repealed on December 31, 2014.

Stat. Auth.: ORS 536.025; 536.027; 536.750
Stats. Implemented: ORS 536.750

690-022-0025
Definitions
Unless the context requires otherwise, the words and phrases used in Division 22 have the following meaning:
(1) "Commission" means the Oregon Water Resources Commission.
(2) "Department" means the Oregon Water Resources Department.
(3) "Human Consumption" means the use of water for the purposes of drinking, cooking, and sanitation.
(4) "Stock Watering" means the use of water for consumption by domesticated animals and wild animals held in captivity as pets or for profit.
Stat. Auth.: ORS 536.025; 536.027; 536.750
Stats. Implemented: ORS 536.750

690-022-0030
Applicability and Preference
During the effective period of a drought declaration under ORS 536.740 in Klamath County, and notwithstanding any provision of law to the contrary, the Commission grants a temporary preference for human consumption and/or stock watering as follows:
(1) The preference described in these rules applies only to the diversion or use of water within Klamath County.
(2) Uses of water for human consumption and stock watering, to the extent authorized under a water right certificate, permit, decree, or findings of fact and order of determination issued in an adjudication subject to ORS Chapter 539, are granted a preference over all other water uses regardless of the priority date of the water right for stock watering or human consumption.
(3) The Department will regulate water rights in Klamath County in accordance with the preference for water rights for human consumption and stock watering use as provided in subsection (2) of this section.
(4) Water right holders exercising the human consumption or stock water preferences established in this rule shall assure curtailment of water uses unrelated to the preference.
(5) This preference does not authorize a water right holder exercising the preference to make a call for water.
(6) The option for a water right holder to exercise the preference only applies to a water right holder being regulated by the watermaster in order to satisfy a senior water right.

Stat. Auth.: ORS 536.025; 536.027; 536.750
Stats. Implemented: ORS 536.750