A landscape photograph of a winding river in a dry, grassy field under a cloudy sky. The river flows through a field of tall, golden-brown grasses. The sky is filled with large, grey clouds, with some light breaking through. The overall scene is a natural, somewhat desolate landscape.

Reservations of Water and Minimum Perennial Streamflows

Presented to the Oregon Board of Agriculture

February 20, 2018

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What are reservations?

What they are...

- Is a volume of unappropriated water set aside in a basin
 - with a priority date
 - for multipurpose storage of water for future economic development uses

What are reservations?

- **What they are not...**
 - **Not a permit to use water**
 - **Not a guarantee of future water**
 - **Not a protection against future restrictions**

Reservations of Water

To utilize a reservation...

- **A permit is required to store the reserved water**
- **A secondary permit is required to use the stored water**

Reservations of Water

- **Long history of “reserving” water for future uses**
 - **Early 1900s, State Engineer authorized to withdraw water from a basin**
 - **1960s State Water Board adopted basin programs**
 - **1980s Water Policy Review Board uses the term reserved” in basin programs**
- **1987, Senate Bill 140 created instream water rights and reservations of water for future economic development**

Rules and Statutes

- **Reservation rules 1988 (Division 77)**
 - contested case hearing on public interest
 - rulemaking of the commission amending basin plan
- **Revised in 1992 (renamed Division 79)**
 - contested case and order of the commission
- **ORS 537.249 (1995): requests prior to July 5, 1995**
 - choice of:
 - current process,
 - processed as permit,
 - reservation through rulemaking (ODA's choice)

Reservations: Division 79

- Updated in 2016; addressing requests for extensions
- Extensions allowed up to 20 years
- Original priority date maintained
- Extension information requirements
- Allows Commission to extend unless found to be inconsistent with 536.310 or rules of the Commission
- Commission may modify or condition to be consistent with 536.310

ODA Reservations adopted in basin plans quantity and sunset dates*

- **Burnt River Subbasin** **26,300 AF (2036)**
- **Powder River Subbasin** **48,190 AF (2020)**
- **Hood River Basin** **82,900 AF (2036)**
- **Grande Ronde Basin** **35,900 AF (2037)**
- **Malheur River Basin** **48,200 AF (2037)**
- **Owyhee River Basin** **60,000 AF (2037)**
- **Malheur Lake** **4,550 AF (2029)**

*does not include reservations without expiration dates

ODA proposed reservations not adopted in basin plans

- **Umatilla Basin**

- Postponed pending outcome of local planning efforts and federal legislation (1996)

- **John Day Basin**

- Storage: postponed for review of water availability and reservation alternatives (1996)
- Live flow: postponed until a recovery plan for T&E species has been adopted (1996)

ODA proposed reservations not adopted in basin plans

- **Columbia and Snake**
 - Live flow: postponed until a recovery plan for T&E species has been adopted (1996)
- **Willamette Basin**
 - Pending reallocation of stored water in federal reservoirs/conversion of minimum perennial streamflows
- **Deschutes Basin**
 - Postponed at request of BOR pending reallocation of federal stored water

Minimum Perennial Streamflows



Minimum Perennial Streamflows

- **MPSF Act was passed in 1955 to protect aquatic species and minimize pollution**
- **MPSFs were adopted by Water Resources Board in 1964**
- **545 established minimum flows**

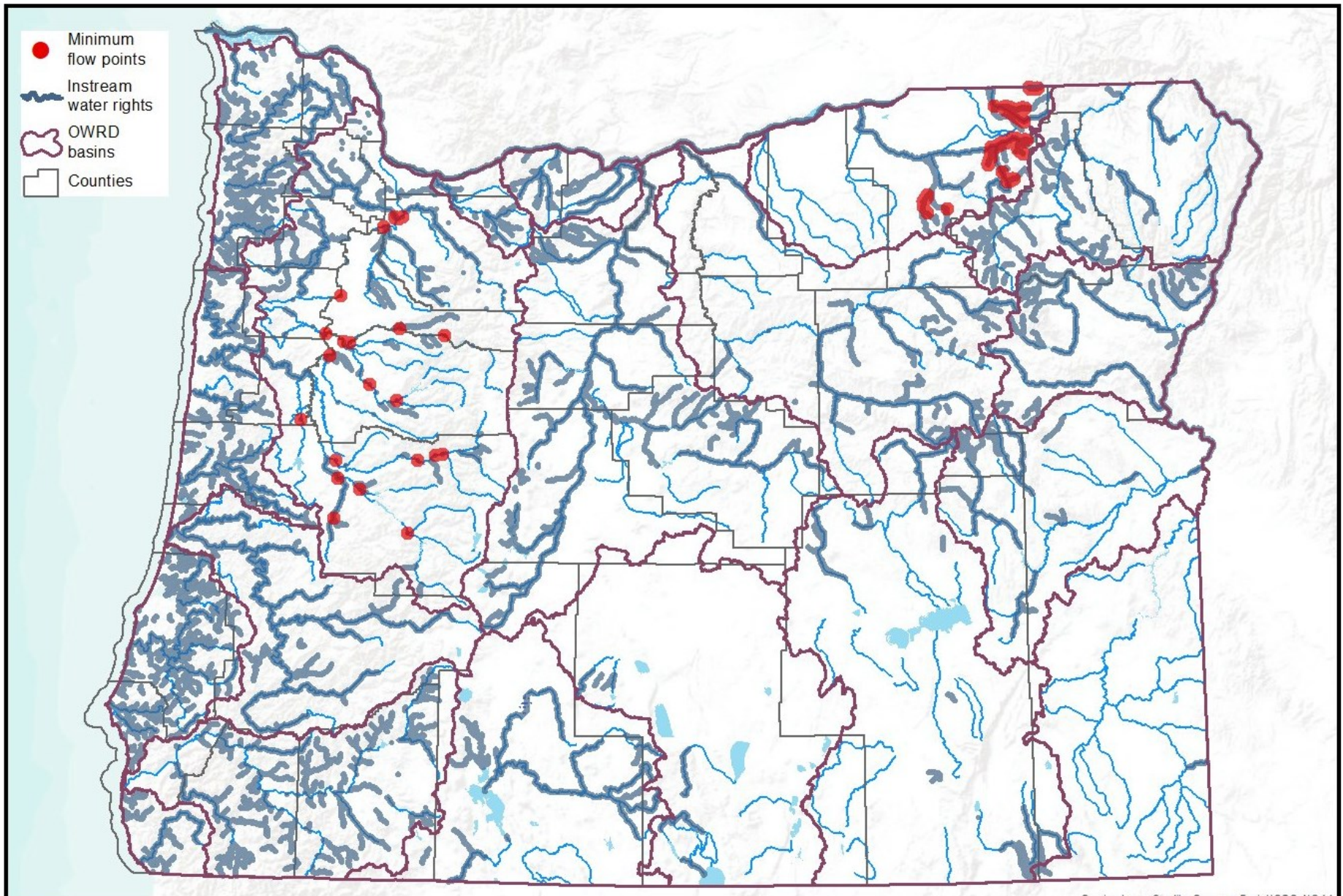
Minimum Perennial Streamflows

- **ORS 537.346 was adopted in 1987; requires MPSF conversion to instream water rights**
- **Conversion without change unless:**
 - **It will impair other water rights**
 - **It is more than is needed for public use**
 - **Is not in the public interest**

Minimum Perennial Streamflows

- 504 of 545 have been converted to instream right certificate
- Remaining 41 are located in Willamette, Umatilla and Walla Walla basins
- In the Willamette, the remaining have a component of stored water

Conversion MPSF ---> ISWR



Instream Water Rights

- **Only ODFW, DEQ and Oregon Parks are authorized apply for instream water rights**
- **Similar to applying for out-of-stream water right**
 - **Application, initial review, public interest, protest, etc.**
- **More than 900 state agency-applied ISWRs issued**

Questions?

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