

**OREGON ADMINISTRATIVE RULES
WATER RESOURCES DEPARTMENT
CHAPTER 690
DIVISION 22
EMERGENCY WATER PROVISIONS – KLAMATH COUNTY**

690-022-0050

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 address an immediate threat to the health and welfare of the people of Oregon that would otherwise occur if regulation of senior water rights in Klamath County curtailed or prohibited use of surface water for human consumption and stock watering as defined in these rules.
- (3) These rules are effective upon filing. 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 Executive Order no.15-03 signed by Governor Kate Brown on April 6, 2015, or 180 days, whichever is shorter.

Stat. Auth.: ORS 536.025; 536.027; 536.750

Stats. Implemented: ORS 536.750

690-022-0052

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

690-022-0054

Applicability of Preference for Stock Watering

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 stock watering as follows:

- (1) The preference described in this rule applies only to the diversion or use of water within Klamath County.
- (2) Uses of water for 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.

These temporary rules were approved by the Water Resources Commission at its May 15, 2015 meeting. They were filed with the Secretary of State on May 15, 2015.

- (3) Water users in the Klamath Basin who want to exercise the stock water preference shall provide a notice to the Watermaster on a form prescribed by the Department. The notice shall identify the water right or determined claim authorizing stock water use along with the authorized point of diversion(s) that will be used to deliver the stock water and other information as required.
- (4) Water diverted for stock water is limited to the amount appropriate for the specific number of livestock it serves, and only the conveyance amount necessary to provide water to the place of use.
- (5) The diversion of water under the stock water preference shall not result in the complete dewatering of a stream.
- (6) Water right holders exercising the stock water preference established in this rule shall assure curtailment of water uses unrelated to the preference.
- (7) The option for a water right holder to exercise the stock watering 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

690-022-0055

Applicability of Preference for Human Consumption

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 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, 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 human consumption.
- (3) Water right holders exercising the human consumption preference shall use the most efficient means of delivery available to them and divert the minimum amount necessary to meet the human consumption watering needs.
- (4) Water right holders exercising the human consumption preference established in this rule shall assure curtailment of water uses unrelated to the preference.
- (5) The option for a water right holder to exercise the human consumption 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

690-022-0056

Regulation of Water under Preferences

- (1) The Department will regulate water rights in Klamath County in accordance with the preference for water rights for stock watering and human consumption use as provided in OAR 690-022-0054 and OAR 690-022-0055.
- (2) The preferences established under this rule division do not authorize a water right holder exercising the preference to make a call for water.

Stat. Auth.: ORS 536.025; 536.027; 536.750

Stats. Implemented: ORS 536.750