

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

**690-022-0020**

**Purpose and Statutory 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. 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.
- (2) Executive Order No. 14 – 01: Determination of a State of Drought Emergency in Harney, Klamath, Lake and Malheur Counties Due to Drought and Low Water Conditions, was signed by Governor John A. Kitzhaber, M.D., on February 13, 2014.
- (3) These rules become effective on April 1, 2014 and will remain in effect for 180 days from the effective date or for the term of Oregon Governor Kitzhaber’s Executive Order No. 14 – 01, whichever is shorter.

Stat. Auth.: ORS 536.025; 536.027; 536.750

Stats. Implemented: ORS 536.750

Hist.: 4/1/2014, f. & cert. ef. 4/1/2014

**690-022-0025**

**Definitions**

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 Use” 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

Hist.: 4/1/2014, f. & cert. ef. 4/1/2014

*Note: These temporary rules were filed with the Office of the Secretary of State and took effect on April 1, 2014. The rules are subject to non-substantive modifications such as renumbering and correction of typographical errors pursuant to ORS 183.360(2)(a) when published by the Secretary of State.*

**690-022-0030**

**Applicability and Preference**

Notwithstanding any provision of Oregon Administrative Rules Division 690 to the contrary:

- (1) These rules apply only to the diversion or use of surface water within Klamath County.
- (2) Uses of surface 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 underlying water right.
- (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 granted in 690-022-0030 (2) of these rules.
- (4) Political subdivisions exercising the human consumption or stock water preferences established in this rule shall assure curtailment of water uses unrelated to the preference consistent with this rule.

Stat. Auth.: ORS 536.025; 536.027; 536.750

Stats. Implemented: ORS 536.750

Hist.: 4/1/2014, f. & cert. ef. 4/1/2014