

Water, Fish and You

Water Rights

Water is the key to life. Due to its importance here in Oregon, all natural water sources are considered publicly owned. A permit or a certificate called a “water right” is required from the Water Resources Department in order to use water in Oregon.



Some water rights on private property were established in the late 1800s. Oregon’s water rights system began in 1909 with the introduction of laws that unified the water code and the right to use water. Water rights rarely included authorization for diversion structures.

Diversions

In order to move water from its source to where it is utilized, water users have historically used diversion structures (dams) made from logs, lumber, gravel, large rocks or other material. These structures, often called “push-up dams,” were found to be inexpensive to construct and served the purpose for meeting the water right.



Watershed Health

Increased interest in restoring watershed health, and concern over the listing of fish and wildlife species under the federal Endangered Species Act, has led to a concerted effort by the State of Oregon to provide programs for improving watershed health.

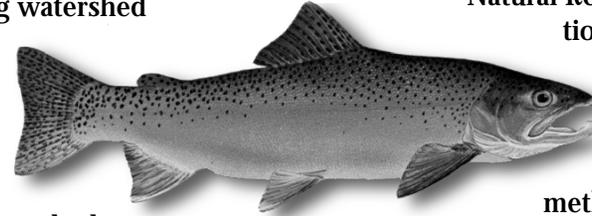
The Oregon Plan

The Oregon Plan for Salmon and Watersheds defines a number of steps to promote watershed health. One issue identified in the plan is push-up dams, as these instream structures often block fish passage and, in some cases, disturb vital spawning beds.

Another component of the plan, the “Healthy Streams Partnership,” concentrates on developing agricultural water quality management plans. The Oregon Department’s of Agriculture and Environmental Quality will coordinate this effort.

Alternatives

The goal of the state’s initiative regarding push-up structures is not to interfere with lawful use of water, but to find “fish friendly” *alternatives* to these structures. To address this issue locally, the Illinois Valley Watershed Council initiated a pilot project in 1995 to work with local citizens, agencies, and interest groups to find alternatives to diversion structures. The pilot project has provided both technical and financial assistance to water users. This project will serve as the basis for developing alternatives statewide.



Getting Involved

The State of Oregon is asking for your assistance to help address this issue.

By working with your local watermaster, soil and water conservation district, Natural Resources Conservation Service, watershed council, and interest groups, alternatives can be evaluated and methods proposed

which help water users and fishery resources. These alternatives might include: pumping, infiltration galleries, single point of diversion for multiple users, screen boxes, ponds/storage adjacent to streams, or other methods.

Working Together

As outlined in the Oregon Plan for Salmon and Watersheds, the goals to accomplish the state’s task are: *flexibility* in state and local programs to meet the needs of fish and people; *collaboration* to support grassroots involvement to address the issues; improved *management* policies, programs, and efforts; and *prevention* of further listings. These same goals apply to the push-up dam issue.

By working together, the likelihood of finding alternatives for push-up structures is greater. We all benefit from the results.

Agencies & Responsibilities

Several agencies monitor and permit diversion structures:

Oregon Department of Fish and Wildlife:

Oregon law requires water users who divert water from any body of water in which game fish are present to install, operate, and maintain a fish screening by-pass. The law requires upstream and downstream fish passage for any dam or artificial barrier across a water body.

Division of State Lands: In most cases, Oregon law requires a permit for the removal, filling, or alteration of material in Oregon's waters.

U.S. Army Corps of Engineers: The Corps regulates discharge of dredged or fill materials in all waters of the U.S.

Water Resources Department:

Oregon water law requires any person who wants to divert public water from its natural course for any beneficial purpose to obtain a permit.

Department of Environmental Quality:

All in-water projects are required to comply with state and federal water quality standards.

Governor's Watershed Enhancement Board: Issues grants to promote watershed health such as finding alternatives to diversion structures.

Local agencies who coordinate projects and outreach programs include soil and water conservation districts, watershed

councils, and various interest groups. The Natural Resource Conservation Service and Bureau of Reclamation provide technical assistance.

Who to Contact

To find out more information about push-up structures contact your local:

- Watermaster
- Soil and water conservation district
- Watershed council
- Oregon Department of Fish and Wildlife
(503) 872-5268
- Oregon Division of State Lands
(503) 378-3805



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Push-up Structures & Watershed Health



If you are a water user who constructs an in-stream structure (push-up dam) to divert water for your legal water right, we have a question for you:

If a more efficient, cost-effective method could be found to divert your water right or make your push-up structure more fish friendly, would you be interested?