

# Water Right Permitting Process



**Ken Stahr**  
**Oregon Water Resources Department**  
**Sep, 2014**

# Process Steps

- Application
    - Initial Review
  - Proposed Final Order
  - Permit
  - Certificate
- 

# Permit Application Process

## Department Review

## Applicant/Public Involvement

The Department reviews the application to determine if water is available during the time requested and the proposed use is allowed.

**Initial Review**

**Report**

A report is sent to the applicant.

The "Proposed Final Order" explains the Department's findings and whether it plans to approve or deny the permit.

**Proposed Final Order**

**Public Notice**

A weekly listing is sent to interested parties and published at [www.wrd.state.or.us](http://www.wrd.state.or.us).

Now the applicant must begin to put the water to beneficial use.

**Final Order and Permit**

**Protests**

If anyone opposes the proposed order, they may file a formal protest.

**Contested Case**

This is to judge disputes if the protest cannot be resolved.

# Evaluating Requests for New Water Rights

## Four Main Points

1. Water Availability
  2. Basin Programs
  3. Other Rules or Statutes
  4. Injury
- 

# Water Availability

- Exceedance
- Yes/No?
- Months Available

## Water Availability Analysis

CATHERINE CR > GRANDE RONDE R - AT MOUTH  
GRANDE RONDE BASIN

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Water Availability as of 9/15/2014

Watershed ID #: 30810408 ([Map](#)) Exceedance Level:   
 Date: 9/15/2014 Time: 7:43 AM

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Water Availability
Limiting Watersheds
Complete Water Availability Analysis

### Water Availability

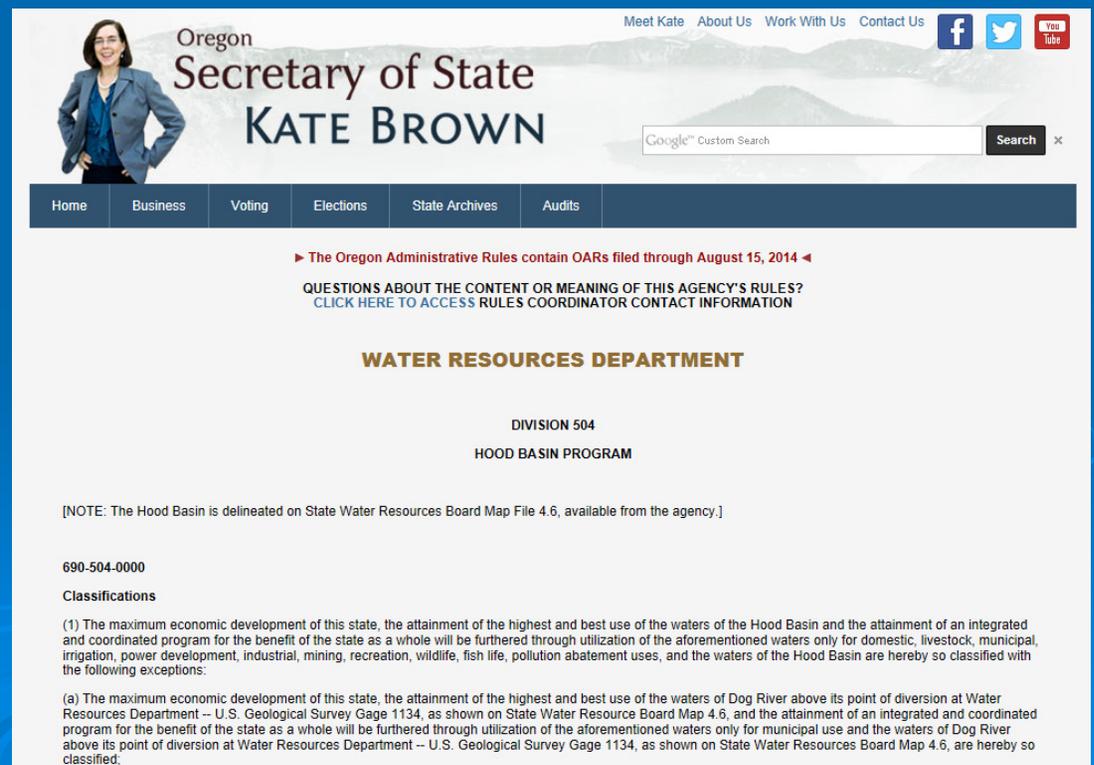
Select any Watershed for Details

|                        | Nesting Order | Watershed ID # | Stream Name                            | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Sto |
|------------------------|---------------|----------------|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| <a href="#">Select</a> | 1             | 227            | GRANDE RONDE R> SNAKE R- AT MOUTH      | Yes | No  | No  | Yes | No  | Yes | Yes |
| <a href="#">Select</a> | 2             | 228            | GRANDE RONDE R> SNAKE R- AB SHEEP CR   | Yes | No  | No  | Yes | No  | Yes | Yes |
| <a href="#">Select</a> | 3             | 30810416       | GRANDE RONDE R> SNAKE R- AB WALLOWA R  | Yes | No  | No  | Yes | No  | Yes | Yes |
| <a href="#">Select</a> | 4             | 30810406       | GRANDE RONDE R> SNAKE R- AB GORDON CR  | Yes | No  | No  | Yes | No  | Yes | Yes |
| <a href="#">Select</a> | 5             | 30810407       | GRANDE RONDE R> SNAKE R- AB WILLOW CR  | Yes | No  | No  | Yes | No  | Yes | Yes |
| <a href="#">Select</a> | 6             | 30810408       | CATHERINE CR> GRANDE RONDE R- AT MOUTH | Yes | No  | No  | Yes | No  | Yes | Yes |

[Return to Search Page](#) | [Return to Main Menu](#) | Download Data ( [Text - Formatted](#), [Text - Tab Delimited](#), [Excel](#) )

# Basin Programs

- Classifications
- Withdrawals
- Reservations
- Season



The screenshot shows the official website of the Oregon Secretary of State, Kate Brown. The header includes her name and title, along with navigation links for 'Meet Kate', 'About Us', 'Work With Us', and 'Contact Us'. Social media icons for Facebook, Twitter, and YouTube are also present. A search bar is located on the right side of the header. Below the header is a navigation menu with links for 'Home', 'Business', 'Voting', 'Elections', 'State Archives', and 'Audits'. The main content area features a red banner with the text: '► The Oregon Administrative Rules contain OARs filed through August 15, 2014 ◀'. Below this is a link for 'QUESTIONS ABOUT THE CONTENT OR MEANING OF THIS AGENCY'S RULES?' and a link to 'CLICK HERE TO ACCESS RULES COORDINATOR CONTACT INFORMATION'. The page title is 'WATER RESOURCES DEPARTMENT' followed by 'DIVISION 504' and 'HOOD BASIN PROGRAM'. A note states: '[NOTE: The Hood Basin is delineated on State Water Resources Board Map File 4.6, available from the agency.]'. The phone number '690-504-0000' is listed. The section is titled 'Classifications' and contains two paragraphs of text. The first paragraph describes the maximum economic development of the state, the attainment of the highest and best use of the waters of the Hood Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole. The second paragraph, labeled '(a)', describes the maximum economic development of the state, the attainment of the highest and best use of the waters of Dog River above its point of diversion at Water Resources Department – U.S. Geological Survey Gage 1134, as shown on State Water Resources Board Map 4.6, and the attainment of an integrated and coordinated program for the benefit of the state as a whole.

Oregon  
Secretary of State  
KATE BROWN

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► The Oregon Administrative Rules contain OARs filed through August 15, 2014 ◀

QUESTIONS ABOUT THE CONTENT OR MEANING OF THIS AGENCY'S RULES?  
[CLICK HERE TO ACCESS RULES COORDINATOR CONTACT INFORMATION](#)

**WATER RESOURCES DEPARTMENT**

DIVISION 504  
HOOD BASIN PROGRAM

[NOTE: The Hood Basin is delineated on State Water Resources Board Map File 4.6, available from the agency.]

690-504-0000

**Classifications**

(1) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Hood Basin and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife, fish life, pollution abatement uses, and the waters of the Hood Basin are hereby so classified with the following exceptions:

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of Dog River above its point of diversion at Water Resources Department – U.S. Geological Survey Gage 1134, as shown on State Water Resources Board Map 4.6, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for municipal use and the waters of Dog River above its point of diversion at Water Resources Department – U.S. Geological Survey Gage 1134, as shown on State Water Resources Board Map 4.6, are hereby so classified.

# Other Rules or Statutes

- Division 33 - Team Review
  - Scenic Water Way
  - Well Construction
  - Withdrawals
  - Drought
- 
- The bottom right corner of the slide features a decorative graphic of several concentric, light blue circles that resemble ripples on water, set against the dark blue background.

# Injury

- Usually Associated With Transfers
- Downstream Senior Users?

# Proposed Final Order

- Summarizes Findings
  - Public Comment
  - Protest Period
  - Request for Standing
  - Draft Permit Language
- 

# Permit

- Begin Making Use of the Water
- Allows Time to Fully Develop
- Not Perfected



# Permit Conditions

- Specify How and When to Use Water
- Address Findings
- Ensures Compliance



# Permit Conditions Today

## ➤ Standard

- Compliance
- Timeliness
- Other

## ➤ Special

- Project Specific
- Controllable Outlet etc.
- Limitations

# Standard Permit Conditions

(current practice)

- **Compliance**
  - **Beneficial Use Without Waste**
  - **Land Use**
  - **Water Available**
  - **No Interference with Senior Rights**
  - **Timely Completion**
  - **Certified Water Right Examiner**
  - **Secondary Permit**
- 

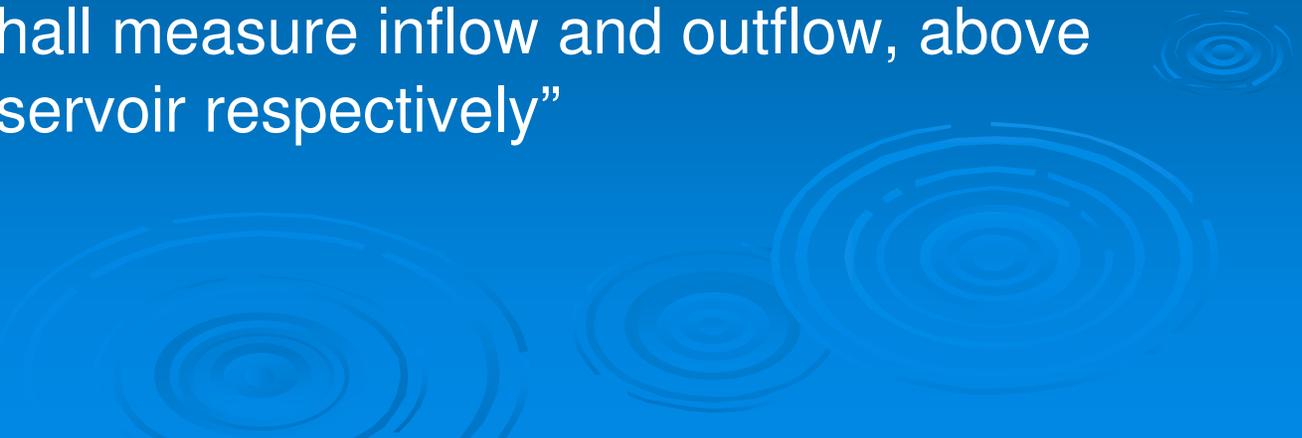
# Special Permit Conditions

- **Measurement, Recording and Reporting Conditions**
  - **Controllable Outlet Structure**
  - **Pass Live Flow (outside of storage season)**
  - **Minimum Bypass Flows (during storage season)**
  - **Fish Passage and/or Screening**
  - **Riparian Mitigation**
  - **Water Quality Condition**
  - **Endangered Species Act (ESA) Mitigation**
  - **Wetlands Mitigation Condition**
  - **Dam Condition**
- 

# Measurement Conditions

- **One of the Oldest Conditions**
- **690-085-0015 - Methods for Measuring and Computing Water Use**
  - Specific and comprehensive language
- **Controllable Outlet Structure**

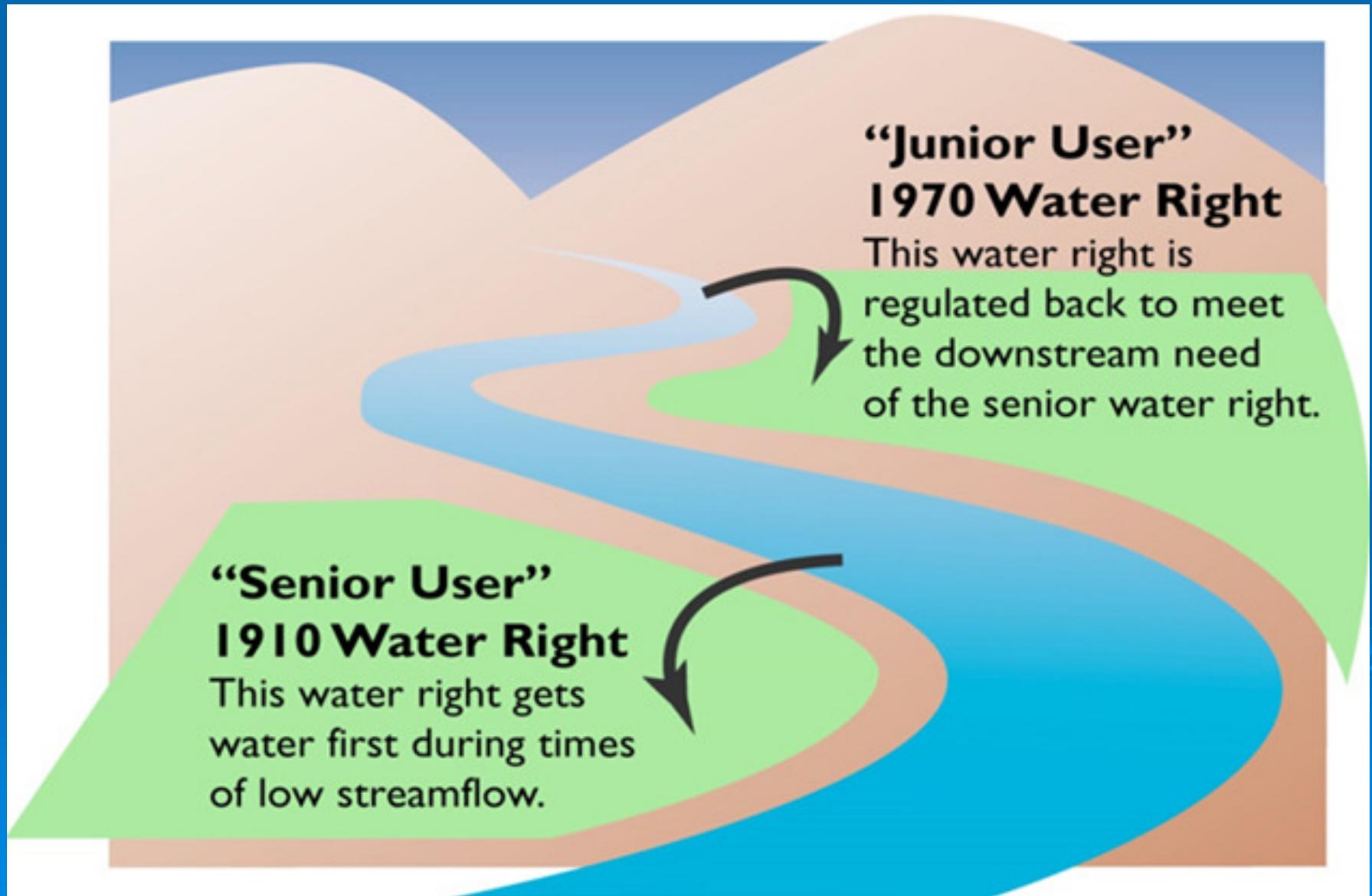
“The permittee shall measure inflow and outflow, above and below the reservoir respectively”



# Potential POF Special Conditions

- **Measurement, Recording and Reporting Conditions**
- **Controllable Outlet Structure**
- **Pass Live Flow (outside of storage season)**
- **Minimum Bypass Flows (during storage season)**
- **Fish Passage and/or Screening**
- **Riparian Mitigation**
- **Water Quality Condition**
- **Endangered Species Act (ESA) Mitigation**
- **Wetlands Mitigation Condition**
- **Dam Condition**
- **Percent of Flow (or other)**

# Allocating New Water Rights



# Allocating New Water Rights

**“Junior, Junior User”  
2014 Water Right**

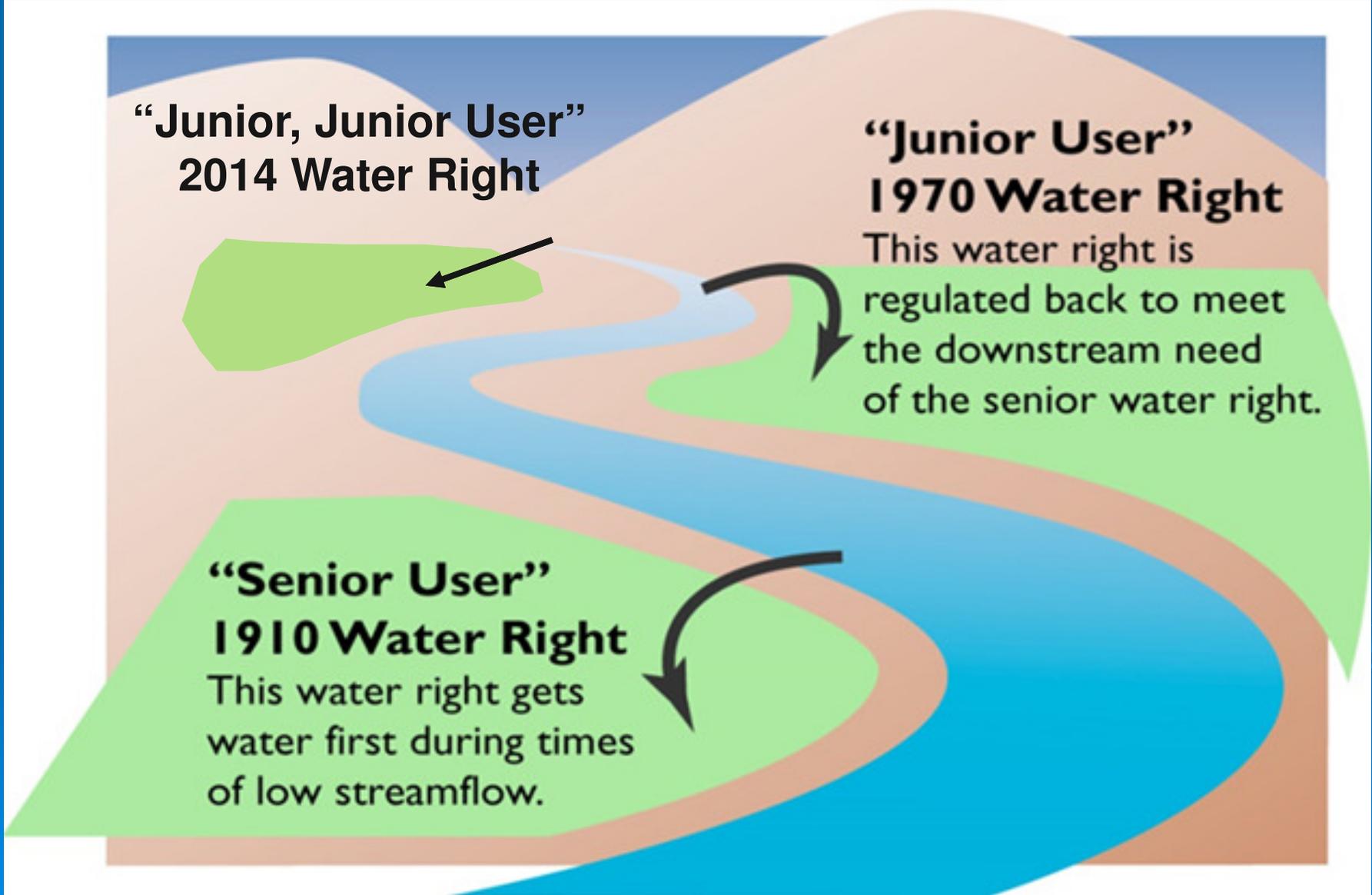


**“Junior User”  
1970 Water Right**

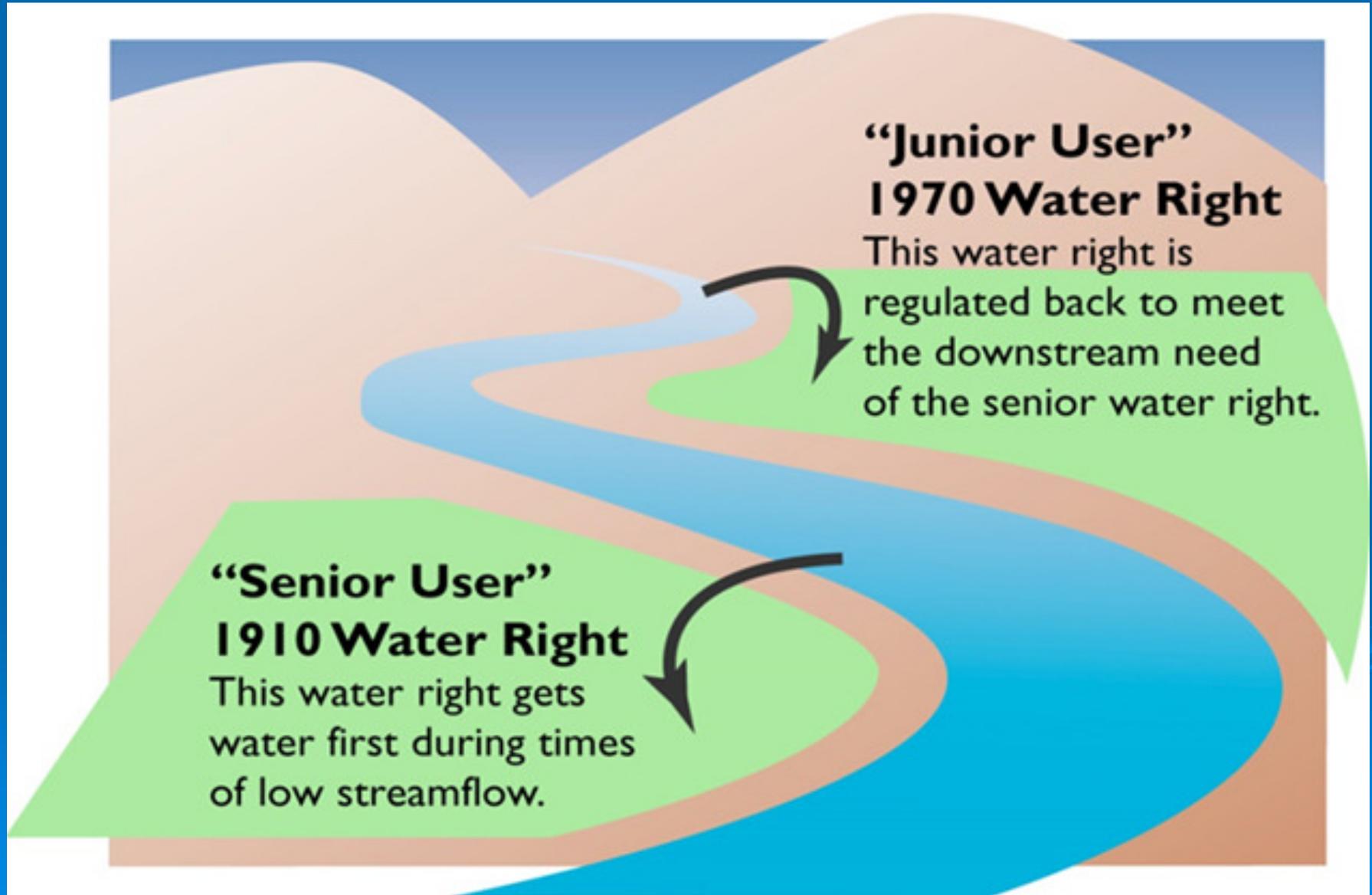
This water right is regulated back to meet the downstream need of the senior water right.



**“Senior User”  
1910 Water Right**  
This water right gets water first during times of low streamflow.



# Regulating Water Rights



# Regulating Water Rights

**“Junior, Junior User”  
2014 Water Right**



**“Junior User”  
1970 Water Right**

This water right is regulated back to meet the downstream need of the senior water right.



**“Senior User”  
1910 Water Right**

This water right gets water first during times of low streamflow.

