

## Proposed Rule Revision Tracker

## Division 305 – DEFINITIONS

Section / Version comment	Issue	Response/Modified Language	Status / Version change made in
<b>690-305-0010 (1)(a)</b> <b>8/27 draft</b>	WRD staff – Update the rule to allow for the use of polyester film in addition to paper for those folks that still have and use it.	OWRD modified the language to include polyester film as an alternative to paper in 690-305-0010(1)(a): “The map shall be drafted on paper <u>or polyester film</u> with ink or otherwise printed in an indelible form with sufficient clarity so as to be easily reproduced or scanned.”	Complete. Changed v2 draft.
<b>690-305-0010 (1)(c) and (d)</b>  <b>And</b> <b>690-305-0010 (3)(h) and (3)(i)</b>  <b>8/27 draft</b>	<p>RACM - Why not require geospatial data in lieu of the more dated forms of location information (e.g., quarter-quarter description)?</p> <p>RACM – see also Chris Hall’s written comments</p> <p>Public - I support incorporating modern geospatial standards into general map criteria. This represents an opportunity to modernize and save many future hours of labor and costs in both public and private sector going forward. Tying locations to legal land descriptions also is obviously necessary. These are not in conflict if language is included to establish that in the event of a discrepancy, the legal PLSS land description overrules the geospatial coordinates.</p> <p>OWRD staff - Is a “geospatial digital file” specific enough to ensure consistency and the ability for the Dept to read the file? Should the map datum be included in the required information?</p> <p>DEQ - GPS points (lat/long) should be provided for all points of interest in addition to the TRSQQ format of the map</p>	<p>Water rights are property rights tied to land so need to maintain the public land survey while balancing the need to obtain information and modernize that will assist in both the evaluation and enforcement of water rights.</p> <p>The proposed rules provide the option for maps to be submitted in electronic-only format and describe the information to also submit a digital file containing the features of the map. OWRD added clarifying language in order to ensure that the information provided is useful to the Department to define what needs to be included in the digital file. See rule revisions in 690-305-0010 (1)(c) and (d) plus 690-305-0010(3)(h) and (i). Revisions to (3)(h) and 3(i) require that latitude and longitude be provided:</p>	Completed. Changed v2 draft.

<b>690-305-0010 (1)(e) 8/27 draft</b>	<p>DEQ - There should also be the use of aerial imagery if applicable or available to show physical features – this can be done as the basemap or in addition to the submitted map</p> <p>ODFW - Aerial imaging is also helpful to ODFW, especially for reservoir locations. Add aerial images as an option</p> <p>Recommend - <u>(e) An aerial image may also be provided in addition to the application map.</u></p>	<p>OWRD determined that adding the option to submit an aerial image in addition to the map is reasonable. OWRD updated 690-305-0010 (1) to include an additional section (f) with the following text: 690-305-0010 (1)(f) <u>An aerial image may be provided in addition to the map.</u></p>	Complete. Changed v2 draft.
<b>690-305-0010 (2) 8/27 draft</b>	<p>RACM - Regarding the scale, if there is a larger one than proposed in the rules, would be okay, for example, 1 inch = 400 ft?</p>	<p>Yes, it would. In order to provide clarity, updates have been made to subsection 2.</p>	Complete. Changed v2 draft.
<b>690-305-0010 (3)(d) 8/27 draft</b>	<p>RACM - Does the required inclusion of infrastructure features apply regardless of ownership (private, local, etc.)?</p>	<p>All infrastructure pertaining to movement of water from points of diversion to place of use are required, regardless of ownership. However, OWRD evaluated the language and believes additional specificity about which features must be included would be helpful.</p> <p>Update 690-305-0010(3)(d) to: general location of main canals, ditches, flumes, pipelines, pumps, or other water delivery features <u>used to transport water from the point(s) of diversion or appropriation to the place use, and for developed systems, include the delivery features at the place of use.</u></p>	Complete. Partial change made.
<b>690-305-0010 (3)(e) 8/27 draft</b>	<p>OWRD staff: Streams is a feature missing from this list.</p>	<p>The term “streams” added into the listing of topographical features in 3(e) 690-305-0010 (3)(e)</p>	Complete. Changed v2 draft.
<b>690-305-0010 (3)(i) 8/27 draft</b>	<p>RACM - For stockwater tank should this also include a bearing from a designated land corner - should it be the same as how PODs are described?</p>	<p>Current mapping and permitting procedures only require a point on the map where the use is proposed or developed. The map is not required to provide coordinates for the place of use.</p>	Complete. Changed v2 draft.

		As currently drafted, the rules indicate that the location “may” be described using latitude and longitude. Adding language similar to that used to describe points of diversion and appropriation would be reasonable, requiring latitude and longitude, while also allowing for distance and bearing, or coordinates.. See changes made to 690-305-0010 (3)(i)(B)	
<b>690-305-0010 (3)(g) 8/27 draft</b>	<p>RACM - Should donation land claims and government tax lots be included?</p> <p>RACM - There is no mention of including donation land claims, or government lots for maps that aren’t for municipal use. Recommend - (g) township, range, section, quarter-quarters tax lot(s), <b>donation land claims, or government lots</b> where water will be or has been diverted, conveyed, and used</p> <p>RACM - items in (B) belong in the higher-level narrative in (g)?</p>	<p>OWRD agrees with the proposed change and believes it would make that part of the rule consistent with the following part of the rule calling out an exception for municipal use. OWRD added the underlined text:</p> <p>690-305-0010 (3) (g) township, range, section, quarter-quarter, and tax lot(s), <u>donation land claims, or government lots</u> where water will be or has been diverted, conveyed, and used.</p>	Complete. Changed v2 draft.
<b>690-305-0010 (3)(h) and 3(i) 8/27 draft</b>	<p>OWRD staff - Use parallel structure for lat/long requirements. Recommend - (h) has a B and C whereas (i) only has B even though the same info is listed. Recommend using one structure or the other.</p>	This has been restructured for consistency between (h) and (i).	Complete. Changed v2 draft.
<b>690-305-0010 (3)(h)(B) and (C) 8/27 draft</b>	<p>ODFW - Lat/Long are easiest to utilize when locating a specific location. Require lat/long. (B) The locations <del>may</del><b>shall</b> be shown by distance and bearing <del>or</del><b>or</b> by coordinates (distance north or south and distance east or west from the corner), <del>or</del><b>and</b> by latitude and longitude as established by a global positioning system accurate to within ten feet. C) <del>If</del><b>The</b> latitude and longitude <del>is provided, the</del> coordinates shall be expressed as degrees-decimal with five or more digits after the decimal (e.g., 42.53764°).</p>	Language has been updated in 690-305-0010(3)(h)(B) and (C) and 690-305-0010(3)(i)(B) and (C). Language has been updated to require latitude and longitude.	Complete. Changed v2 draft.

	WRD staff – Update the rule to require that both the reference to a recognized public land survey corner and latitude and longitude.		
<b>690-305-0010 (3)(h)B)</b> <b>690-014-8/27 draft</b>	RACM - Can the Department require more precise location data (latitude/ longitude) for all points of diversion and appropriation any time a water rights was updated. This RAC member comment was moved from the Division 14 rule revision tracker to here.	We are proposing for the Div 305 mapping standards to apply to processes to change a water right in Divisions 18, 325, 380, and 382. Language has been updated to require latitude and longitude in 690-305-0010 (3)(h).	Complete. Changed v2 draft.
<b>690-305-0010 (3)(i)</b> <b>8/27 draft</b>	DEQ - If the applicant is proposing multiple places of use, and multiple points of diversion – they should be linked so that they can be identifiable. Additional rule or phrase stating a key should indicate the relationship of the POU to the POD/POA. <b>(C) For multiple places of use, each place of use shall be linked to the appropriate point of diversion or appropriation using a color or texture key consistent between the POU and POD/A</b>	Added section 690-305-0010 (3)(i)(D) to address recommendation:  <u>(D) Where more than one point of diversion or well is included, the map must clearly identify the place of use served by each point of diversion or well.</u>	Complete. Changed v2 draft.
<b>690-305-0010 (3)(i)B)</b> <b>8/27 draft</b>	RACM - There is no mention of including distance and bearing as an acceptable form to describe the location of a POU point. Recommend – (B) For places of use that are limited to a point, such as a stock watering tank, the location may be identified by <b>distance and bearing (distance north or south and distance east or west) from a recognized public land survey corner, or by</b> latitude and longitude as established by a global positioning system accurate to within ten feet. If latitude and longitude is provided, the coordinates shall be expressed as degrees-decimal with five or more digits after the decimal (e.g., 42.53764°).	Adding language similar to that used to describe points of diversion and appropriation would be reasonable. Rules have been updated to allow for distance and bearing, as well as coordinates. Rules updated to require gps coordinates.	Complete. Partial change made.
<b>690-305-0010 (3)(k)</b> <b>8/27 draft</b>	RACM - “any other information the Department requests and considers necessary to evaluate	No update recommended. “relevant and reasonably” are undefined terms in our rules. The rule language already	Complete. No change made.

	<p>the water right transaction” was overly broad.</p> <p>RACM - The concern is based on the ambiguity of the language proposed for 690-305-0010(3)(k). Only information directly related to the transaction should be requested. <b>Recommend - (k) Any additional information the Department requests that is directly relevant and reasonably necessary for the Department to evaluate the specific water right transaction.</b></p>	<p>explains that we would ask for the information if we consider it necessary to evaluate the water right transaction. The Department does not ask for information unless it’s required by our statutes, rules, and/or because we consider it necessary to evaluate the water right transaction (including for the public to understand the requested transaction).</p>	
<p><b>690-305-0010 8/27 draft</b></p>	<p>RACM - It was brought up by another committee member to require location information of Points of Appropriation (POA) / Points of Diversion (POD) to be described by coordinates when a transaction occurs to modify an existing water right or apply for a new water right. This change would infringe upon ORS 537.615. For modernization efforts, I agree that coordinates should be allowed, but not required, to describe location information regarding locations limited to a point (POA’s/POD’s), which would align with ORS 537.615(4) for groundwater rights. Per ORS 537.615(2)(h): “The location of each well with reference to government survey corners or monuments or corners of recorded plats.” A change to require applicants to provide coordinate data instead of in reference to government survey corners or monuments or corners of recorded plats would require ORS 537.615 to be modified, which is not in the scope of this rulemaking process.</p>	<p>Based on OWRD’s review of ORS 537.615, we already have the authority to accept and even require latitude and longitude information.</p> <p>ORS 537.615 (2)(h) The location of each well with reference to government survey corners or monuments or corners of recorded plats.</p> <p>ORS 537.615 (2)(m) Any other information as the department considers necessary to evaluate the application.</p> <p>ORS 537.615 (4) ... In addition, the department shall accept locational coordinate information, including latitude and longitude as established by a global positioning system.</p>	<p>Complete. No change made.</p>