

Criteria for Evaluating Alternate Reservoir Applications

A permit to construct a reservoir allows construction of the reservoir and storage of streamflow that is surplus to the needs of existing rights. Generally, a “secondary” application to appropriate surface water will be required to use the stored water. The standards and procedures used by the Water Resources Department in evaluating alternate reservoir applications are described in Oregon Revised Statute (ORS) Chapter 537 (<http://landru.leg.state.or.us/ors/>) and in Oregon Administrative Rules (OAR) Chapter 690, Division 20 (<http://www.wrd.state.or.us/law/oar1999.shtml>).

This is a summary, prepared by the Water Resources Department, of criteria and procedures that are generally applicable to applications for storage of surface water where the dam is less than 10 feet high or the storage is less than 9.2 acre-feet. The summary is necessarily general, and may not specifically address every applicant’s fact situation. The summary is intended as general guidance for applicants, and not as a substitute for reference to applicable statutes and rules.

In reviewing an alternate reservoir application under ORS 537.400 and 537.409, the Department will consider the following criteria:

- Compliance with applicable basin program or provisions [OAR 690-500 to 690-520], interstate compacts [ORS Chapter 542], and statewide administrative rules [ORS 536.300 & OAR 690-410]
- Water availability [OAR 690-310-080 & OAR 690-310-150]
- Injury to existing water rights [ORS 537.409(1)(b)]
- Significant detrimental impact to existing fishery resources based on information submitted by the Oregon Department of Fish and Wildlife [ORS 537.409(1)(c)]
- Consistency with the state scenic waterway statutes [ORS 390.835]

Alternate Reservoir Application Procedures and Review

The Water Resources Department processes an alternate reservoir application using the following procedure:

1. **Completeness Determination**

The Department evaluates if the application contains all required information including map, land-use form, and fees. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. **Application Review**

The Department reviews the complete application to determine if water is available during the time requested and if the proposed use is restricted or limited by rule or statute. The Department also evaluates if the proposed use will have a potential impact to existing fishery resources.

3. **Public Notice and Comment**

Within 60 days after receiving the application, the Department gives public notice of the application in the weekly notice published by the Department. The public comment period is 60 days from publication in the weekly notice.

4. **Public Interest Review**

If the Department receives a request during the public notice period to deny the permit due to injury to existing water rights or detrimental impact to fishery resources, then the Department conducts a public interest review of the reservoir application.

5. **Final Order Issued**

Within 6 months after the application is accepted, the Department issues a final order granting or denying the permit or granting the permit with conditions. If the Department issues an order denying the permit, an applicant may contest the decision by requesting a contested case hearing.

Alternate Reservoir Application Completeness Checklist

This is the checklist used by WRD staff

Application _____ County _____
Priority Date _____ Township _____ Range _____ Section _____ Taxlot _____
Use _____ Caseworker _____
Amount (AF) _____ Watermaster _____

*Minimum Requirements (ORS 537.409)

- Landowner Name, Mailing Address*** and Telephone Number.
- Source*** and tributary listed. **NO WELLS-MUST HAVE GW APP TO USE A WELL AS A SOURCE !!**
- Reservoir Location-** Township, Range, Section, Quarter Quarter, Taxlot
- Dam height***, if applicable
- Total Quantity** * of Storage Requested: _____
- Proposed Use of the water....**Cannot accept application for use of this stored water at the same time (E2)
- Property ownership indicated?** * If applicant does not own all the land, is the affected landowner's name and mailing address listed? (Including: lands not owned by applicant, upon which the source is locatedor..... that are crossed by the diversion works. This includes any roads or rights-of-way.)
- Environmental Impact** section completed ? *Not fatal if omitted*
- Application signed by the landowner(s)?** All parties noted as applicants must sign the application. *Must be an original "wet" signature.*
- Completed Land-Use Form** * or receipt signed by the appropriate planning department official enclosed? *Does the use on land-use form match the proposed use on the application? Must be an original "wet" signature within the last 12 months.*
- Acceptable map** ** **Indicates requirements of standards set forth by the Commission and causes fatal flaw if not provided by the applicant.**
 - Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)*
 - Scale of the Map (not less than 1"-1320') **
 - Reference corner on map North Directional Symbol **
 - 1/4 1/4's clearly identified Reservoir clearly identified *
 - Dam or POD (If off channel) Location coordinates referenced to a government land survey corner* If no dam, use coordinates to center of reservoir.**
- Fees enclosed*? Base Fee\$ _____
plus\$ _____
plus\$ _____
- Total Paid \$** _____ **Total Fees \$** _____

Completeness Check by: _____ Date: _____