

Chapter 538

2013 EDITION

Withdrawal of Certain Waters From Appropriation; Special Municipal and County Water Rights

DIVERSION BY MORROW COUNTY

- 538.010 Waters diverted from Ditch Creek; rights of use and appropriation; certificate; time limitation
- 538.020 Acquisition of property necessary for storage and diversion

WITHDRAWALS FROM APPROPRIATION

- 538.110 Tumalo Creek, Deschutes County; diversion prohibited; excepted uses; existing rights
- 538.120 Silver Creek, Marion County, and Brushes Creek, Curry County, and tributaries; diversion prohibited
- 538.125 Certain appropriations vested notwithstanding ORS 538.120
- 538.130 Condemnation of lands for park; vested and riparian rights not affected
- 538.140 Diamond Lake and tributaries; diversion, interruption or appropriation of waters prohibited; excepted uses
- 538.150 Hackett Creek, Clackamas County, and tributaries; appropriation, condemnation and diversion prohibited; protection of fish
- 538.160 Hackett Creek; vested rights not affected; condemnation of land for park not prevented
- 538.170 Johnson Creek in Multnomah and Clackamas Counties; limitations on appropriation or diversion
- 538.180 Johnson Creek; existing rights; condemnation of land for park
- 538.190 Lake of the Woods and tributaries, Klamath County; diversion, interruption or appropriation of waters prohibited; excepted uses
- 538.200 Streams forming waterfalls near Columbia River Highway; withdrawal from appropriation or condemnation; diversion or interruption prohibited

- 538.210 Condemnation of lands for park not prevented; vested and riparian rights not affected; condemnation of lands or appropriation of waters for fish culture not prevented
- 538.220 Waters of Mill and Barr Creeks, Jackson County, withdrawn; exceptions
- 538.230 Vested water rights not affected; condemnation for park not prevented
- 538.251 Tributaries of Columbia River; limitations on appropriation or diversion
- 538.260 Existing rights not affected; appropriation and use for certain purposes permitted
- 538.270 Rogue River; withdrawal from appropriation; excepted water uses; tributaries
- 538.280 McNulty Creek; withdrawal from appropriation; exceptions
- 538.290 McNulty Creek; existing rights not affected
- 538.300 Milton Creek and tributaries; withdrawal from appropriation; exception; existing rights

MUNICIPAL WATER SUPPLY

- 538.410 Confirmation of water rights acquired prior to February 24, 1909, for municipal supply; rejection of applications injurious to municipal supply; statements of supply
- 538.420 Portland's right to waters of Bull Run and Little Sandy Rivers; vested rights not impaired; applicability of law
- 538.430 Medford and Eagle Point Irrigation District; right to waters of Big Butte Creek; generation, sale and distribution of electric energy by irrigation district
- 538.440 Bend; right to waters of Tumalo Creek
- 538.450 Pendleton; right to waters of Umatilla River; notice of intent; agreement with tribes

Alternate Reservoir Applications

Total Applications Received Since July 1, 1995 (since legislation adopted): 1037

Summary of all Applications by Outcome

Application Outcome	Number of Application	% of total
Approved	883	85.1%
Pending	77	7.4%
Denied	56	5.4%
Withdrawn	21	2.0%

Summary of all Applications by Dam Height

Dam Height	Total Applications	% of Total
Up to 10 feet	901	87%
10.1 feet and higher	100	10%
Not Recorded in Database	36	3%

Summary of all Applications by Acre- Feet (AF)

Acre Feet (AF)	Total Applications	% of Total
Up to 9.2 AF	897	87%
9.3 AF - 20 AF	68	7%
20.1 AF - 50 AF	38	4%
50.1 AF - 100 AF	15	1%
100.1 AF - 200 AF	12	1%
200.1 AF and greater	7	0.7%

Summary of all Applications by Type of Use*

Type of Use	Percent of Applications*
Multiple purpose	55%
Wildlife	15%
Livestock	10%
Fire Protection	5%
Aesthetics	2%
Recreation	1%
Other	12%

*Note that applications can identify more than one use. Therefore, the percent identified is the percent of all uses, not of the total applications. Other includes irrigation, aquaculture, domestic, mining, power, quasi-municipal, pollution abatement, forest management, and commercial.



Water Availability Analysis Detailed Reports

BIG BUTTE CR > ROGUE R - AB MOUTH
ROGUE BASIN

Water Availability as of 4/17/2017

Watershed ID #: 31530710 ([Map](#))
Date: 4/17/2017

Exceedance Level: 50%
Time: 9:17 AM

	Consumptive Uses and Storages	Instream Flow Requirements	Reservations
Water Rights	Watershed Characteristics		

Water Availability Calculation

Monthly Streamflow in Cubic Feet per Second
Annual Volume at 50% Exceedance in Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	285.00	326.00	-41.10	0.00	0.00	-41.10
FEB	355.00	396.00	-41.10	0.00	0.00	-41.10
MAR	389.00	430.00	-41.10	0.00	0.00	-41.10
APR	343.00	390.00	-47.30	0.00	0.00	-47.30
MAY	225.00	280.00	-55.30	0.00	0.00	-55.30
JUN	138.00	202.00	-83.80	0.00	0.00	-63.80
JUL	120.00	194.00	-73.70	0.00	0.00	-73.70
AUG	112.00	179.00	-67.50	0.00	0.00	-67.50
SEP	104.00	161.00	-57.40	0.00	0.00	-57.40
OCT	146.00	189.00	-42.60	0.00	0.00	-42.60
NOV	141.00	182.00	-41.10	0.00	0.00	-41.10
DEC	264.00	305.00	-41.10	0.00	0.00	-41.10
ANN	158,000.00	195,000.00	0.00	0.00	0.00	0.00

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Water Availability Analysis Detailed Reports

**TUMALO CR > DESCHUTES R - AT MOUTH
DESCHUTES BASIN**

Water Availability as of 4/17/2017

Watershed ID #: 70752 ([Map](#))
Date: 4/17/2017

Exceedance Level: 50%
Time: 9:13 AM

Water Rights	Consumptive Uses and Storages	Instream Flow Requirements	Reservations
			Watershed Characteristics

Water Availability Calculation

Monthly Streamflow In Cubic Feet per Second
Annual Volume at 50% Exceedance In Acre-Feet

Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	68.30	47.40	20.90	0.00	47.00	-26.10
FEB	67.30	52.10	15.20	0.00	47.00	-31.60
MAR	68.70	60.80	7.92	0.00	68.70	-60.80
APR	76.60	93.20	-16.60	0.00	76.60	-93.20
MAY	147.00	175.00	-28.10	0.00	82.00	-110.00
JUN	221.00	213.00	7.78	0.00	47.00	-39.20
JUL	111.00	152.00	-40.80	0.00	32.00	-72.80
AUG	65.40	105.00	-39.20	0.00	32.00	-71.20
SEP	63.10	95.60	-32.50	0.00	47.00	-79.50
OCT	65.30	80.20	-14.90	0.00	65.30	-80.20
NOV	70.40	59.50	10.90	0.00	47.00	-36.10
DEC	68.70	48.90	19.80	0.00	47.00	-27.20
ANN	66,000.00	71,500.00	4,950.00	0.00	38,600.00	0.00

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