



## Division 512 (Malheur Lake Administrative Basin) Rulemaking Terms & Definitions

**Rule** - A rule is a generally applicable standard that interprets and/or implements statute; it may define and/or apply terms, requirements, policies, and/or procedures to be followed by an agency, department, and/or the public.

**OAR-690-512 (Malheur Lake Basin Program Rules)** - Otherwise known as Division 512. These rules govern surface water and groundwater use and allocation within the Malheur Lake Administrative Basin. This is read as "Oregon administrative rule chapter 690 division 512." Every OAR uses the same numbering sequence of a three-digit chapter number followed by a three-digit division number and a four-digit rule number. For example, Oregon Administrative Rules, chapter 690, division 512, rule 0020 is cited as OAR 690-512-0020.

**Rules Advisory Committee** - The Water Resource Department (Department) organizes a Rules Advisory Committee (RAC) to seek input, advice, feedback, or suggestions on rules from stakeholders before the agency gives notice of the Water Resources Commission's intent to adopt, amend or repeal a rule.

**Chapter** - A rule Chapter number is the first sequence of numbers, indicating the agency charged with the rule's administration. Oregon Water Resources Department rules are in Chapter 690.

**Division** - A rule Division number is the middle sequence of numbers, indicating a general category of rules. For example, Division 10 pertains to "Appropriation and Use of Ground Water."

**Groundwater Right** - A permit, certificate, decree, or certificate of groundwater registration as provided in ORS 537.610 authorizing the appropriation and use of groundwater.

**Greater Harney Valley Groundwater Area of Concern (GHVGAC)** - The term defined in OAR 690-512-0020 that describes the primary area of concern related to groundwater declines in the Harney Basin.

**Statute** - In Oregon, a statute refers to a law enacted by the state legislature. A statute is a formal written law that has been passed by the legislative body and signed by the Governor or enacted through other legal means. Statutes are also known as codes or acts.

**Exempt Groundwater Use** - Any use of groundwater not requiring a permit, registration or certificate defined in ORS 537.545. Some specific uses listed in the statute include but are not limited to:

- Stockwatering
- Watering any lawn or noncommercial garden not exceeding one-half acre in area
- Single or group domestic purposes in an amount not exceeding 15,000 gallons a day
- Down-hole heat exchange purposes
- Any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day

**Fiscal Impact Statement** – ORS 183.335(2)(b)(E) lays out the requirements for the Fiscal Impact Statement. The statement should identify the state agencies, units of local government, and the public that may be economically affected by the adoption, amendment, or repeal of the rules. The statement should have estimates of the economic impact for the identified groups. When considering the impact on the public, the agency shall utilize information to project any significant effect of that action on businesses. The economic impact on businesses shall include a cost of compliance statement. The statement shall also include a housing cost impact statement. One role of the Rules Advisory Committee is to advise OWRD of the economic impacts of the rules.

**Serious Water Management Problem Area (SWMPA)** - ORS 540.435 states the Commission can require installation of a measuring device if it finds water use information is necessary because of serious water management problems caused by:

- Groundwater level decline OR
- Unresolved user disputes OR
- Frequent water shortages

**Critical Groundwater Area (CGWA)** - ORS 537.730 - 742 authorizes the Commission to designate areas within Oregon as Critical Groundwater Areas when certain criteria are met. A CGWA allows the Commission to restrict current water use through a rulemaking process followed by a contested case hearing and final order.

**Classification** - ORS 536.340: Classify to highest and best types or quantities of use for the future. This allows the Commission to go through a rulemaking process and specify the types and quantities of use for water in an area. It also allows for restrictive classification which means that the Commission can limit the types or quantities of use to prevent certain kinds of future use. Some examples of this type of classification include the current GHVGAC rules in OAR 690-512-0020. Classification only applies to future uses.

**Point of Diversion (POD) or Point of Appropriation (POA)** - A point of diversion (POD) generally refers to the place where surface water is diverted from a stream for beneficial use. A point of appropriation (POA) generally refers to a well where groundwater is pumped for beneficial use. The Water Right Information System (WRIS) generally uses the term POD for both a surface water diversion and a well.

**Permissible Total Withdrawal (PTW)** - The term used to define the total amount of groundwater pumpage allowed in a Critical Groundwater Area or Sub Area for a specified period of time. OWRD's practice has been to look at annual amounts of groundwater pumpage in other critical groundwater areas where use was limited. This term is used in ORS 537.735(3)(B) and in the proposed rules for OAR 690-010-0170(3)(c).