

# Water Project Grants and Loans: Water Dedicated Instream for Certain Above-Ground Storage Facilities

## What is the Water Dedicated Instream for Certain Above-Ground Storage Facilities requirement (25% Instream Requirement)?

The Water Dedicated Instream for Certain Above-Ground Storage Facilities requirement, referred to as the 25% Instream Requirement, is required for new or expanded above-ground storage projects awarded grant dollars through the Water Project Grants and Loans offering (WPGL).

The 25% Instream Requirement is the legal instream protection of at least 25 percent of the volume of newly developed water stored annually. The 25% Instream Requirement results in water right conditions that legally protect the instream dedication.

## What projects trigger the 25% Instream Requirement?

The 25% Instream Requirement applies to above-ground storage projects where any of the following apply:

- Impound surface water on a perennial stream
- Divert water from a stream that supports sensitive, threatened or endangered fish species, or
- Divert more than 500 acre-feet of surface water

## What does the 25% Instream Requirement mean for my storage project?

If you are awarded grant funds, the 25% Instream Requirement will be a condition in your grant agreement and must be finalized before project funds are released. Potential impacts to storage operations, related water rights, and costs associated with monitoring will depend on how the 25% Instream Requirement is achieved. It can be achieved through releases from the reservoir or, if additional criteria are satisfied, met through transfers within the tributary. If the 25% Instream Requirement is met through releases from a reservoir, likely permit conditions include the timing, rate, and monitoring of storage and releases of the dedication.

## How and when is the 25% Instream Requirement developed?

If awarded funding, the Oregon Water Resources Department (OWRD) will work with the grantee and the Oregon Department of Fish and Wildlife (ODFW) to develop the 25% Instream Requirement. Development generally involves the following work:

- *Application development:* The applicant submits a proposal to meet the requirement and describes project operations. Associated costs for monitoring reservoir storage and releases may be included in the application.
- *After a project is awarded funds and a grant agreement is signed:*
  - Grantee completes “Project Operations” worksheet to inform timing and rates of releases of water.
  - OWRD reviews the proposed water right process and worksheet.
  - OWRD coordinates with ODFW and grantee to establish timeline for consultation; target 3 to 5 months.
  - Grantee may be asked to pause relevant water right processes until consultation is complete.
  - OWRD and ODFW work together to develop the timing and rate of releases, considering grantee input.
  - OWRD informs grantee of the resulting conditions and grantee pursues relevant water rights.
- *After development of the 25% Instream Requirement:* Depending on the type of water right pursued, the timeline to receive the water right ranges between 3 to 12 months.

## Where can I get more information?

For more information about this requirement and other aspects of Water Project Grants and Loans, email [OWRD.Grants@water.oregon.gov](mailto:OWRD.Grants@water.oregon.gov) or call 971-301-0718. More details are also available in the [statute](#) and [rules](#) governing the funding opportunity. ORS 541.681 and 541.686 along with OAR 690-93-0110.