

538.160 Hackett Creek; vested rights not affected; condemnation of land for park not prevented. ORS 538.150 shall not affect vested water rights or prevent condemnation for public park purposes of lands through which Hackett Creek or its tributaries flow.

538.170 Johnson Creek in Multnomah and Clackamas Counties; limitations on appropriation or diversion. (1) Except as provided in subsection (2) of this section, the waters of Johnson Creek, a tributary of the Willamette River and located in Multnomah and Clackamas Counties and all tributaries thereof, except flows of Crystal Springs Creek and its tributaries in excess of 10 cubic feet per second measured at the mouth of Crystal Springs Creek:

(a) Are withdrawn from appropriation or condemnation; and

(b) Shall not be diverted or interrupted for any purpose whatsoever, except for the purpose of protecting fish life therein by the State Department of Fish and Wildlife or for the purpose of developing hydroelectric power not to exceed 25 theoretical horsepower if such hydroelectric development does not diminish perennial streamflow required for the maintenance of fish life.

(2) The tributaries withdrawn from appropriation and condemnation, but not the main channel, of Johnson Creek are open to appropriation and storage from December 1 to June 1 of each year. Water stored during this period may be used at any time. [Amended by 1953 c.221 §2; 1965 c.249 §1; 1973 c.50 §1; 1979 c.360 §1]

538.180 Johnson Creek; existing rights; condemnation of land for park. ORS 538.170 shall not affect rights to the use of Johnson Creek recognized or acquired pursuant to section 2, chapter 273, Oregon Laws 1935; nor shall anything contained in ORS 538.170 prevent condemnation for public park purposes of lands through which Johnson Creek flows.

538.190 Lake of the Woods and tributaries, Klamath County; diversion, interruption or appropriation of waters prohibited; excepted uses. In order to maintain, increase and perpetuate game fish and game fish propagation within Oregon, the waters or use of the waters of Lake of the Woods and its tributaries, situated in Klamath County, not already appropriated, shall not be diverted, interrupted or appropriated for any purpose whatsoever, except for domestic use on contiguous and surrounding land.

538.200 Streams forming waterfalls near Columbia River Highway; withdrawal from appropriation or condemnation; diversion or interruption prohibited. The following streams and waters thereof forming waterfalls or cascades in view of, or near, the Columbia River Highway, from Sandy River to Hood River, the first 17 of which are in Multnomah County and the remainder of which are in Hood River County, are withdrawn from appropriation or condemnation, and shall not be diverted or interrupted for any purpose whatsoever, except as mentioned in ORS 538.210:

(1) Latourell Creek—forming Latourell Falls.

(2) An unnamed stream whose waterfall is approximately at the southwest quarter of the southwest quarter of the northwest quarter of section 28, township 1 north, range 5 east, at the northern edge of Tax Lot 27/28. The fall is on the south side of the old Columbia River Highway 0.7 mile west of the highway bridge at Young Creek.

(3) An unnamed stream whose waterfall is approximately at the southeast quarter of the southwest quarter of the northwest quarter of section 28, township 1 north, range 5 east, at the northern intersection of Tax Lot 27/26. The falls are on the south side of the old Columbia River Highway 0.6 mile west of the highway bridge at Young Creek.

(4) An unnamed stream whose waterfall is approximately at the northeast quarter of the northeast quarter of the northwest quarter of section 28, township 1 north, range 5 east, Tax Lot 3. The falls are on the south side of the old Columbia River Highway 0.1 mile west of the highway bridge at Young Creek.

(5) Young Creek—forming Shepperd Dell Falls.

(6) Bridal Veil Creek—forming Bridal Veil Falls.

(7) Coopey Falls Creek.

(8) Mist Falls Creek.

(9) Wahkeena Creek—forming Wahkeena Falls, formerly known as Gordon Falls.

(10) Multnomah Creek—forming Multnomah Falls.

(11) Oneonta Creek—forming Oneonta Falls and Gorge.

(12) Horse Tail Creek—forming Horse Tail Falls.

(13) Tumalt Creek.

(14) McCord Creek, formerly known as Kelly Creek—forming Elowah Falls.

(15) Moffatt Creek—forming Wahe Falls.