

State of Oregon  
**Water Resources Department**



Introduction  
to water law

Agency and  
Commission  
overview

Mission and  
strategy

Key issues for  
the new century

*An Introduction to Water Management in Oregon*

# I. Introduction to Water Law

## “Public Water”

all surface and ground  
water of the state

## 1909 water code

four basic provisions

## The water rights system

applications review  
permit system  
regulation



*the doctrine of prior appropriation*

# Public Water

Oregon's water resources are managed by the Oregon Water Resources Department and other local, state, and federal governments.



*“All the surface and the ground water of the state...”*

# The 1909 Water Code

## 1) Beneficial use without waste

using water for personal or public good

## 2) Priority

first in time, first in right

## 3) Appurtenancy

attached to the land

## 4) Must be used

at least once every five years



*four basic provisions*

# Beneficial Use

1909 Oregon  
Water Code:

1. Beneficial Use
2. Priority
3. Appurtenancy
4. Must be used



**Irrigation**  
watering crops...

**Industrial**  
manufacturing, etc.

**Domestic**  
drinking water

**Municipal**  
cities

**Instream flows**  
stream/riparian  
enhancement

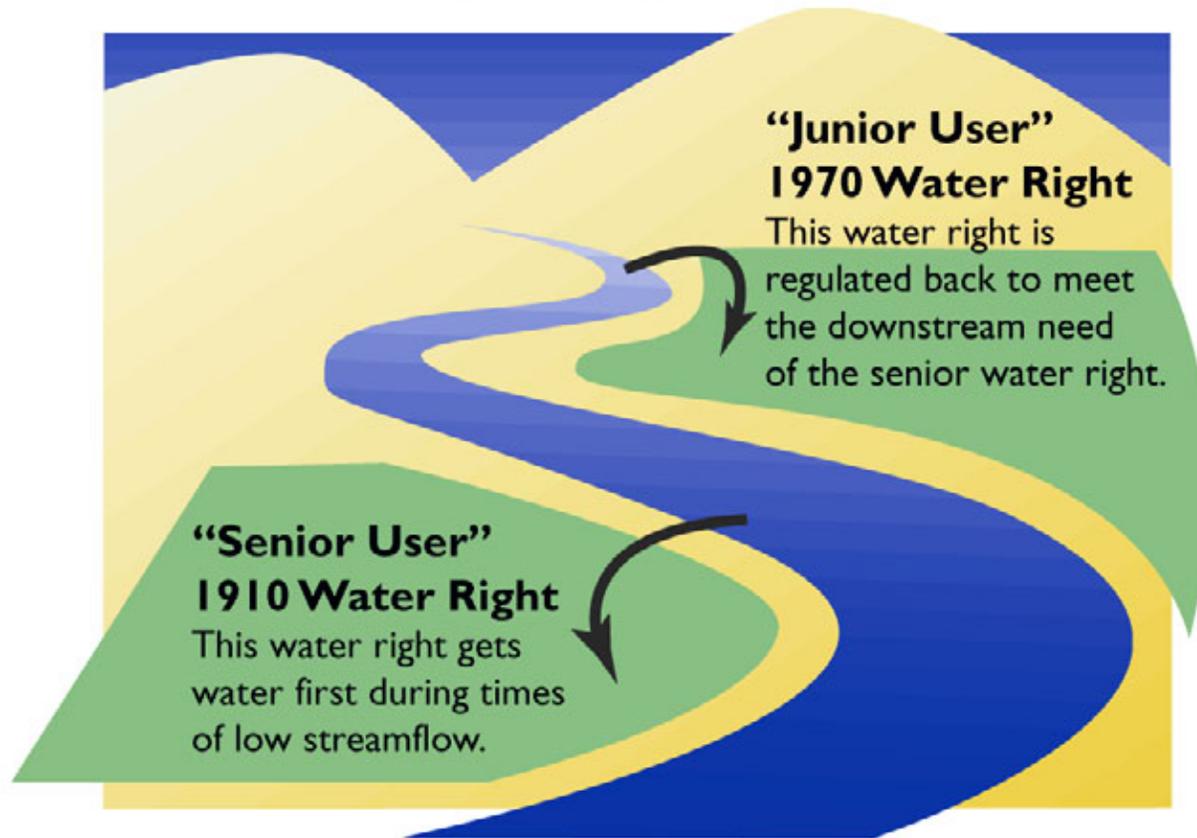
*major categories of use*

# Priority

1909 Oregon  
Water Code:

1. Beneficial Use
2. Priority
3. Appurtenancy
4. Must be used

**Prior Appropriation: an example**  
*“First in time, first in right”*



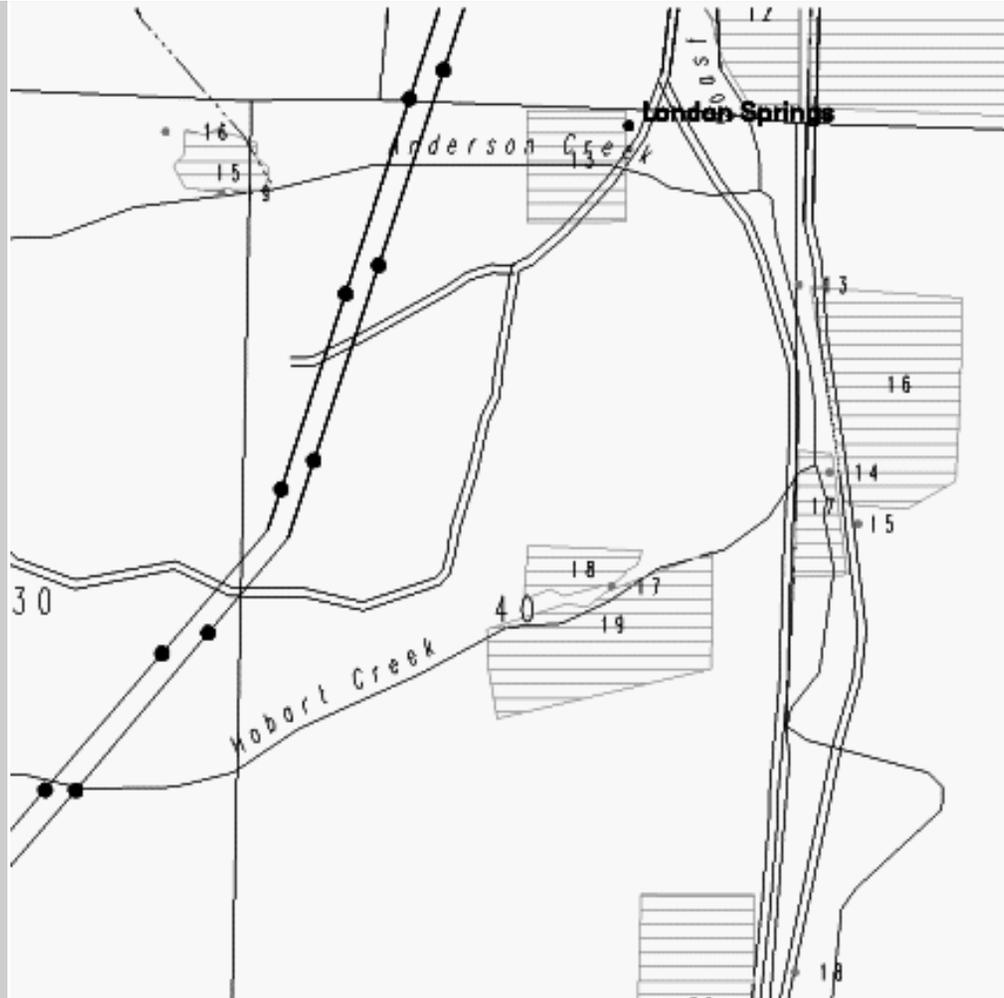
Junior water rights are regulated to meet the entitlement of senior water rights.

*prior appropriation: “first in time, first in right”*

# Appurtenancy

1909 Oregon  
Water Code:

1. Beneficial Use
2. Priority
3. Appurtenancy
4. Must be used



If land is sold,  
the water right  
stays with the  
land—not with  
the previous  
owner.

*Attached to the land*

# Must be used

1909 Oregon  
Water Code:

1. Beneficial Use
2. Priority
3. Appurtenancy
4. Must be used



May not go  
unused for five  
consecutive  
years

subject to  
cancellation

Terms and  
conditions

limited to rate, duty,  
times and conditions  
of water right

# A water right consists of:

## Point of diversion

where surface water is drawn, or captured



## Point of appropriation

from ground water source



## Type of use

the “beneficial use” of the water



## Place of use

where the water is applied



*four elements of a water right*

# Exempt Uses: Ground Water

## Single and Group Domestic

household, washing, etc.

## Commercial and industrial uses

5,000 gallons per day

## Lawn and garden

up to 1/2 acre



*do not require a water right*

# Exempt Uses: Surface Water

Livestock  
watering  
off-stream sites

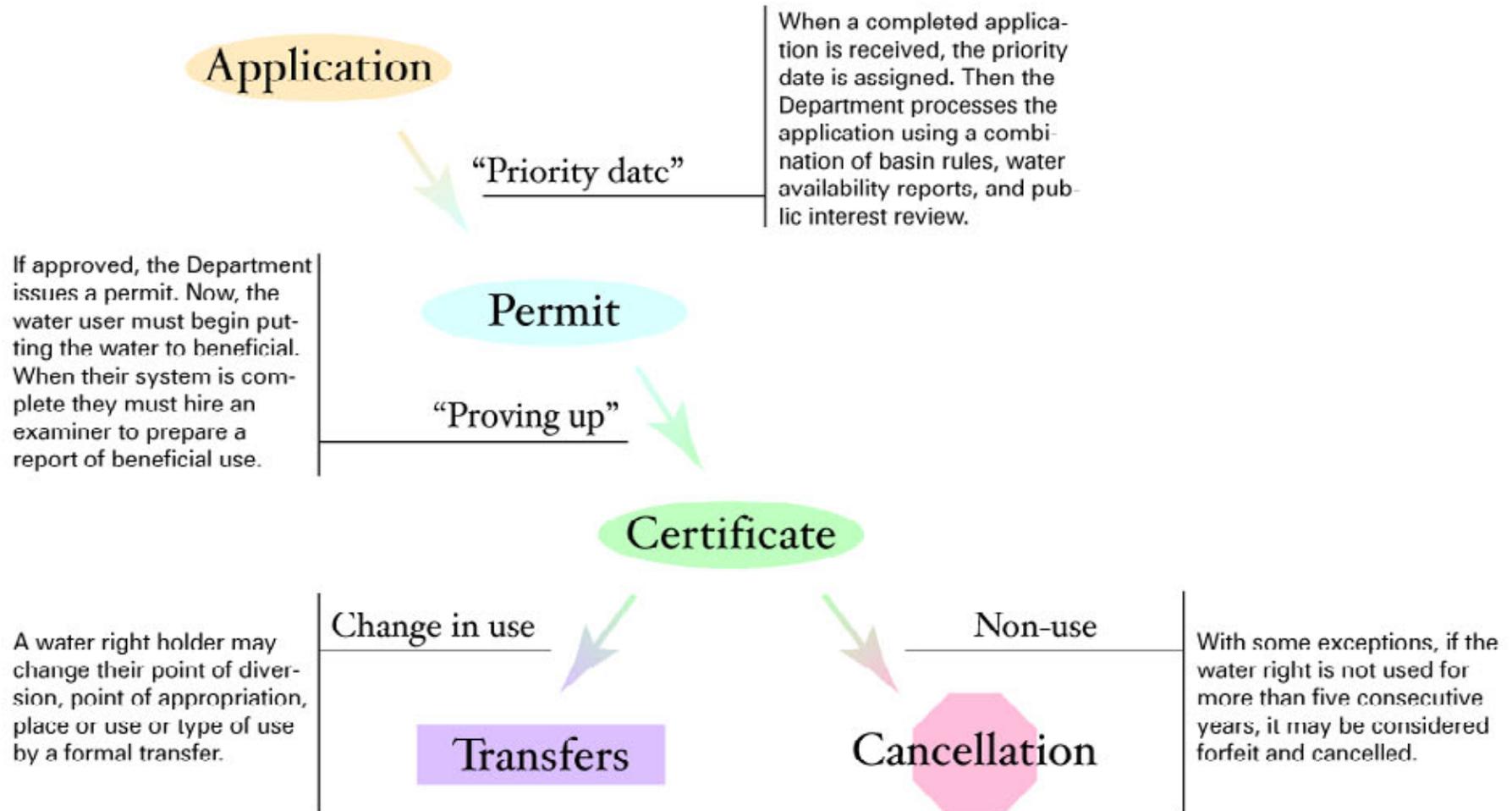
Emergency  
fire-fighting

Land  
management  
practices  
soil conservation,  
water quality



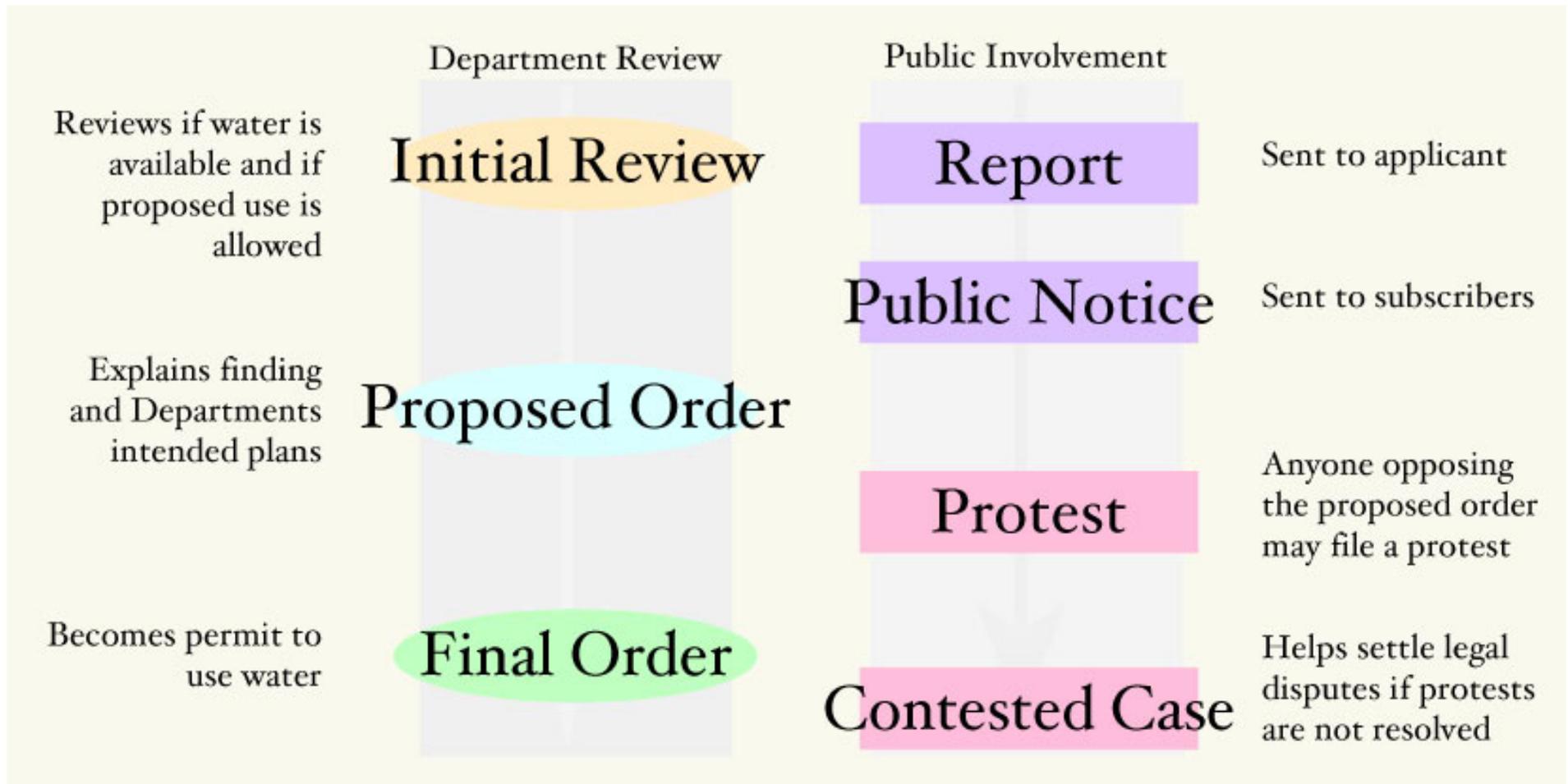
*do not require a water right*

# The permit system



*three step process*

# Water right application review



# Distribution and Regulation

- 1) Attempt voluntary compliance
- 2) Invoke civil penalties
- 3) Go to the District Attorney



*protecting rights and resources*

# Instream Water Rights

Recreation  
*Parks and Recreation*

Pollution control  
*Department of  
Environmental Quality*

Fish & Wildlife  
*Department of Fish  
and Wildlife*



*Instream rights are held in trust by WRD*

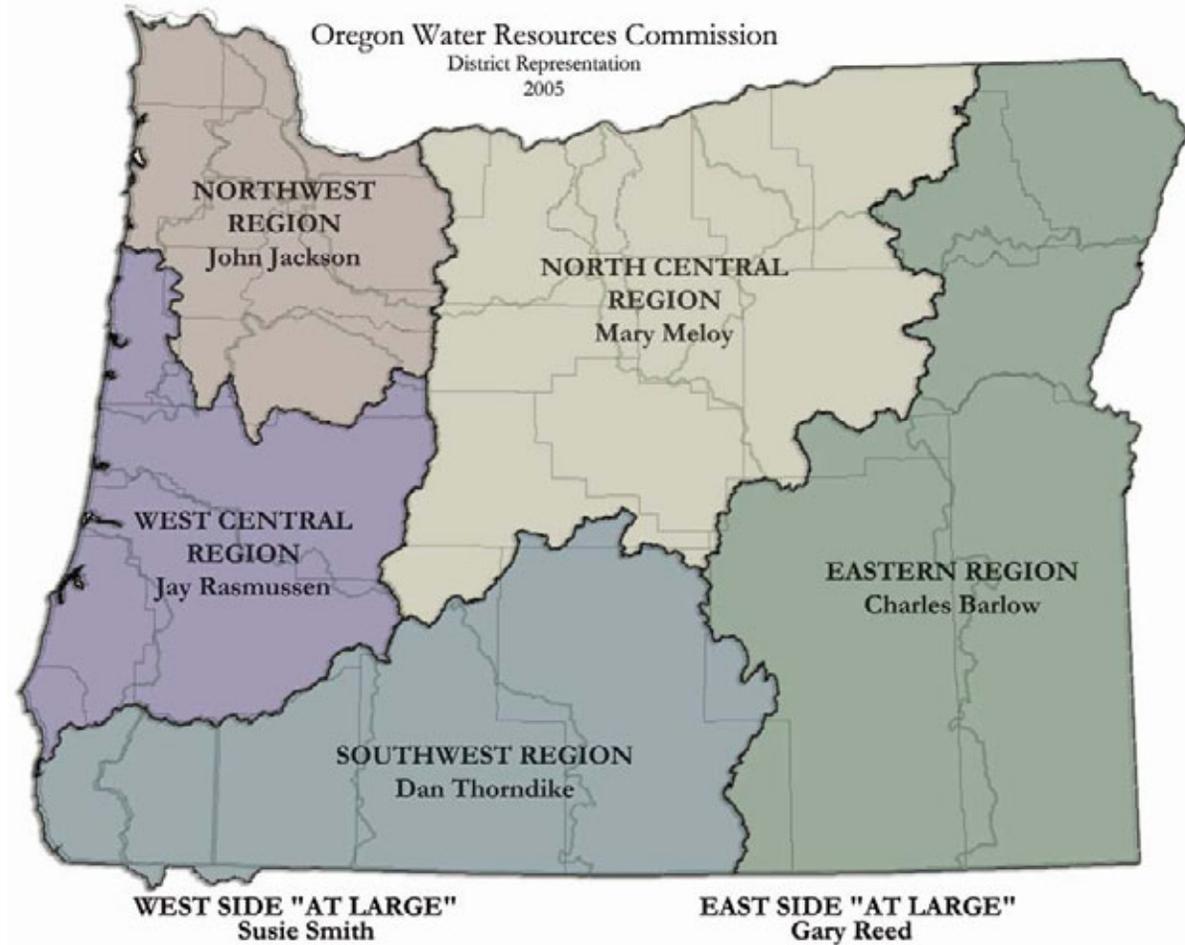
## 2. Commission & Department



*structure and function*

# Water Resources Commission

- Appointed by Governor
- Confirmed by Senate
- Four-year term
- Geographic areas
  - five segmented by river basins
  - east and west at large



*seven-member, citizen board*

# Water Resources Commission

Policy oversight  
of agency  
programs

Adopt rules

Adopt basin  
programs

Considers  
appeals of  
agency decisions



*sets statewide water policy*

# Department

## Director

Appointed by governor, confirmed  
by Senate

Four-year term

Head of WRD

manage agency daily activities

Administers and enforces laws

through WRD staff

Approves water uses

permits, transfers, limited licenses

Tribal negotiations

water rights settlements

## Divisions

Five geographic regions

Five agency divisions

- Field and Technical Services
- Resource Management
- Water Rights/Adjudications
- Administrative Services
- Director's Office

144 Employees

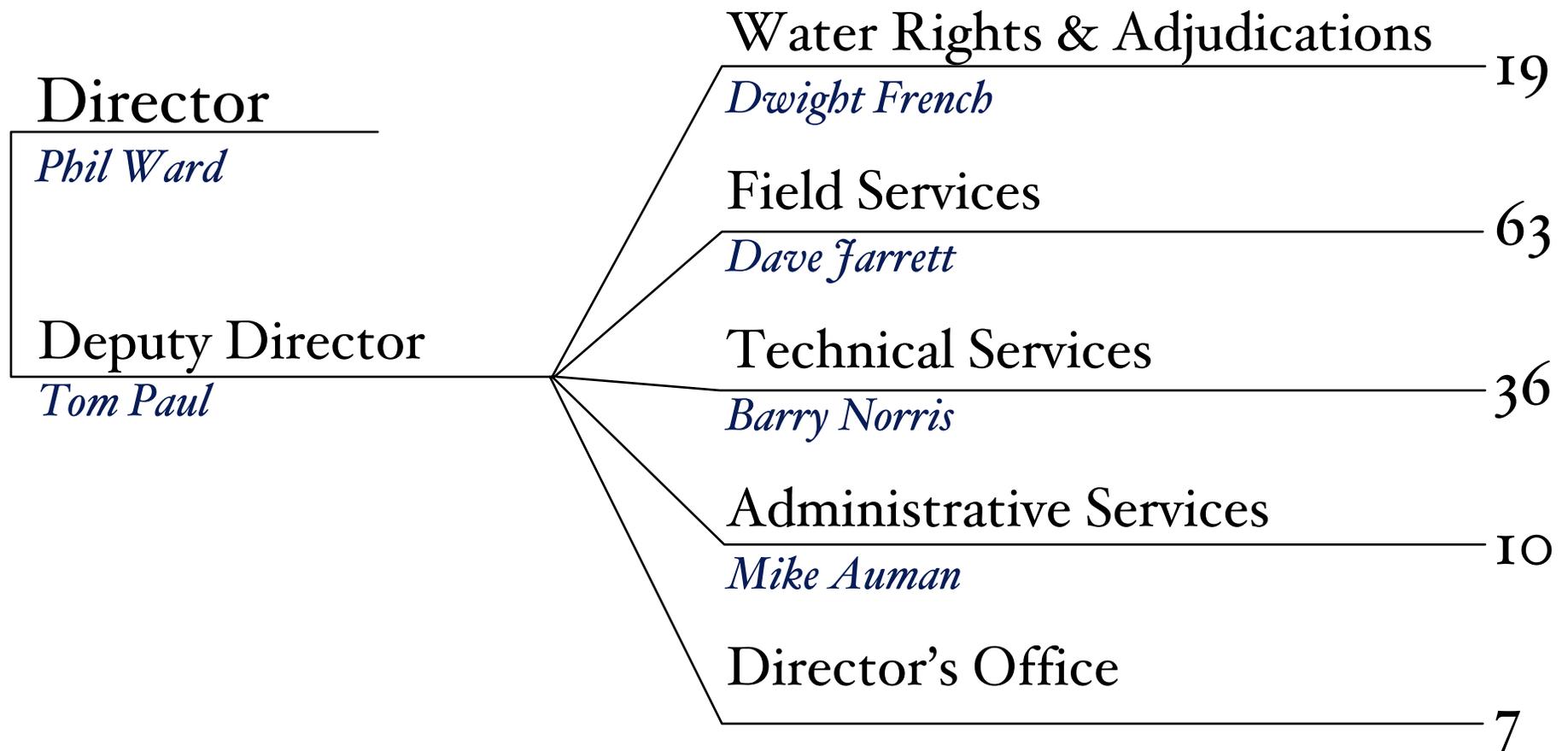
conduct agency daily activities

19 Watermaster districts

manage 70,000 water rights  
permits, certificates, transfers, limited  
licenses

*roles and duties*

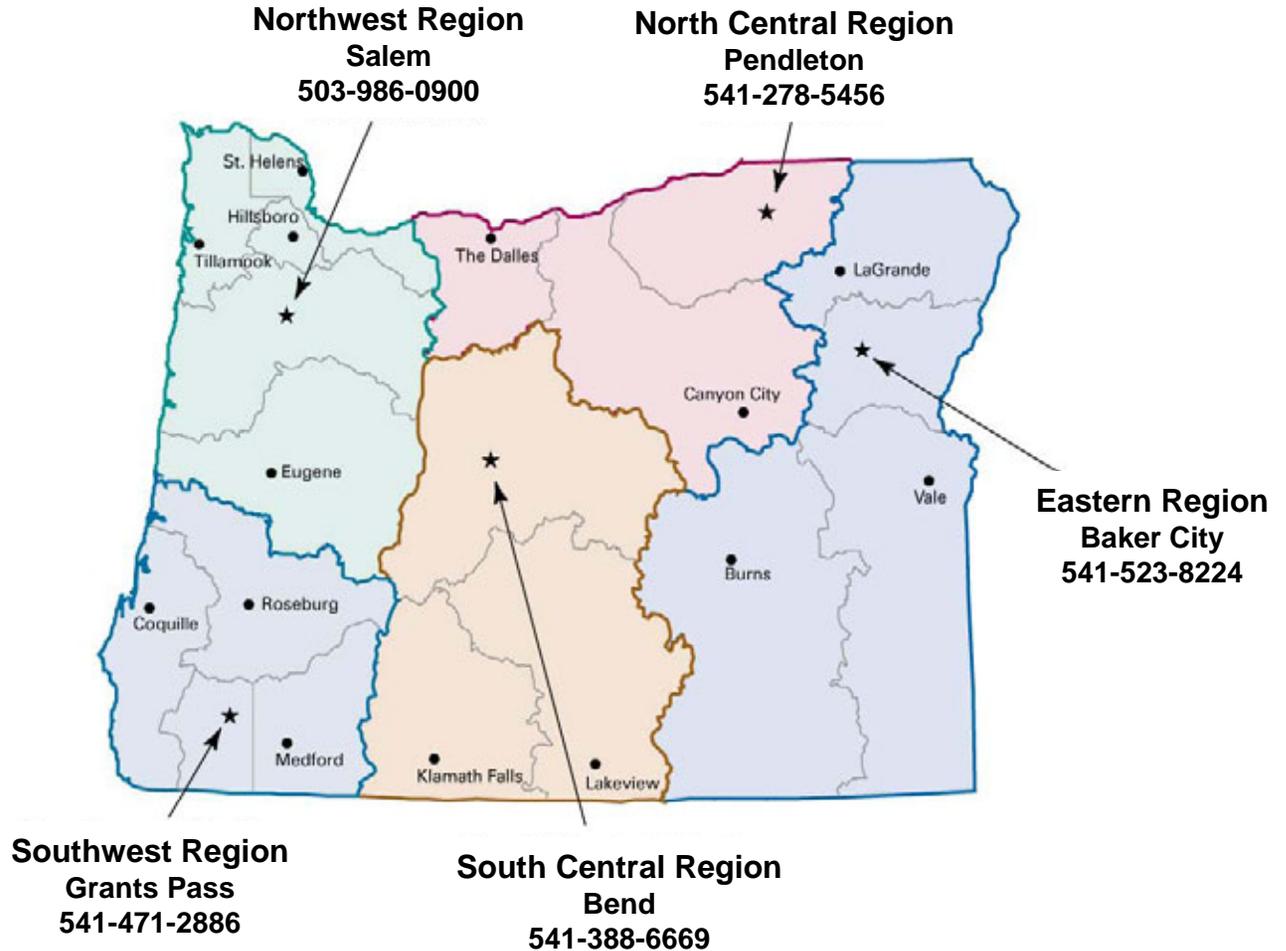
# Water Resources Department



division administration

# Regional Offices

- Water distribution and regulation
- Well inspections
- Ground water studies
- Streamflow measurement
- Outreach and information
- Dam safety inspections
- Water right transfers
- Technical assistance



*five regions, nineteen districts*

# 3. Mission & Strategy

Mission  
and goals

Core  
management  
strategies

Carrying out  
the mission

Strategic  
planning



*planning water management*

# Core Management Strategies



1) Resource Stewardship  
*protecting the resource*

2) Supply Solutions  
*finding solutions for tomorrow's needs*

3) Managing Information  
*people and technology serving the public*

4) Citizen Services  
*management through customer service*

5) Providing Funding  
*for local and state water management*

*priorities for realizing the agency mission*

# Our Mission

*“To serve the public by practicing and promoting wise long-term water management.”*



“Stewardship”

“Supply”

*two co-equal goals*

# Carrying out the mission

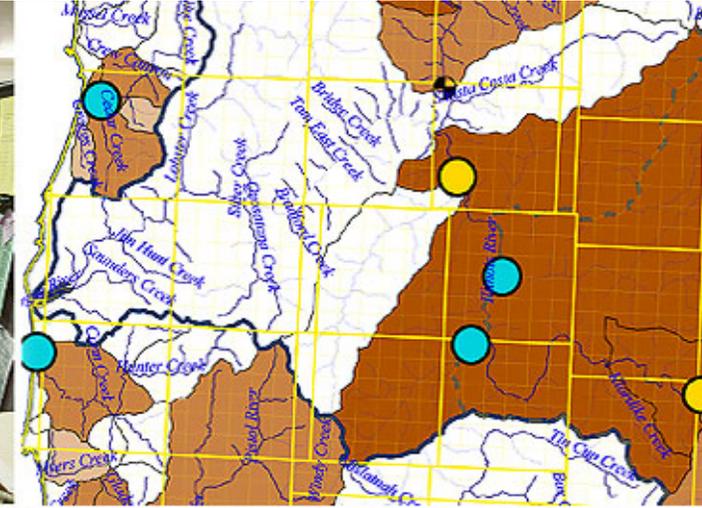
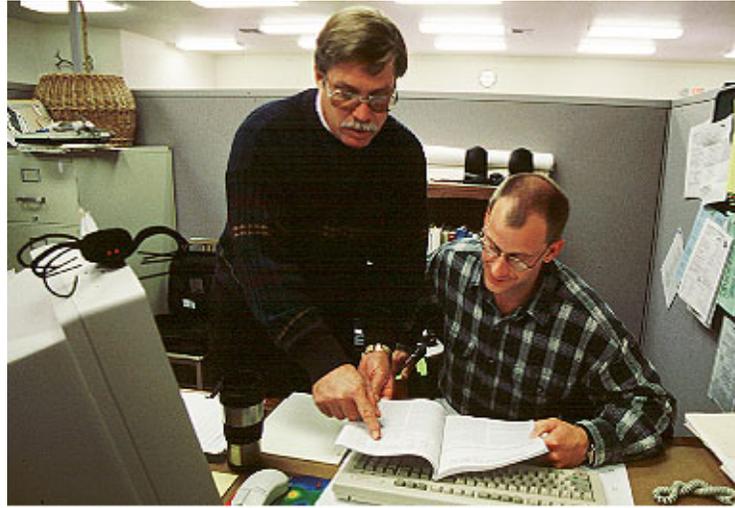
water rights  
*honor existing*

information  
*simple/direct*

enforcement  
*fair practices*

partnerships  
*responsibility*

creative solutions  
*local flexibility*



*how we'll do it*

# STRATEGIC PLAN

*for Managing Oregon's  
Water Resources*



*1999-2001 planning for a new century*

## 4. Key Issues

Basin-wide information and assessments

*Stewardship and Supply Initiative*

Klamath Basin adjudication

*Adjudication and Alternative Dispute Resolution process*

Data management and dissemination

*Hydrographic data collection, analysis, and distribution*

Implementing salmon recovery measures

*Oregon Plan for Salmon and Watersheds*

*the current water scene*