



Oregon

John A. Kitzhaber, MD, Governor

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DROUGHT DECLARATIONS

State of Oregon Drought Declarations

The legal framework for drought mitigation can be found in Oregon Law, ORS 536.700 - 536.780 relating to drought emergencies. We are also guided by administrative rules, OAR Chapter 690, Division 19.

Under this legal framework, the Governor has the authority to declare a drought emergency in any geographical area within the state that is appropriate. County boundaries are generally used because of the obvious benefits of working with a recognized local government.

Oregon officials have found that the process is most successful if the declaration process follows the traditional sequence for emergency declarations where counties make their declarations and then ask for a state declaration based on a need for assistance beyond what they have available at their level of government. County governments should start the process by working with their Emergency Action Coordinator.

Oregon's Governor has sole discretion to issue or terminate a drought emergency declaration. For additional information of the State Drought Declaration process contact Keith Mills, Water Resources Department at (503) 986-0840 or Chuck Perino, Office of Emergency Management at (503) 378-2911 ext. 22252.

Federal Department of Agriculture Declarations

Agricultural water users have available to them a program that resides with the Farm Service Agency. When there is a prescribed level of crop loss in a farm community, a request can be made to the Governor that the state request a drought declaration by the Secretary of Agriculture.

An economic assessment by the Farm Service Agency can determine if the required level of crop loss has been met and financial assistance can be provided as compensation.

Requests for a federal declaration are processed by the Oregon Department of Agriculture and forwarded by the Drought Council to the Governor's natural resource office.

For more information on the Federal Declaration process contact Jim Johnson, Oregon Department of Agriculture at (503) 986-4706.



DROUGHT MITIGATION TOOLS

The Water Resources Department may exercise emergency water rights authority following a Governor's drought declaration as follows:

- a. Issue temporary emergency permits under an expedited process. The drought permits are limited to replacement of water not available under a permanent water right. They are effective for the duration of the drought declaration, or up to one year, whichever comes first, unless renewed (ORS 536.750(1)(a) and OAR 690-019-0040);
- b. Issue temporary transfers, authorizing changes in type of use, place of use, or point of diversion of an existing water right, including "split season" transfers. They are effective for the duration of the drought declaration, or up to one year, whichever comes first, unless renewed (ORS 536.750(1)(b) and OAR 690-019-0055);
- c. Issue temporary instream leases to convert all or a portion of a water right to an instream lease. They are effective for the duration of the drought declaration, or up to one year, whichever comes first, unless renewed (ORS 536.750(1)(b) and OAR 690-019-0058);
- d. Approve special option agreements during drought emergencies. Water used under the terms of an approved option or agreement may be used at locations, points of diversion, and for beneficial uses other than those described in the water right (ORS 536.770 and OAR 690-019-0080);
- e. Authorize temporary substitution of a supplemental ground water right for a primary surface water right. They are effective for the duration of the drought declaration, or up to one year, whichever comes first, unless renewed. (ORS 536.750(1)(f) and OAR 690-019-0059);
- f. Authorize temporary exchange of the source of water allowed under a water right, such as moving from a direct flow right to a stored water source (ORS 536.750(1)(e); and
- g. Grant preference of use to water rights for human consumption or livestock (ORS 536.750(1)(c) and OAR 690-019-0070).

All of these emergency actions involve a review process that includes an abbreviated public interest determination and a test for injury to existing water rights.

There is a specific set of reduced fees for many of these transactions under OAR 690-019-0100.

Contacts: Dwight French (503) 986-0819 – Water Right Permits
 Dorothy Pedersen (503) 986-0890 – Transfers, Substitutions and Exchanges
 Laura Wilke (503) 986-0884 – Instream Leases
 Tom Paul (503) 986-0882- Special Options and Human/Livestock Preferences
 Keith Mills(503) 986-0840 – General Drought Information