

Water Use Following Wildfire

Use of water in Oregon generally requires a water right. A water right identifies where the water will be used (place of use), what the water will be used for (the character of use), and the location where water is withdrawn from a stream, lake or well (point of diversion). The Oregon Water Resources Department (OWRD) implements Oregon's water right laws.

This handout provides information for water right holders to consider following wildfire damage, as well as information related to temporarily diverting water to establish vegetation for soil stabilization. For information on maintaining wells after wildfire see OWRD's handout "Maintaining Your Well After Wildfire" at <https://go.usa.gov/xGJ2H>. For information on drinking water quality following wildfire, visit the Oregon Health Authority's webpage at <https://go.usa.gov/xGueZ>.

Restoring Water Use Under a Water Right After Wildfire

If the water system is rebuilt at the same point of diversion or well and the use of water occurs exactly as it had prior to the fire damage, no approval from OWRD is needed. Water use can begin again consistent with the existing water right.

If water will be used differently than how it was previously used under an existing water right, a water right holder may need to apply and receive approval for a transfer or a permit amendment prior to making the change. Examples of actions typically needing approval include moving the point where water is diverted from a stream, using water for a different purpose than what is authorized on the existing water right, or using water on lands not identified on the existing water right.

Temporary Change in Water Use

If water temporarily needs to be used differently than it had been previously – temporarily diverting water from a different location, for a different use, or applying water in a different location – consult with OWRD staff. The water user may need to apply for a temporary transfer or a limited water use license from OWRD. Less than five-years is considered temporary. Contact your watermaster for assistance.

Permanent Transfers

Permanent changes in how water is used under a water right include long-term or permanent changes in the place of use, character of use, and point of diversion. Permanent transfers take longer to process and approve, so a limited license may also be necessary if water use needs to begin immediately.

Permit Amendments

Water rights that are still water use permits cannot be transferred; however, changes in the place of use or the location of the point of diversion may be approved through a permit amendment. To apply for a permit amendment, the permit completion date on the permit must be non-expired.

Uses Not Requiring a Water Right

Most uses of water that do not require a water right are identified in ORS 537.141 and ORS 537.545. For example, a water right is not required for certain land management practices to save soil and improve water quality by temporarily impeding or changing the flow of diffuse surface water across agricultural lands when storage is not the purpose. For groundwater, uses not requiring a water right include domestic or group domestic use up to 15,000 gallons per day; stockwatering; and ½ acre of lawn or noncommercial garden. These are the most common exemptions; however, other uses may be exempt as identified in statute. Contact your watermaster for more information.

Extending Timeframes to Develop Existing Water Permits

A water use permit specifies certain timelines and conditions for putting water to use. If water use cannot be completed within the time authorized by a water right permit and certain conditions are met, a holder of a water use permit may apply for an extension to allow additional time to perfect the use of water.

Protecting Water Rights from Forfeiture

With some exceptions, not using water for more than five consecutive years may result in forfeiture and cancellation of the water right. If use will not occur within five-years, but the holder wants to preserve that water right for future use, contact OWRD about strategies to prevent forfeiture.

Temporary Water Uses – Limited Licenses

A limited license authorizes water use for a specified time period up to five years. Applications for limited licenses can typically be processed within three weeks of filing. An emergency limited licenses can be processed faster, but can only be used for 60 days.

A limited license may be appropriate to address an immediate need to use water while a permanent transfer application is being processed. In addition, a limited license may be needed where there are new but temporary needs for water use following a fire, such as construction or temporarily irrigating to reestablish vegetation for erosion and sediment control.

To file a limited license, first, complete the application located here: <https://go.oregon.gov/xGSqV>. Second, develop a map that meets the requirements on Page 2 of the application materials. Third, contact the local planning department to complete the land use form, if required. Contact OWRD staff to determine if a land use form is not needed. Fourth, contact the local watermaster to complete the *Water Availability Statement* located on Page 3 of the application. Fifth, e-mail the application, including the map, to mary.f.bjork@oregon.gov or mail directly to the Oregon Water Resources Department, Water Rights Services Division, at 725 Summer Street NE, Suite A, Salem, OR 97301.

If drinking water infrastructure has been damaged due to the recent wildfires, the Department will waive the application fees associated with filing a limited license application.

Oregon Water Resources Department Contact Information

Issue	Webpage	Contact Information
General Information	www.oregon.gov/owrd	503-986-0900 WRD_DL_customerservice@oregon.gov
Limited Licenses	https://go.oregon.gov/xGJhF	Mary Bjork 503-986-0817 Mary.F.Bjork@oregon.gov
Transfers/Permit Amendments	https://go.oregon.gov/xGhD6	Kelly Starnes 503-986-0886 Patrick.K.Starnes@oregon.gov
Permit Extensions	https://go.oregon.gov/xGJhS	Jeffrey Pierceall 503-986-0802 Jeffrey.D.Pierceall@oregon.gov

Staff Directory: www.oregon.gov/OWRD/aboutus/contactus

County (Wildfire Name)	Watermaster Contact Information
Clackamas (Beachie Creek, Riverside)	Amy Landvoigt 503-722-1410 Amy.J.Landvoigt@oregon.gov
Crook, Deschutes, Jefferson (Frog, Green Ridge, Lionshead, P-151)	Jeremy Giffin 541-306-6885 Jeremy.T.Giffin@oregon.gov
Douglas (Archie Creek)	Susan Douthit 541-440-4255 Susan.M.Douthit@oregon.gov
Harney (Neals Hill)	JR Johnson 541-573-2764 JR.Johnson@oregon.gov
Jackson (Almeda Drive)	Shavon Haynes 541-774-6880 Shavon.L.Haynes@oregon.gov
Klamath (Two Four Two)	Danette Watson 541-883-4182 Danette.M.Watson@oregon.gov
Lake (Brattain)	Brian Mayer 541-947-6038 Brian.M.Mayer@oregon.gov
Lane (Holiday Farm)	Lanaya Blakely 541-682-3620 Lanaya.F.Blakely@oregon.gov
Lincoln (Echo Mountain Complex)	Nikki Hendricks 503-815-1967 Nikki.M.Hendricks@oregon.gov
Linn and Marion (Beachie Creek, Lionshead)	Greg Wacker 503-986-0809 Gregory.J.Wacker@oregon.gov
Malheur (Indian Creek)	Jered Hoshaw 541-473-5130 Jered.L.Hoshaw@oregon.gov
Wasco (Lionshead, White River)	Robert Wood 541-506-2652 Robert.L.Wood@oregon.gov
Washington (Chehalem Mountain–Bald Peak)	Jake Constans 503-846-7780 Jake.W.Constans@oregon.gov
Wheeler (Laurel)	Ken Theimann 541-384-4207 Kenneth.C.Thiemann@oregon.gov