

Exempt Water Uses in Oregon

Background

Under Oregon law, “all water within the state from all sources of water supply belongs to the public.” ([ORS 537.110](#)). Cities, irrigators, businesses, and other water users must obtain a permit or license from the Water Resources Department to use water from any source - whether it is underground, or from lakes or streams. Oregon’s water laws are based on the principle of prior appropriation. This means the first person to obtain a water right on a stream or aquifer is the last to be shut off in times of low streamflows. Please review the Water Rights in Oregon resource at owrd.info/2024aquabook for more information on Oregon’s water laws.

However, there are exceptions called “exempt uses.” These uses are exempt from applying for a water right permit although they must use water beneficially and without waste. An exempt use is subject to the same privileges and restrictions as any water right permit or certificate.

What water uses are exempt?

Groundwater

Oregon has about 230,000 exempt-use wells, with approximately 3,800 drilled each year. Groundwater uses exempt from the permitting process include ([ORS 537.545](#)):

- **Group or single domestic use (household):** Not exceeding 15,000 gallons per day.
- **Stock watering:** Drinking water for livestock animals. Water use limitations may apply for some permitted confined animal feeding operations.
- **Irrigation of lawn and/or non-commercial garden of ½ acre or less:** No more than one-half acre in area. Irrigation of a commercial crop (i.e. crops for sale) requires a water use authorization and is not exempt.
- **Single industrial or commercial purposes:** Not exceeding 5,000 gallons per day. Does not include irrigation or watering to promote plant growth (OAR 690-300-0010 (6) and (25)).
- **Watering school grounds:** Less than ten acres for schools located within a critical groundwater area.
- **Down-hole heat exchange purposes:** A closed geothermal loop to provide source heat.
- **Fire control:** Withdrawal of water for emergency firefighting or certain non-emergency firefighting training.
- **Reuse of recycled water or wastewater for land application:** Recycled water or wastewater applied to land for irrigation that has been previously obtained under a permit or certificate and has not been discharged into waters to the state. Relevant permits from DEQ or ODA apply.

Each exemption is separate, and one well may serve multiple exempt uses. For example, irrigation of lawn and/or non-commercial garden is not included in the group or single domestic 15,000 gallon/day exemption but the same well could serve each of those uses.

Surface Water

Surface water uses exempt from the permitting process include ([ORS 537.141](#), [537.142](#), [537.800](#), [537.132](#)):

- **Natural springs:** Use of a spring that, under natural conditions, does not form a natural channel and flow off the property where it originates at any time of the year, as determined by the Department.
- **Stock watering:** Drinking water for livestock animals from a permitted reservoir to a tank or trough, and, under certain conditions, use of water piped from a surface source to an off-stream livestock watering tank or trough.
- **Fish protection:** Egg incubation projects under the Salmon and Trout Enhancement Program (STEP) and water used for fish screens, fishways, and bypass structures.
- **Fire control:** Withdrawal of water for emergency firefighting or certain non-emergency firefighting training.
- **Forest management:** Certain activities such as slash burning and mixing pesticides, in compliance with restrictions relating to the source of water that may be used.
- **Certain land management practices:** Where water use is not the primary intended activity.
- **Rainwater:** Collection and use of rainwater from an artificial impervious surface (like a building's roof).
- **Reuse of recycled water or wastewater for land application:** Recycled water or wastewater applied to land for irrigation that has been previously obtained under a permit or certificate and has not been discharged into waters to the state. Relevant permits from DEQ or ODA apply.

We're Here to Help

Your local watermaster is available to help determine how to legally access water and understand Oregon water law applies to your specific circumstances. Use the Watermaster Directory at owrd.info/watermaster to find your local district office and local watermaster.

Information about water rights is available at: owrd.info/water-rights-faqs.