

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](#) 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

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 garden of a half-acre or less:** No more than a half-acre in area. Irrigation of larger areas requires a water use authorization and is not exempt. Beginning Jan. 1, 2026, commercial gardens not exceeding a half-acre and using no more than 3,000 gallons per day will qualify as exempt.
- **Industrial or commercial purposes:** Not exceeding 5,000 gallons per day, including the 3,000 gallon per-day cap on commercial gardens of one half-acre or less. Does not allow irrigation or watering to grow marijuana or unregistered hemp plants for commercial purposes.
- **Watering school grounds:** Less than ten acres for schools located within a critical groundwater area.
- **Down-hole heat exchange purposes:** An open loop heat exchange hole 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. OWRD recommends contacting your local watermaster (see below) for specific questions.

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 how 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.