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PRESS CONTACT

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Letters to Small Commercial Farms

In fall 2023, the Oregon Water Resources Department (OWRD) sent 24 letters to property owners in Lane County to inform them that they may be using water in violation of the state's water laws. This informational letter is standard practice when the Department becomes aware of potential unauthorized use of water. It is not a cease-and-desist order. The letter makes note of what the existing exemptions are, that violations may be subject to penalties, and requests that the respondent contact their watermaster to discuss their options.

In March 2024, several media sources ran information about OWRD's letters to property owners, and that resulted in alarm for many Oregonians and farming groups. In an effort to provide as much clarity as possible for those impacted, OWRD has developed the following fact sheets:

- [Do Small Farms Need Water Rights? \(pdf\)](#)
- [Exempt Water Uses in Oregon \(pdf\)](#)

A specific concern has been raised that the state is implementing new rules to restrict water used for irrigation purposes. This is not the case. Since 1955, Oregon has required water rights permits for all water appropriations (surface water and groundwater) unless specifically exempted. A water right clearly defines the specific use of the water. The right indicates the specific source, where the water can be used and the rate (how much) of the water you can use.

A water right is required to use water for irrigation of a crop to sell. There are no exemptions under current statute ([ORS 537.545](#)) or rule ([OAR 690-300-0010](#)) that specifically allow water use for small irrigated commercial farming operations without a water right. A household (domestic) well is designed to provide water for up to half an acre of land, primarily for maintaining a lawn and a family garden rather than crops grown to sell ([ORS 537.545 \(b\)](#)).

In Oregon, there are several ways to legally access water to irrigate commercial crops (crops for sale). This includes, but is not limited to:

- Harvesting and reusing rainwater from impervious surfaces.
- Using groundwater with a water right.
- Diverting surface water with a water right.
- Through a local irrigation district.
- Through a municipality.

- Water deliveries from a water hauling service that obtains water from a legal source.

The Oregon Water Resources Department is the state agency charged with studying, allocating, and distributing water in Oregon. For more information, visit oregon.gov/owrd. Your local watermaster is available to help determine how to legally access water and understand Oregon water law. Use the Watermaster Directory at owrd.info/watermaster to find your local district office and watermaster.

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