OREGON



WATER RESOURCES DEPARTMENT

2025 CWRE Workshop

2025 Workshop Locations and Dates

LaGrande	Tuesday, October 7	Valley Venue & Summit Room
Bend	Wednesday, October 8	McMenamins Old St. Francis School
Roseburg	Friday, October 10	Holiday Inn Express
Salem #1	Wednesday, October 15	Chemeketa Center for Business & Industry
Salem #2	Thursday, October 16	Chemeketa Center for Business & Industry

2025 Fall CWRE Workshop

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INTRODUCTION



2025 CWRE Workshop

OREGON WATER RESOURCES DEPARTMENT

October 2025

2025 CWRE Workshop

- Welcome
- Introduction:
  - Presenters
  - Participants
- Brief overview of the agenda
- Other important announcements

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2025 CWRE Workshop

- Workshop Workbook
  - Resource Material
    - Staff Contacts
    - Meter Information
    - Water Use Reporting
    - WRD Map Atlas and Use Codes
    - WRIS Code Key
    - Well ID Program
    - WRD Quick Reference Guide to ORSs and OARs
    - CWRE Contact Information Updating Procedures
    - And More…

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UPDATES

Legislative

Rulemaking

Alternative Reservoir Applications

Processing Workloads

ODFW Reviews

DEQ Reviews

Legislative Session Wrap-Up

2025 Long Session

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Select Legislative Session Updates

- HB 2803 – Maintain water right transaction and dam safety services
- HB 3342 – Water right transaction streamlining
- HB 3544 – Contested case process streamlining
- HB 3372 – Exempt groundwater use
- SB 1154 – Groundwater quality management
- HB 3806 – Deschutes Basin water banking
- New Key Performance Measure

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HB 2803 - Maintain water right transaction and dam safety services

- Maintained 7.0 full-time equivalent positions at risk of reduction
- OWRD requested 135% water right transaction fee increase
- Bill increased fees by 50%
- Bill made up the rest in permanent general funds (taxpayer funded)
- General-funded % now higher than applicant-funded %
- Bill also increased dam safety annual fees to maintain services

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HB 3342 – Water right transaction streamlining

- Moves away from newspaper notice requirements for transfers, hydroelectric projects, and some certificates in favor of OWRD's weekly electronic public notice.
- Allows OWRD to pass on processing fees for credit/debit payments.
- Allows withdrawal of water from appropriation to occur by rule rather than Commission order.
- Allows OWRD to return applications for new permits or deny proposed changes to points of appropriation in areas that have been closed to further appropriations, subject to certain conditions.

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HB 3342 – Water right transaction streamlining (cont'd)

- Defaults to electronic documentation for many transactions unless applicant requests paper copies.
- Requires applicants to provide affirmative confirmation to proceed beyond the initial review.
- Modifies which water right permits may file for extensions to continue development.
- Allows proposed final orders to become final orders as a matter of law 33 days after close of protest period if no protests are received.
- Allows Department to collect a portion of the fees for new water right applications upfront and the remainder to proceed past initial review.

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HB 3544 - Contested case process streamlining

- Directs OWRD and Office of Administrative Hearings to establish a default hearing schedule for contested cases to complete the hearing process within 180 days of referral.
- Establishes preferences for oral testimony and remote hearings.
- Allows for assignment of a settlement judge to resolve cases in 60 days.
- Establishes standards for what must be included in a protest and requires a protest to raise all issues.

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HB 3544 - Contested case process streamlining (cont'd)

- Clarifies a hearing is not required if the protest is settled, withdrawn, or the protestant defaults.
- Establishes requirements to request party status and streamlines process.
- Allows proposed final orders to become final orders as a matter of law 33 days after close of protest period if no protests are received, like HB 3342.

HB 3372 – Exempt groundwater use

- Exempt uses do not require a water right.
- Domestic water use from a well not exceeding 15,000 gallons per day is exempt.
- Exemption does not include irrigating crops for sale.
- Beginning January 1, 2026, domestic use exemption includes up to 3,000 gallons of groundwater per day to irrigate a commercial garden no larger than a half-acre.
- Does **not** increase the size of total irrigation allowed on the property to a combined total over a half-acre.

SB 1154 – Groundwater quality management

- Water Resources Commission may declare a serious water management problem area based on groundwater quality considerations and adopt rules requiring backflow prevention devices where surface water is the source of water.
- OWRD shall inspect backflow prevention devices in groundwater management areas.
- OWRD may allow a public water system to appropriate groundwater in a groundwater quality management area for group domestic use expanded in an amount of water equivalent to the amount of water provided by abandoned water wells.

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HB 3806 – Deschutes Basin water banking

- Establishes a pilot program in the Deschutes River for surface water banking. For bank to go into effect:
  - Water Resources Commission and Confederated Tribes of the Warm Springs must approve charter.
  - OWRD must approve annual operating plan and receive resources necessary to review applications and distribute and legally protect portions of water loaned through the bank.
- Establishes new type of lease/transfer/forbearance agreement, including split rate and duty water use, provided the duty applied does not exceed 4.2-acre feet per acre.
- Pilot program sunsets January 2, 2034.

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New Key Performance Measure: Temporary Transfers

- OWRD reports to the legislature on its Key Performance Measures (KPMs).
- New KPM took effect July 1, 2025.
- KPM #13: Percent of Temporary Transfer Final Orders Issued within 120 Days of Filing.
- Goal is 75% in fiscal year 2025-2026.
- Goal rises to 90% starting fiscal year 2026-2027.
- OWRD modifying internal processes to meet new KPM.

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Water Right Transactions Rulemaking

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Rulemaking Overview

- Updating between 15 and 20 rule divisions in OAR Chapter 690.
- Rulemaking Advisory Committee meetings Sept/Oct/maybe Nov.
- Rules to take effect no later than April 1, 2026.
- Implements HB 3342 (water right transaction streamlining) and HB 3544 (contested case process streamlining).
- Implements portions of SB 1154 (groundwater quality management) relevant to new groundwater right applications for public water systems in ground water quality management areas.
- Makes other policy and process improvements.

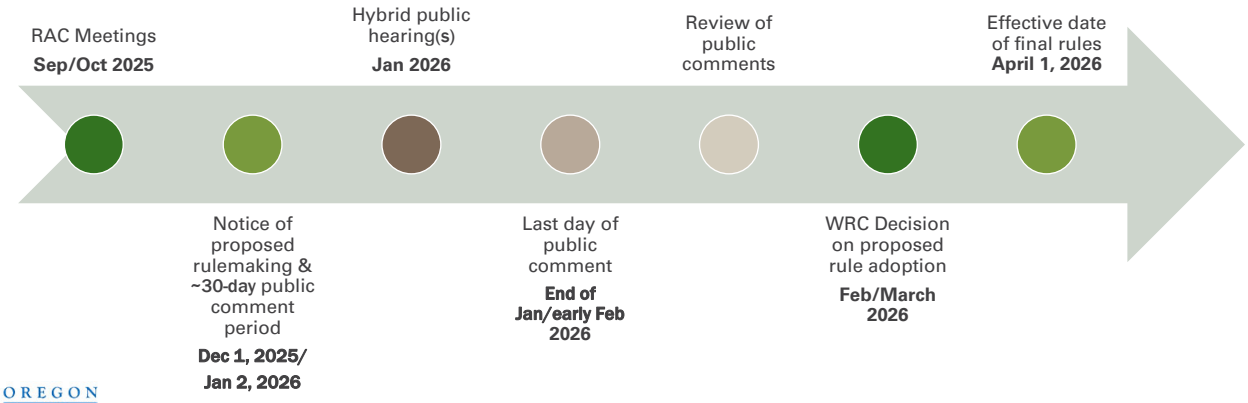
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Overview of Rulemaking Process

1. Draft Rules & Statement of Need/Fiscal Impact
2. Rulemaking Advisory Committee (RAC)
3. Notice of Proposed Rulemaking
4. Public Comment Period & Hearing(s)
5. Staff Recommendation & Commission Decision

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Rulemaking Timeline



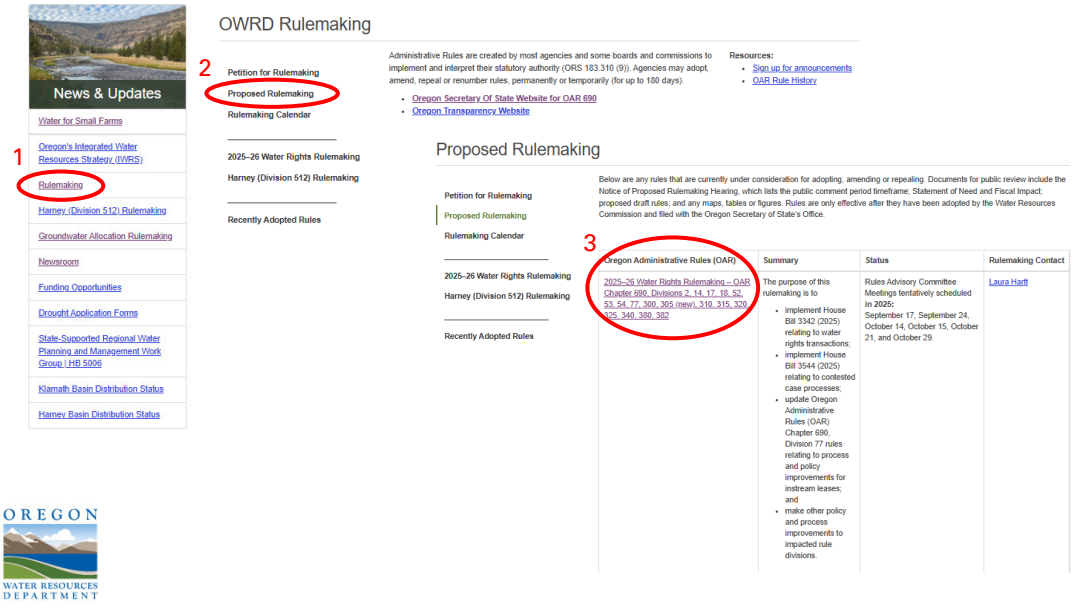
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Preliminary List of Division Updates

Div. #	Title	Div. #	Title	Div. #	Title
2	Protests & Contested Cases	77	Instream Water Rights	325	"Split a Permit"
14	Certified Water Right Examiners	300	Definitions	340	Water Use Authorizations
17	Cancellation of Perfected Water Rights	310	Water Right Application Processing	380	Water Right Transfers
18	Allocation of Conserved Water	315	Water Right Permit Extensions	382	Groundwater Registration Modifications
52-54	Hydroelectric Rules	320	Water Right Permits	305	NEW – General Map Criteria

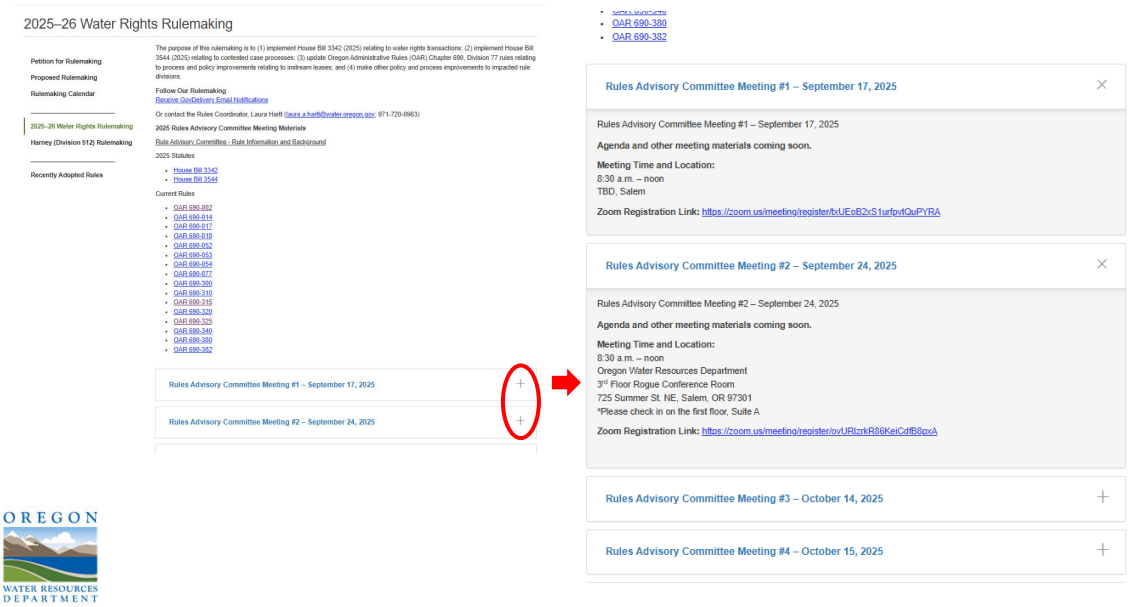
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Rulemaking Information



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Rulemaking Information



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Memo to Agents

Water Right Transaction Communications

- Handbook contains memo describing OWRD communication protocols for water right transactions.
- Goal is to serve all customers equitably and fairly.
- Time spent disproportionately serving one customer delays processing times for other customers.
- Caseworkers provide standard responses to status update inquiries in order to focus on production.
- Many factors influence processing order. Aside from Reimbursement Authority applications, the Department does not have a defined queue that it can provide.

Water Right Transaction Communications (cont'd)

- Between application submittal and conclusion of the 60-day reconsideration period following final order issuance, communications should be with caseworker (or protest program coordinator, if protest).
- If, prior to a Proposed Final Order, OWRD believes there is an opportunity for an applicant to move from a negative to a positive review, OWRD provides that opportunity.
- If OWRD determines a positive outcome is not possible, or the applicant has indicated they are not willing to provide the information or adjustments needed to reach a positive outcome, OWRD will move to the next step of the review process as efficiently as possible to bring quicker resolution on the application.

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Water Right Transaction Communications (cont'd)

- Pre-application communications should be considered preliminary.
- If we can quickly answer a question, we do.
- Due to staff capacity and/or the level of complexity or unusual nature of a question, in some cases we inform the customer that we will perform the evaluation after an application is submitted.
- In the interest of improving processing timelines and fairly serving customers, we are focusing our time and attention on production.
- Thank you for your understanding as we work to improve our processes and reduce processing timelines.

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Alternate Reservoir Applications

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Alt-Res process under ORS 537.409

To apply under the Alt-Res Process:

a) Storage capacity < 9.2 AF or with a dam height < 10 ft

b) Does not injure any existing right

c) Does not pose a significant detrimental impact to existing fishery resources

d) Is not prohibited under ORS 390.835 (Scenic Waterways)

e) Is not prohibited under ORS chapter 538 (Withdrawal of Certain Waters from Appropriation)

As determined by local Watermaster (WM)

As determined by Oregon Department of Fish and Wildlife (ODFW)

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Memo with additional information: *"Alternate Reservoir Applications causing Injury or Significant Detrimental Impact"* (https://www.oregon.gov/owrd/programs/waterrights/forms/pages/deptmemos.aspx)

Alt-Res WM Review and ODFW Review

WM Review

Potential to injure existing water rights?

- If yes, can conditions be applied to avoid injury?

Is water available?

- Based on 50% exceedance in WARS (Water Availability Reporting System), or
- WM recommendation when no WAB (Water Availability Basin) and WARS is not available

ODFW Review*

Significant impact to an existing fishery resource?

- If yes, can conditions be applied to avoid impact?
- Fish passage, fish screen, other requirements
- Biological flow needs and water quality
  - Based on 80% exceedance in WARS, other flow targets and DEQ TMDLs
  - Recommend mitigation when biological flow targets are not met or the information is otherwise insufficient to make a determination

* See ODFW slides included in workbook for further information.
TMDL = Total Maximum Daily Load

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Alt-Res – Preparing an application

Prepare Information

Download newest version of the Alt-Res application form from OWRD's website, complete Sections 1-7, and create an application map

Request WM Review

Provide WM with completed application and map

Request ODFW Review

Provide ODFW with completed application, map, and WM Review

Request Land Use Information Form completed by county planner

Submit to OWRD

Submit completed application package and required fees

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2025 CWRE Workshops - Updates

- Current Processing Workloads:
  - Claims of Beneficial Use _____
    - Ave Days for Expedited Processing _____
  - Applications for Permits _____
    - Groundwater Reviews _____
  - Transfers _____
    - Groundwater Reviews _____
      - Ave Days for Expedited Processing _____

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2025-2027 Legislatively Adopted Budget

	2023-25 Legislatively Adopted	2025-27 Current Service Level	2025-27 Governor's Recommended	2025-27 Legislatively Adopted*
General Fund (GF)	$81,331,457	$80,870,715	$88,047,620	$100,967,253
Other Funds (OF) including Fees	$34,866,859	$18,203,884	$21,984,845	$20,373,083
Other Funds - Grants/Loans	$139,200,425	$107,400,000	$127,400,000	$122,900,000
Lottery Funds - Debt Service	$15,856,857	$24,352,512	$24,352,512	$21,605,821
Federal Funds	$703,315	$2,190,179	$2,190,179	$2,190,179
Total Funds	$271,958,913	$233,017,290	$263,975,156	$268,036,336
Positions / Full-Time Equivalent (FTE)	258/246.63	248/245.25	250/246.63	247/244.25

*Numbers subject to change with further reconciliation.

For additional information please contact:
Bryn.Hudson@water.oregon.gov; 503-302-7584/ Lisa.J.Snyder@water.oregon.gov; 503-983-5801

With some exceptions, most budgetary changes are contained in OWRD's budget bill.
General Fund = GF, OF=Other Funds, IWRS = 2017 Integrated Water Resources Strategy, FTE= Full-Time Equivalent.

OWRD Budget Reductions and Additions

Senate Bill 5543 – OWRD Budget Bill
Effective on Governor's signature.

Package 101 / House Bill 2808 – Maintain well construction services - $920k OF Revenue – Increases the Start Card fee by 40% and Well Driller Licensing and Landowner Permit fees by 10%. This fee increase will maintain existing staffing levels that support well inspections, licensing, permitting and customer service for the 2025-2029 period. *IWRS Actions: 7.C, 10.G, 12.A and 13.B*

Package 102 / House Bill 2803 – Maintain water right transaction and dam safety services – $1.42M OF Revenue; $1.69m Total Funds ($1.3m GF; $375k OF); adds back 7.0 FTE – Increases Dam Safety Annual Fees by 56% to maintain existing service levels and Water Right Transaction Fees by 50% for the 2025-2029 period; the remainder of revenue shortfall for water right transaction fees have been backfilled with permanent general funds. *IWRS Actions: 7.C, 10.G, and 13.B*

Package 106 - American Rescue Plan Act Carryover - $3.2m OF - Carries forward American Rescue Plan Act funding authorized in 2021-2023 for those efforts to be completed. The federal requirements state that these dollars must be obligated by December 31, 2024, and expended by 2026 for the following: 1) place-based planning; 2) Ordnance Project in Umatilla County; 3) engineering services for flood methodology & inundation assessments; 4) surface water and groundwater data collection field equipment; and 5) funding for the water measurement cost share program.

Package 110 - State Scenic Waterway Revenue Gap – $0 Total Funds ($290k GF; - $290k OF) - Backfills growing funding gaps for six existing positions (partial FTE) with GF in the amount above the existing contracted amount with the Oregon State Parks Department for Scenic Waterway work. These positions are currently funded with a blend of Scenic Waterway funds and general fund. *IWRS Actions: 11.B and 13.B*

OWRD Budget Reductions and Additions

Package 801 - Additions, Carryover and Adjustments
1) $4.74m one-time GF for Department legal expenses.

2) $182k repurposed ARPA OF for fish passage projects to the Water Well Abandonment, Repair and Replacement Fund.

3) $4.6m one-time carryforward GF for water projects:

- City of Sodaville - Water system expansion and water hauling - $370k
- Rogue River Irrigation District - Fourmile Creek project - $1.5 million
- City of Monroe - Water, prefilter and automated control infrastructure - $1.5 million
- Deschutes River Conservancy - Piping, monitoring and measurement - $1.24 million

Reductions Package 801 – $682k GF; 2.5 FTE / 3 positions – Eliminates vacant positions, 1.00 FTE NRS 5 and 0.5 FTE AS2 in the Director's Office and 1.00 FTE AS2 in the Field Services Division, plus associated Services and Supplies.

NEW Key Performance Measure - #13 Temporary Transfers – Percentage of temporary transfers with final orders issued within 120 days. Goal: 75% by 2026; 90% by 2027.

House Bill 3544 – Contested case process improvements; $226k GF; 0.75 FTE / 1 position – Directs OWRD and the OAH to establish a default hearing schedule for contested cases in order to complete hearing process within 180 days of referral; establishes preferences for oral testimony and remote hearings; allows for assignment of settlement judge to resolve case in 60 days; establishes standards for what must be included in a protest and requires a protest to raise all issues; clarifies a hearing is not required if the protest is settled, withdrawn or the protestant defaults; establishes requirements to request party status and streamlines process; allows proposed final order to become final order as a matter of law if no protests are received. *IWRS Actions: 10.G and 13.B*
Effective January 1, 2026.

House Bill 3806 – Deschutes basin water banking - $216k OF; 0.75 FTE / 1 position – Provides authority for OWRD to approve a pilot program in the Deschutes River for surface water banking. The bank must also be approved by the Warm Springs Tribe. OWRD will be responsible for distributing and legally protecting portions of water loaned through the bank. The bill also establishes new type of lease/transfer/forbearance agreement, including split rate and duty water use, provided the duty applied does not exceed 4.2-acre feet per acre. The bill allows entities in the Deschutes Basin to fund a position at the Department to support this work. Pilot program sunsets January 2, 2034. *IWRS Actions: 10.D*
Effective January 1, 2026.

OWRD Grant Programs

Senate Bill 5531/ House Bill 5006- Water Project Grants - $8m LRB - Invests in the Water Projects Grants and Loans funding program to meet the water needs of Oregonians. *IWRS Actions: 5.B, 7.A, 10.E, and 13.E*

House Bill 5006 - Feasibility Studies & Wells - $2m GF - Invests in several funding programs to meet the water needs of Oregonians, including Feasibility Study Grants ($1m GF) and the Well Abandonment, Repair, and Replacement Fund ($1m GF). *IWRS Actions: 5.B, 7.A, 12.A, 13.D, and 13.E*

Direct Appropriations

Senate Bill 5531/ House Bill 5006 – City of Oregon City Henrici Reservoir Project - $6.5m LBR

House Bill 5006 – Water projects - $7.5m GF

- City of Dayton Fisher Farm Well Improvements - $1.2m
- City of Tualatin Seismic Valving at Six Water Reservoirs - $1.75m

OWRD Budget Reductions and Additions

- City of Sublimity Well #5 Improvement - $280k
- City of Maupin Water Lines Distribution System Improvements - $1.5m
- City of Central Point Gebhard Road Waterline Extension - $258k
- Washington Department of Ecology for projects in the Walla Walla basin - $2.5m

Water-Related Legislation

House Bill 2169 – Interagency water reuse coordination and improvement – Directs DEQ to lead an interagency reuse team in partnership with OWRD, OHA and ODFW to educate and train state agency staff on water reuse; identify internal barriers to water reuse and what internal agency or regulatory changes are needed to overcome barriers. Provides 1 FTE to DEQ. *IWRS Actions: 10.C and 13.B*
Effective on Governor's signature.

House Bill 2801 – Klamath leases and temporary transfers – Makes authority for OWRD to process temporary transfers and instream leases for determined claims in the Upper Klamath Basin permanent and repeals the authority upon completion of the adjudication.
Effective January 1, 2026.

House Bill 3342 – Water right transaction process improvements – Defaults to electronic documentation, removes newspaper notice; allows OWRD to pass along credit card fees; allows OWRD to refuse to accept applications for water right in areas that are closed to future appropriations, requires affirmative confirmation from applicant to move forward with application and fee payment; allows proposed final order to become final order as a matter of law if no protests are received; streamlines standing statement process. Provides technical fixes to the withdrawal statutes; clarifies a hearing is not required if the protest is settled, withdrawn or the protestant defaults. Removes extensions process for all permits, except municipalities, quasi-municipalities, and group domestic; caps extensions for quasi-municipalities at 20 years and 10 years for group domestic. Adds that OWRD may deny a groundwater point of appropriation transfer if the point of appropriation is in an area that is closed. *IWRS Actions: 10.G and 11.E*
Operative April 1, 2026.

House Bill 3364 – Feasibility Study and Water Project Grants and Loans (WPGLS) program improvements – Feasibility Study Grants: Removes funding cap, reduces cost-share requirements and expands eligible projects to align with WPGLs. WPGLs: Expands allowable projects, changes timing for Water Management Conservation Plan submission, reduces public comment period and directs the Technical Review Team to make funding recommendations to OWRD, rather than the Commission. *IWRS Actions: 13.D and 13.E*
Effective 91st day sine die.

House Bill 3372 – Exempt groundwater use expansion for ½ acre commercial garden – Allows up to 3,000 gallons per day from that well to irrigate a half-acre of lawn, personal garden, or commercial garden from an exempt well. Caps the total use when combined with commercial or industrial exempt uses at 5,000 gallons per day. This does not apply to watering marijuana. This does not apply in the Lower Umatilla Groundwater Management Area until January 2, 2028.
Effective January 1, 2026.

House Bill 3525 – Landlord water quality reporting for drinking water wells – Requires landlords to collect and test samples of drinking water for certain contaminants if the dwelling unit has one or more exempt wells as a source of drinking water and is located within a groundwater management area under ORS 468B.150, requires landlords to provide test results to the tenant and to the OHA and establishes requirements for associated testing laboratories and the OHA. Specifies information that must be provided by landlord to tenants. *IWRS Actions: 12.A*
Operative June 1, 2026.

House Bill 3932 – Protecting beavers - Prohibits the taking of beavers in designated areas and

Water-Related Legislation

requires ODFW to publish a map identifying these areas. It allows federal or state land management agency employees to take beavers only when necessary to address damage or an imminent threat to infrastructure, agricultural crops, or private property adjacent to public lands, and only with authorization from ODFW. It establishes that the measure does not supersede the treaty, statutory, regulatory, or aboriginal rights of federally recognized Tribes, nor interfere with Tribal harvest activities or cooperative management agreements between Tribes and ODFW.
Effective January 1, 2026.

Senate Bill 761 – Walla Walla Irrigation District split instream leases pilot – Authorizes an irrigation district within the Walla Walla basin to lease all or a portion of an existing water right for temporary conversion to an in-stream water right, by splitting the rate and duty of the water right between an existing use and in-stream use. Pilot program sunsets on January 2, 2030. *IWRS Actions: 10.D*
Effective January 1, 2026.

Senate Bill 1154 – Groundwater quality management – Modifies processes for managing ground water quality contamination concerns, including the declaration of ground water quality concern areas and ground water quality management areas (GWMA) and related responsibilities; requires coordination among state agencies and local entities to address these areas, including monitoring, action planning, and remediation strategies; authorizes the Governor to appoint a lead agency and an interagency team to develop an assessment, prepare an action plan, implement regulations, and take necessary actions to address ground water quality, while allowing for increased monitoring, reporting, and coordination to protect public health and water resources. Directs lead agencies to report to and seek resources needed to implement that action plan from the legislature. OWRD specific authorities: Commission may declare a serious water management problem area based on groundwater quality considerations and adopt rules requiring backflow prevention devices where surface water is the source of water; OWRD shall inspect backflow prevention devices in GWMA and may issue water rights in a GMA for public water systems to offset the amount of water provided by abandoned wells. *IWRS Actions: 1.C, 10.G 11.E, and 12.A*
Effective 91st day sine die.

Senate Bill 162 – Cannabis policy omnibus - Authorizes destruction of hoop houses used in unlawful production of marijuana when executing a search warrant, expands agencies' access to a map of licensed marijuana and industrial hemp operations, including OWRD, removes proximity prohibitions for marijuana retailers near prekindergarten or kindergarten programs, and permits inspection of industrial hemp biomass.
Effective on Governor's Signature.

Senate Bill 347 – Farm use land used for illegal growing of marijuana – Disqualifies land from farm use special assessments upon a final civil penalty or judgment of conviction for the illegal growing of marijuana against the landowner or person in possession and control of the land. There is an exception for a landowner or other obligated taxpayer who lacked knowledge of the illegal growing of marijuana or notified a law enforcement agency of the illegal growing of marijuana.
Effective 91st day sine die.

Senate Bill 830 – Onsite septic fund expansion - Modifies provisions of the on-site septic system loan program to allow grants or other financial assistance, in addition to loans, to be provided to eligible applicants and extends eligibility to residential housing providers. *IWRS Actions: 7.A*
Effective 91st day sine die.

Senate Bill 845 – Sale of water utilities - Authorizes the Public Utilities Commission to order the sale of an incumbent water utility if it cannot reasonably be expected to provide safe and/or adequate service to customers and establishes conditions for acquisition approval. *IWRS Actions*: 12.A
Effective January 1, 2026.

Senate Bill 1189 – North Santiam Basin public works - Authorizes the construction and installation of a new publicly owned treatment works facility within the North Santiam Basin prior to the issuance of a DEQ water quality permit, provided construction begins between April 15 and June 6, 2025.
Effective on Governor's Signature.

Other Legislation

House Bill 2069 – Tribal consultation task force - Creates the 17-member Task Force on Tribal Consultation, which is established to identify and clarify the requirements of state agencies to engage in tribal consultation. The bill directs the Office of the Governor to provide staff for the support of the 2025 task force and includes a one-time General Fund appropriation of $70,000 to support contract services and carry out the requirements of the task force. *IWRS Actions: 9.C*
Effective on Governor's Signature.

House Bill 2347 – Housing planning assistance to Tribes - Authorizes DLCD to provide planning assistance for housing production to federally recognized Indian tribes.
Effective January 1, 2026.

House Bill 2581 – Expansion of duties of the State Resilience Officer - Expands duties to include hazards more broadly, including but not limited to during and after earthquakes, tsunamis, wildfires, and flooding. It directs the SRO to lead statewide efforts to implement the Oregon Resilience Plan, Natural Hazard Mitigation Plan, and other state-adopted resilience plans, along with leading executive branch agencies in continuity of operations and government planning.
Effective January 1, 2026. IWRS Actions: 5.5B and 5.5C

House Bill 3031 – Housing Infrastructure Financing Program - Directs the Oregon Infrastructure Finance Authority to establish a program to provide financial assistance for infrastructure projects that support housing development projects, including improvement of transportation, water, wastewater, or stormwater infrastructure, upgrades for system capacity and site development.
Effective on Governor's Signature. IWRS Actions: 7.A

House Bill 3532 – Addressing office geographic names - Directs the Oregon Geographic Names Board executive secretary to compile a list of offensive geographic names in Oregon, consult with Oregon's nine federally recognized Indian tribes, county and municipal leaders, representatives of state government, local landowners, and interested parties, and submit proposals to the United States Board of Geographic Names to rename them.
Effective on Governor's Signature.

House Bill 3569 – Chief sponsor of legislation on rules advisory committees – Requires an agency to invite the first chief sponsor, or another sponsor designated by the first chief sponsor, for legislation sponsored by a member, or committee chair or another member of the committee designated by the chair, for committee-sponsored legislation, to participate as a nonvoting rules advisory committee member if the agency appoints an advisory committee for rulemaking that implements enacted legislation.
Effective January 1, 2026.

House Bill 5006

Lower Umatilla Basin Groundwater Management Area water contamination issues - $4m GF

- Department of Human Services - $2.5m GF
- Oregon Health Authority - $1.5m GF

Juniper Removal - $650k GF to Central Oregon Intergovernmental Council for dispersal to soil and water conservation districts for coordination, administrative support and monitoring and $4.6m GF to soil and water conservation districts for western juniper removal to the following counties:

- $1.23m Crook County
- $715k Jefferson County
- $585k Klamath County
- $585k Deschutes County
- $580k Harney County
- $455k Lake County

Other Legislation

- $455k Wheeler County

Senate Bill 5531 / House Bill 5006

Business Oregon Levee Project Grant Fund - $10m OF

Business Oregon Direct Appropriations for water projects

- Portland Metro levee system improvements - $20m OF
- Morrow County - $2.86m OF - Clean Water Consortium Nitrate Water Project
- City of Estacada - $5m OF - Estacada Wastewater Treatment Plant
- City of Sandy - $5m OF - Sandy Clean Waters Project
- Oak Lodge Water Services Authority - $3.3m OF - Inflow and Infiltration Reduction Program
- City of Eugene - $6m OF - Clear Lake Road Economic Development Infrastructure
- South Suburban Sanitary District - $10m OF - Waste Water Treatment Plant Upgrades
- City of Hubbard - $2.36m OF - Wastewater Facilities Plan Projects Phase 1 and 2
- City of Burns - $3m OF - Repair of drainage and wastewater treatment infrastructure
- City of John Day - $5m OF - Wastewater Treatment Facility Construction
- City of Adair Village - $4m OF - Wastewater Treatment Plant Improvements
- City of Sherwood - $3.23m OF - Brookman Trunk Sewer Extension Project
- Confederated Tribes of Warm Springs - $3m OF - Existing Drinking Water Treatment Plant's Filtration System
- Harney County - $3m OF - Flooding Infrastructure Repair and Improvement
- City of Dundee - $325k GF - 5th Street Water Line Upgrade
- City of Rainier - $500k GF - Westside Sewer and Storm Line Rehabilitation
- City of Monmouth - $1.4m GF - Recycled Water Use Site Development.
- City of Veneta - $1.69m GF - Wastewater Treatment Plant Expansion Wetland Mitigation Credits
- City of Winston - $947k GF - Abraham & Highway 42 Sewer Improvements
- City of Culver - $380k GF - Mainline Sewer Reroute to Residential Development

Department of Administrative Services Direct Appropriations for water projects

- Union County Fair Association - $2.5m OF - Water and wastewater improvements

83rd OREGON LEGISLATIVE ASSEMBLY--2025 Regular Session

Enrolled
House Bill 3342

Sponsored by Representatives HELM, OWENS

CHAPTER .....

AN ACT

Relating to water; creating new provisions; amending ORS 536.045, 536.410, 537.145, 537.147, 537.150, 537.153, 537.211, 537.225, 537.230, 537.252, 537.348, 537.409, 537.470, 537.610, 537.620, 537.621, 537.630, 538.450, 540.520, 540.524, 540.535, 540.570, 540.580, 540.585, 543.220, 543A.035, 543A.040, 543A.055 and 543A.120; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

ELECTRONIC FORMS OF DOCUMENTS

SECTION 1. ORS 536.045 is added to and made a part of ORS chapter 536.

SECTION 2. ORS 536.045 is amended to read:

536.045. (1) Notwithstanding any provision of ORS chapters 536 to 540, 543 or 543A that requires the mailing of a document, the submission of a document in written form or the provision of a certified copy of a document, the Water Resources [*Department*] **Commission** may adopt rules:

(a) Allowing the submission of one or more types of document to the **commission or the Water Resources** Department by electronic means in lieu of submission by mailing or submission in written form;

(b) [*Allowing the department, with the consent of the recipient, to*] **Allowing the department or commission to** send one or more types of document in electronic form in lieu of mailing or other sending of the document in written form**, unless the recipient has requested mailing or other sending of the document in written form**; or

(c) Identifying acceptable means for verifying the authenticity of a document sent by electronic means in lieu of the provision of a certified copy of the document.

(2) [*The department may not adopt rules to require the submission of documents to the department by electronic means. The department may not require a recipient to consent to the receipt of documents from the department by electronic means.*] **Notwithstanding subsection (1) of this section,** the department **or commission** may not use electronic means in lieu of service under ORCP 7 or notice under ORS 183.413 or 183.415.

(3) For purposes of determining timeliness or calculating deadlines, a document sent by electronic means in accordance with [*department*] **law or commission** rules is considered to be delivered when sent.

(4) Notwithstanding any provision of ORS chapters 536 to 540, 543 or 543A that specifies a fee amount, the department may reduce or waive the fee for a document that the department sends or receives by electronic means.

(5) To satisfy a requirement to provide public notice, the department may publish notice in a newspaper of general circulation. The cost of the publication shall be paid by the applicant in advance to the department.

PUBLICATION IN A WEEKLY PUBLIC NOTICE

SECTION 3. ORS 537.145 is amended to read:

537.145. (1) If an application is made for a permit to appropriate water for hydroelectric purposes, the Water Resources Department shall give written notice of the filing of the application to the owner of any land that is:

(a) Adjacent to any portion of the stream in which the quantity of water will be decreased by the project; or

(b) Adjacent to the site of the proposed hydroelectric project.

(2) The department shall also publish notice of the application [*once each week for at least two successive weeks and for such further time, if any, as the department shall determine, in a newspaper of general circulation in each county in which the project covered by the application is located*] **in the weekly public notice of the department**.

SECTION 4. ORS 537.252 is amended to read:

537.252. (1) When issuing a water right certificate under ORS 537.250 to a district, or to a government agency for a district, the Water Resources Department may issue the water right certificate for land not described in the permit if:

(a) Water furnished by the district under the permit has been applied beneficially to the land;

(b) The land not described in the permit that is proposed to be included in the certificate is included within the legally established boundaries of the district and is subject to the charges, assessments and liens of the district;

(c) The certificate does not authorize a greater rate, duty or acreage than is authorized by the terms of the permit, and all other conditions of the permit are satisfied;

(d) The inclusion of land not described in the permit will not result in injury to other existing water rights or in enlargement of the right authorized under the permit; and

(e) The impact to the water source of including land not described in the permit will not differ significantly from the impact expected at the time the permit was issued for the lands described in the permit.

(2) If a district proposes to use water on lands not described in the permit, the Water Resources Department may issue a certificate that includes such additional lands if all of the conditions of subsection (1) of this section are satisfied and if, no later than 60 days before the district actually applies the water to the lands not described in the permit, the district provides written notice to the department. The notice shall include a copy of the original permit map modified to show the lands to be added and lands to be removed from the description of the place of use of the water. Upon receipt of the notice from the district, the department shall provide public notice of the proposed change by means of publication in the department's weekly **public notice** [*notice and by publication once each week for two successive weeks in a newspaper having general circulation in the county or counties in which the affected lands are located. The cost of publication shall be paid by the district*].

(3) If a district has issued an order of inclusion or exclusion, the boundaries of the irrigation district shall be deemed to have been legally changed in the absence of approval of the Secretary of the Interior.

(4) As used in this section:

(a) "District" has the meaning given in ORS 540.505.

(b) "Legally established boundaries" means the boundaries of a district as established at the time of creation of the district and as the boundaries may have changed after creation of the district by an inclusion, exclusion or merger proceeding according to state law.

SECTION 5. ORS 540.520 is amended to read:

540.520. (1)(a) Except when the application is made under ORS 541.327 or when an application for a temporary transfer is made under ORS 540.523, if the holder of a water use subject to transfer for irrigation, domestic use, manufacturing purposes, or other use, for any reason desires to change the place of use, the point of diversion, or the use made of the water, an application to make such change, as the case may be, shall be filed with the Water Resources Department.

(b) A holder of a water right certificate that authorizes the storage of water may change the type of use identified in the water right certificate, as described in this section.

(2) The application required under subsection (1) of this section shall include:

(a) The name of the owner;

(b) The previous use of the water;

(c) A description of the premises upon which the water is used;

(d) A description of the premises upon which it is proposed to use the water;

(e) The use that is proposed to be made of the water;

(f) The reasons for making the proposed change; and

(g) Evidence that the water has been used over the past five years according to the terms and conditions of the owner's water right certificate or that the water right is not subject to forfeiture under ORS 540.610.

(3) If the application required under subsection (1) of this section is necessary to allow a change in a water right pursuant to ORS 537.348, is necessary to complete a project funded under ORS 541.932, or is approved by the State Department of Fish and Wildlife as a change that will result in a net benefit to fish and wildlife habitat, the **Water Resources** Department, at the discretion of the Water Resources Director, may waive or assist the applicant in satisfying the requirements of subsection (2)(c) and (d) of this section. The assistance provided by the department may include, but need not be limited to, development of an application map.

(4) If the application is to change the point of diversion, the transfer shall include a condition that the holder of the water right provide a proper fish screen at the new point of diversion, if requested by the State Department of Fish and Wildlife.

[*(5) Upon the filing of the application the department shall give notice by publication in a newspaper having general circulation in the area in which the water rights are located, for a period of at least two weeks and not less than one publication each week. The notice shall include the date on which the last notice by publication will occur. The cost of the publication shall be paid by the applicant in advance to the department. In applications for only a change in place of use or for a change in the point of diversion of less than one-fourth mile, and where there are no intervening diversions between the old diversion of the applicant and the proposed new diversion, no newspaper notice need be published. The department shall include notice of such applications in the weekly notice published by the department.*]

[*(6) Within 30 days after the last publication of a newspaper notice of the proposed transfer or the mailing of the department's weekly notice, whichever is later, any person may file, jointly or severally, with the department, a protest against approval of the application.*]

(5) The Water Resources Department shall undertake an initial review of an application under subsection (1) of this section.

(6)(a) Upon completion of the initial review, the department shall notify the applicant of its preliminary determinations, identify any outstanding information that is necessary to continue processing the application and allow the applicant 30 days from the date of notice to:

(A) Notify the department to stop processing the application; or

(B) Notify the department to continue processing the application and provide any outstanding information to the department.

(b) If, within 30 days from the date of the notice, the applicant does not notify the department as provided in paragraph (a) of this subsection, does not provide all outstanding information as provided in paragraph (a)(B) of this subsection or notifies the department to stop processing the application, the department shall close the file for the application and

take no further action on the application. The department may allow an applicant up to 60 additional days to provide outstanding information if the applicant requests additional time and the department determines that the applicant is undertaking reasonable efforts to provide the information in a timely manner to the department.

(c) If, within 30 days from the date of the notice or an additional time period allowed under paragraph (b) of this subsection, the applicant notifies the department to proceed with the application and provides any outstanding information necessary to continue processing the application, the department shall:

(A) Proceed with processing the application.

(B) Give notice of the initial review in the weekly public notice of the department and accept written public comments for 30 days.

(7) Upon issuance of a proposed final order, the department shall give notice of the order in the weekly public notice of the department. If the department determines that more than five water rights would be injured as a result of the change proposed in an application under subsection (1) of this section, the department shall publish notice once each week for two consecutive weeks in a newspaper of general circulation in the area in which the water rights are located. The cost of the publication shall be paid by the applicant in advance to the department.

[*(7)*] **(8)** If a timely protest is filed, or in the opinion of the Water Resources Director a hearing is necessary to determine whether the proposed changes as described by the application would result in injury to existing water rights, the department shall hold a hearing on the matter. Notice and conduct of the hearing shall be under the provisions of ORS chapter 183, pertaining to contested cases, and shall be held in the area where the rights are located unless all parties and persons who filed a protest under this subsection stipulate otherwise. **A hearing is not required if:**

(a) All issues in the contested case are resolved pursuant to a settlement;

(b) The protest is withdrawn; or

(c) The protestant defaults.

[*(8)*] **(9)** An application for a change of use under this section is not required if the beneficial use authorized by the water use subject to transfer is irrigation and the owner of the water right uses the water for incidental agricultural, stock watering and other uses related to irrigation use, so long as there is no increase in the rate, duty, total acreage benefited or season of use.

[*(9)*] **(10)** A water right transfer under subsection (1) of this section is not required for a general industrial use that was not included in a water right certificate issued for a specific industrial use if:

(a) The quantity of water used for the general industrial use is not greater than the rate allowed in the original water right and not greater than the quantity of water diverted to satisfy the authorized specific use under the original water right;

(b) The location where the water is to be used for general industrial use was owned by the holder of the original water right at the time the water right permit was issued; and

(c) The person who makes the change in water use provides the following information to the Water Resources Department:

(A) The name and mailing address of the person using water under the water right;

(B) The water right certificate number;

(C) A description of the location of the industrial facility owned by the holder of the original water right at the time the water right permit was issued; and

(D) A description of the general industrial use to be made of the water after the change.

SECTION 6. ORS 540.535 is amended to read:

540.535. After receipt of an exchange application, the Water Resources Commission shall give notice of the application **in the weekly public notice of the Water Resources Department** [*by publishing notice of the application in a newspaper having general circulation in the area in which the water uses are located at least once each week for at least two successive weeks. The cost of providing the notice by publication shall be paid in advance by the applicant to the commission*].

SECTION 7. ORS 543.220 is amended to read:

543.220. (1) If an application is made for a preliminary permit, after said application has been referred to hearing**,** the Water Resources Commission shall give written notice of the filing of the application to:

(a) Any municipality or other person or corporation that, in the judgment of the commission, is likely to be interested in or affected by the proposed project; and

(b) The owner of any land that is:

(A) Adjacent to any portion of the stream in which the quantity of water will be decreased by the project; or

(B) Adjacent to the site of the proposed project.

(2) The commission shall also publish notice of the application [*once each week for at least two successive weeks and for such further time, if any, as the commission shall determine, in a newspaper of general circulation in each county in which the project covered by the application is located*] **in the weekly public notice of the Water Resources Department**.

(3) No application for the appropriation or use of water for the development of 1,000 theoretical horsepower or more shall be granted until at least six months after the application for a preliminary permit has been filed.

PASSING ON CREDIT CARD FEES

SECTION 8. Section 9 of this 2025 Act is added to and made a part of ORS chapter 536.

SECTION 9. (1) The Water Resources Department may accept payments by debit or credit card for any products or services offered by, or fees owed to, the department.

(2) The department may add a nonrefundable fee to the amount of any payment made by debit or credit card in an amount reasonably calculated to offset the impact to the department of financial institution fees related to debit or credit card transactions.

WITHDRAWAL OF WATERS FROM APPROPRIATION VIA RULE

SECTION 10. ORS 536.410 is amended to read:

536.410. (1) When the Water Resources Commission determines that it is necessary to [*insure*] **ensure** compliance with the state water resources policy or that it is otherwise necessary in the public interest to conserve the water resources of this state for the maximum beneficial use and control thereof that any unappropriated waters of this state, including unappropriated waters released from storage or impoundment into the natural flow of a stream for specified purposes, be withdrawn from appropriation for all or any uses including exempt uses under ORS 537.545, the commission, on behalf of the state, may [*issue an order of*] **adopt a rule establishing** withdrawal.

(2) Prior to the [*issuance of the order of*] **adoption of the rule establishing** withdrawal**,** the commission shall hold a public hearing on the necessity for the withdrawal. Notice of the hearing shall be published in at least one issue each week for at least two consecutive weeks prior to the hearing in a newspaper of general circulation published in each county in which are located the waters proposed to be withdrawn.

(3) The [*order of*] **rule establishing** withdrawal shall specify with particularity the waters withdrawn from appropriation, the uses for which the waters are withdrawn[,] **and** the reason for the withdrawal [*and the duration of the withdrawal*]. The commission may [*modify or revoke the order at any time*] **amend or repeal the rule to modify or revoke the withdrawal**.

[*(4) Copies of the order of withdrawal and notices of any modification or revocation of the order of withdrawal shall be filed in the Water Resources Department.*]

[*(5)*] **(4)** While the [*order of*] **rule establishing** withdrawal is in effect, **a person may not submit, and the Water Resources Department may not file or process,** [*no*] **an** application for**:**

(a) A permit to appropriate the waters withdrawn for the uses specified in the [*order and no application for*] **rule; or**

(b) A preliminary permit or license involving appropriations of such waters [*shall be received for filing by the Water Resources Commission*].

SECTION 11. (1) The amendments to ORS 536.410 by section 10 of this 2025 Act apply to withdrawals of waters from appropriation that occur on or after the operative date specified in section 48 of this 2025 Act.

(2) Withdrawals of waters from appropriation under ORS 536.410 that are in effect on the operative date specified in section 48 of this 2025 Act shall remain in effect unless the withdrawals are modified or revoked by the Water Resources Commission on or after the operative date specified in section 48 of this 2025 Act.

RETURNING APPLICATIONS THAT CANNOT BE APPROVED

SECTION 12. Section 13 of this 2025 Act is added to and made a part of ORS chapter 536.

SECTION 13. The Water Resources Department shall publish, make publicly available and regularly update a list of restrictions where the source of water is:

(1) Designated as a critical ground water area under ORS 537.730.

(2) Subject to restrictions on allowed ground water uses by classification under ORS 536.340.

(3) Withdrawn from appropriation under ORS chapter 538 or by rule or order of the Water Resources Commission under ORS 536.410.

SECTION 14. ORS 537.150 is amended to read:

537.150. (1)**(a)** Within 15 days after receiving an application, the Water Resources Department shall determine whether the application contains the information listed under ORS 537.140 (1) and is complete and not defective, including the payment of all [*fees*] **applicable fees or fee amounts** required under ORS 537.140 (5).

(b) If the department determines that the application is incomplete or defective or that not all [*fees*] **applicable fees or fee amounts** have been paid, the department shall return the fees paid and the application.

(2) Upon determining that an application contains the information listed under ORS 537.140 (1) and is complete and not defective, the department shall indorse on the application the date upon which the application was received at the department, which shall be the priority date for any water right issued in response to the application. All applications that comply with the provisions of law shall be recorded in a suitable book kept for that purpose.

(3) If an application is complete and not defective, the department shall determine whether the proposed use is prohibited [*by ORS chapter 538*] **pursuant to a restriction under section 13 (3) of this 2025 Act, if the department has information sufficient to make the determination at the time of application intake**. If the proposed use is prohibited [*by ORS chapter 538*] **as described in this subsection**, the department shall [*reject*] **return** the application and [*return*] all **or a portion of the** fees **paid** to the applicant with an explanation of the [*statutory prohibition*] **reason for the return**.

(4) If the proposed use is not prohibited [*by ORS chapter 538*] **under subsection (3) of this section**, the department shall undertake an initial review of the application and make a preliminary determination of:

(a) Whether the proposed use is restricted or limited by statute or rule;

(b) The extent to which water is available from the proposed source during the times and in the amounts requested; and

(c) Any other issue the department identifies as a result of the initial review that may preclude approval of or restrict the proposed use.

(5)**(a)** Upon completion of the initial review and no later than 30 days after determining an application to be complete and not defective as described in subsection (1) of this section, the department shall notify the applicant of its preliminary determinations and allow the applicant [*14*] **90** days

from the date of [*mailing*] **notice** within which to notify the department to stop processing the application or to proceed with the application.

(b) If**, within 90 days from the date of the notice,** the applicant notifies the department to stop processing the application **or does not notify the department whether to proceed with processing the application**, the department shall [*return the application and all fees paid in excess of $310. If the department receives no timely response from the applicant, the department shall proceed with the application.*] **close the file for the application and take no further action on the application.**

(c) If, within 90 days from the date of the notice, the applicant notifies the department to proceed with the application and pays any remaining portion of the applicable examination fees, as described in section 29 of this 2025 Act, the department shall:

(A) Proceed with processing the application; and

(B) Give notice of the initial review in the weekly public notice of the department and accept written public comments for 30 days. The notice must include a request for comments on the application and information pertaining to how an interested person may obtain future notices about the application and a copy of the proposed final order.

[*(6) Within seven days after proceeding with the application under subsection (5) of this section, the department shall give public notice of the application in the weekly notice published by the department. The notice shall include a request for comments on the application and information pertaining to how an interested person may obtain future notices about the application and a copy of the proposed final order.*]

[*(7)*] **(6)** Within 30 days after the public notice under subsection [*(6)*] **(5)** of this section, any person interested in the application shall submit written comments to the department. Any person who asks to receive a copy of the department's proposed final order shall submit to the department the fee required under ORS 536.050 (1).

SECTION 15. (1) Notwithstanding ORS 536.031 (1), on and after the operative date specified in section 48 of this 2025 Act, the Water Resources Department shall return any pending application described in ORS 537.150 for which:

(a) Receipt by the department occurred before the operative date specified in section 48 of this 2025 Act;

(b) A proposed final order has not been issued before the operative date specified in section 48 of this 2025 Act; and

(c) The proposed use of water is prohibited pursuant to a restriction described in section 13 (3) of this 2025 Act that was in effect at the time the application was received.

(2) The department shall return all or a portion of the fees paid for pending applications returned under subsection (1) of this section.

SECTION 16. Section 15 of this 2025 Act is repealed on January 2, 2050.

SECTION 17. ORS 537.211 is amended to read:

537.211. (1) The approval of an application referred to in ORS 537.140 or 537.400 shall be set forth in a water right permit issued by the Water Resources Department. The permit shall specify the details of the authorized use and shall set forth any terms, limitations and conditions as the department considers appropriate including but not limited to any applicable condition required under ORS 537.289. A copy of the permit shall be filed as a public record in the department. The permit shall be mailed to the applicant, and upon receipt of the permit the permittee may proceed with the construction of the necessary works and may take all action required to apply the water to the designated beneficial use and to perfect the proposed appropriation.

(2) Except as provided in subsection [*(6)*] **(7)** of this section, if an application under ORS 537.140 or 537.400 indicates that the applicant does not have written authorization or an easement permitting access to nonowned land crossed by the proposed ditch, canal or other work, the department may issue a final order approving the application if the approval includes a condition requiring the applicant to obtain such written authorization, or easement or ownership of such land and to provide the department with a copy of the written authorization, easement or evidence of ownership.

(3) If an application referred to in ORS 537.140 or 537.400 is rejected, the department shall enter a written order setting forth the reasons for the rejection. The applicant shall take no action toward construction of the works or use of the water. The department shall mail a copy of the order to the applicant.

(4) The holder of a water right permit may change the point of diversion, change the point of appropriation, change the point of diversion to allow the appropriation of ground water or use the water on land to which the right is not appurtenant if:

(a) The use of water on land to which the right is not appurtenant, the change of point of diversion or the change in point of appropriation does not result in injury to an existing water right;

(b) For a proposed change in the place of use of the water, the land on which the water is to be used is owned or controlled by the holder of the permit and is contiguous to the land to which the permit is appurtenant;

(c) All other terms of the permit remain the same, including but not limited to the beneficial use for which the water is used and the number of acres to which water is applied;

(d) Prior approval is obtained from the district if the water is transported or conveyed by an irrigation district organized under ORS chapter 545, a drainage district organized under ORS chapter 547, a water improvement district organized under ORS chapter 552, a water control district organized under ORS chapter 553 or a district improvement company or a corporation organized under ORS chapter 554;

(e) The holder of the permit provides written notice to the department at least 60 days before making any changes to the lands, point of diversion or point of appropriation described in the permit;

[*(f) The holder of the permit complies with the publication requirements of ORS 540.520 (5), if applicable;*]

[*(g)*] **(f)** Diversion is provided with a proper fish screen, if requested by the State Department of Fish and Wildlife; and

[*(h)*] **(g)** For a request to transfer the point of diversion to allow the appropriation of ground water, the proposed change meets the standards set forth in ORS 540.531 (2) or (3).

(5) The Water Resources Department may deny a change in the point of appropriation under subsection (4) of this section if the proposed point of appropriation is for a source of ground water restricted under section 13 of this 2025 Act and the proposed use is subject to the restrictions, unless the proposed point of appropriation is:

(a)(A) In a critical ground water area designated under ORS 537.730;

(B) In the same aquifer as the existing point of appropriation; and

(C) In the same portion of the critical ground water area as the existing point of appropriation;

(b) In an area for which a ground water bank that is established by law or by rule mitigates the effects of the use of ground water; or

(c) Related to the recovery of stored ground water under an artificial recharge or aquifer storage and recovery project.

[*(5)*] **(6)** Notwithstanding the requirements of subsection (4)(b) of this section, the holder of a water right permit may change the place of use of all or any portion of water under the permit to land that is not contiguous to the land to which the permit is appurtenant if:

(a) The change to noncontiguous land is in furtherance of mitigation or conservation efforts undertaken for the purposes of benefiting a species listed as sensitive, threatened or endangered under ORS 496.171 to 496.192 or the federal Endangered Species Act of 1973 (16 U.S.C. 1531 to 1544), as determined by the listing agency; and

(b) All other requirements of subsection (4) of this section are met.

[*(6)*] **(7)** For an application made by or on behalf of a public corporation, the department may issue a permit approving the application without requiring the applicant to obtain prior written authorization or an easement permitting access to nonowned lands affected by the proposed project.

However, nothing in this subsection shall be construed to allow any person to trespass on the lands of another person.

[*(7)*] **(8)** When the department receives notice under subsection (4)(e) of this section, the department shall publish the notice in the department's weekly public notice of water right applications.

[*(8)*] **(9)** If the use of water under the permit is for operation of a mining operation as defined in ORS 517.952:

(a) Review of the application and approval or denial of the application shall be coordinated with the consolidated application process under ORS 517.952 to 517.989. However, such review and approval or denial shall take into consideration all policy considerations for the appropriation of water as set forth in this chapter and ORS chapter 536.

(b) The permit may be issued for exploration under ORS 517.702 to 517.740, but the permit shall be conditioned on the applicant's compliance with the consolidated application process.

(c) The permit shall include a condition that additional conditions may be added to the use of water when a water right certificate is issued, or when the use of water is changed pursuant to ORS 540.520 and 540.530 to use for a mine.

[*(9)*] **(10)** As used in this section, "contiguous" includes land separated from the land to which a water right is appurtenant by roads, utility corridors, irrigation ditches or publicly owned rights of way.

SECTION 18. ORS 537.409 is amended to read:

537.409. (1) In lieu of the process set forth in ORS 537.140 to 537.211 for applying for a water right permit, an [*owner of a reservoir*] **applicant for a reservoir permit** may submit an application to the Water Resources Department to issue a water right permit under ORS 537.211 or a certificate under ORS 537.250 according to the process set forth in this section if the reservoir:

(a) Has a storage capacity of less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height;

(b) Does not injure any existing water right;

(c) Does not pose a significant detrimental impact to existing fishery resources as determined on the basis of information submitted by the State Department of Fish and Wildlife; [*and*]

(d) Is not prohibited under ORS 390.835[.]**; and**

(e) Is not prohibited under ORS chapter 538.

(2) An application for a water right permit for a reservoir under subsection (1) of this section shall provide sufficient information to demonstrate compliance with the criteria set forth in subsection (1) of this section. The application shall:

(a) Include the quantity of water to be stored by the reservoir, a map indicating the location of the reservoir and the source of the water used to fill the reservoir; and

(b) Be accompanied by the fee established in ORS 536.050 (1)(q).

(3) The map required under subsection (2) of this section need not be prepared by a water right examiner certified under ORS 537.798. The map submitted with the application shall comply with standards established by the Water Resources Commission.

(4) Within 60 days after receiving an application under subsection (1) of this section, the Water Resources Department shall provide public notice of the application in the [*manner the department determines to be the most appropriate*] **weekly public notice of the department**.

(5) Within 60 days after the department provides public notice under subsection (4) of this section, any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir:

(a) Would result in injury to an existing water right; or

(b) Would pose a significant detrimental impact to existing fishery resources.

(6) In accordance with rules established by the Water Resources Commission for an expedited public interest review process for applications submitted under this section or in response to a request under subsection (5) of this section, the department shall conduct a public interest review of the reservoir application. The review shall be limited to issues pertaining to:

(a) Water availability;

(b) Potential detrimental impact to existing fishery resources; and

(c) Potential injury to existing water rights.

(7) Within 180 days after the department receives an application for a permit under subsection (1) of this section, the department shall issue a final order granting or denying the permit or granting the permit with conditions.

(8) If the department issues an order under subsection (7) of this section denying the permit, the applicant may request a contested case hearing, which shall be conducted in accordance with applicable provisions of ORS chapter 183.

(9) If the department does not find injury or impact under subsection (6) of this section and the department issues a final order under subsection (7) of this section allowing the issuance of a permit, the order shall be subject to judicial review of orders in other than contested cases as provided in ORS chapter 183.

(10) Notwithstanding the requirement for a survey under ORS 537.230, a survey of the appropriation is not required for a reservoir that has a storage capacity of less than 9.2 acre-feet of water. For a reservoir qualifying under this subsection, a permittee shall submit to the department a claim of beneficial use within one year after the date of completion of construction. A claim of beneficial use for a reservoir qualifying under this subsection shall require only a written affidavit signed by the permittee that includes the following:

(a) The dimensions of the reservoir.

(b) The maximum capacity of the reservoir in acre-feet.

(c) A map identifying the location of the reservoir. The map shall comply with standards established by the Water Resources Commission. The map required under this subsection need not be prepared by a water right examiner certified under ORS 537.798.

(11) Any person applying for a secondary permit for the use of stored water from a reservoir qualifying under subsection (10) of this section shall submit a survey prepared by a water right examiner certified under ORS 537.798. The survey required under this subsection shall apply to the storage reservoir and to the secondary use of the water in the reservoir.

SECTION 19. ORS 537.610 is amended to read:

537.610. (1) The Water Resources Commission shall accept all registration statements referred to in ORS 537.605 completed and returned to the commission in proper form, endorse on the registration statement the date of the return and record each statement. Upon recording the statement, the commission shall issue to the registrant a certificate as evidence that the registration is completed.

(2) The issuance of the certificate of registration serves as prima facie evidence that the registrant is entitled to a right to appropriate ground water and apply it to beneficial use to the extent and in the manner disclosed in the recorded registration statement and in the certificate of registration.

(3) A certificate of registration issued under this section may not be construed as a final determination of any matter stated in the certificate of registration. The right of the registrant to appropriate ground water under a certificate of registration is subject to determination under ORS 537.670 to 537.695, and is not final or conclusive until so determined and a ground water right certificate issued. A right to appropriate ground water under a certificate of registration has a tentative priority from the date when the construction of the well was begun.

(4) The commission shall adopt by rule the process and standards by which the commission will recognize changes in the place of use, type of use or point of appropriation for claims to appropriate ground water registered under this section. The commission shall adopt fees not to exceed $1,820 for actions taken to modify a certificate of registration.

(5) The Water Resources Department may deny a change in the point of appropriation under subsection (4) of this section if the proposed point of appropriation is for a source of ground water restricted under section 13 of this 2025 Act and the proposed use is subject to the restrictions, unless the proposed point of appropriation is:

(a)(A) In a critical ground water area designated under ORS 537.730;

(B) In the same aquifer as the existing point of appropriation; and

(C) In the same portion of the critical ground water area as the existing point of appropriation;

(b) In an area for which a ground water bank that is established by law or by rule mitigates the effects of the use of ground water; or

(c) Related to the recovery of stored ground water under an artificial recharge or aquifer storage and recovery project.

SECTION 20. ORS 537.620 is amended to read:

537.620. (1) The Water Resources Department shall accept all applications for permits submitted under ORS 537.615 in proper form.

(2)**(a)** Within 15 days after receiving the application, the department shall determine whether the application contains the information listed under ORS 537.615 (2) and is complete and not defective, including the payment of all [*fees*] **applicable fees or fee amounts** required under ORS 537.615 (5).

(b) If the department determines that the application is incomplete or defective or that not all **applicable** fees **or fee amounts** have been paid, the department shall return the fees paid and the application to the applicant [*to remedy the defect*].

(c) If an application is complete and not defective, the department shall indorse on the application the date upon which the application was received at the department, which shall be the priority date for any water right issued in response to the application.

(3)**(a) Except as provided in paragraph (c) of this subsection,** upon determining that an application is complete and not defective, the department shall determine whether the proposed use is prohibited by statute **or not allowed pursuant to a restriction under section 13 of this 2025 Act, if the department has information sufficient to make the determination at the time of application intake**.

(b) If the proposed use is prohibited [*by statute*] **under paragraph (a) of this subsection**, the department shall [*reject*] **return** the application and [*return*] all **or a portion of the** fees to the applicant with an explanation of the [*statutory prohibition*] **reason for the return**.

(c) Paragraph (a) of this subsection does not apply to applications:

(A) Related to the recovery of ground water under an artificial recharge or aquifer storage and recovery project.

(B) Under ORS 536.295.

(4) If the proposed use **is described in subsection (3)(c) of this section or** is not prohibited [*by statute*] **as described in subsection (3)(a) of this section**, the department shall undertake an initial review of the application and make a preliminary determination of:

(a) Whether the proposed use is restricted or limited by statute or rule or because the proposed use is located within a designated critical ground water area;

(b) The extent to which water is available from the proposed source during the times and in the amounts requested; and

(c) Any other issue the department identifies as a result of the initial review that may preclude approval of or restrict the proposed use.

(5)**(a)** Upon completion of the initial review and no later than 30 days after determining an application to be complete and not defective as described in subsection (2) of this section, the department shall notify the applicant of its preliminary determinations and allow the applicant [*14*] **90** days from the date of [*mailing*] **the notice** within which to notify the department to stop processing the application or to proceed with the application.

(b) If**, within 90 days from the date of the notice,** the applicant notifies the department to stop processing the application **or does not notify the department whether to proceed with processing the application**, the department shall [*return the application and all fees paid in excess of $310. If the department receives no timely response from the applicant, the department shall proceed*

with the application.] **close the file for the application and take no further action on the application.**

(c) If, within 90 days from the date of the notice, the applicant notifies the department to proceed with the application and pays any remaining portion of the applicable fees, as described in section 29 of this 2025 Act, the department shall:

(A) Proceed with processing the application; and

(B) Give notice of the initial review in the weekly public notice of the department and accept written public comments for 30 days. The notice must include a request for comments on the application and information pertaining to how an interested person may obtain future notices about the application and a copy of the proposed final order.

[*(6) Within seven days after proceeding with the application under subsection (5) of this section, the department shall give public notice of the application in the weekly notice published by the department. The notice shall include a request for comments on the application and information pertaining to how an interested person may obtain future notices about the application and a copy of the proposed final order.*]

[*(7)*] **(6)** Within 30 days after the public notice under subsection [*(6)*] **(5)** of this section, any person interested in the application shall submit written comments to the department. Any person who asks to receive a copy of the department's proposed final order shall submit to the department the fee required under ORS 536.050 (1)(p).

SECTION 21. (1) Notwithstanding ORS 536.031 (1), on and after the operative date specified in section 48 of this 2025 Act, the Water Resources Department shall return any pending application described in ORS 537.620, other than an application under ORS 536.295, for which:

(a) Receipt by the department occurred before the operative date specified in section 48 of this 2025 Act;

(b) A proposed final order has not been issued before the operative date specified in section 48 of this 2025 Act;

(c) The proposed use of water is prohibited under a restriction in section 13 of this 2025 Act that was in effect at the time the application was received; and

(d) The proposed use of water is not related to the recovery of ground water under an artificial recharge or aquifer storage and recovery project.

(2) The department shall return all or a portion of the fees paid for pending applications returned under subsection (1) of this section.

SECTION 22. Section 21 of this 2025 Act is repealed on January 2, 2050.

SECTION 23. Section 24 of this 2025 Act is added to and made a part of ORS 540.505 to 540.585.

SECTION 24. The Water Resources Department may deny a change in the point of appropriation under ORS 540.505 to 540.585 for a ground water right if the proposed point of appropriation is for a source of ground water restricted under section 13 of this 2025 Act and the proposed use is subject to the restrictions, unless the proposed point of appropriation is:

(1)(a) In a critical ground water area designated under ORS 537.730;

(b) In the same aquifer as the existing point of appropriation; and

(c) In the same portion of the critical ground water area as the existing point of appropriation;

(2) In an area for which a ground water bank that is established by law or by rule mitigates the effects of the use of ground water; or

(3) Related to the recovery of stored ground water under an artificial recharge or aquifer storage and recovery project.

LIMITS ON EXTENSIONS

SECTION 25. ORS 537.230 is amended to read:

537.230. (1) As used in this section, "undeveloped portion" means the difference between the maximum rate or duty specified in a water right permit and the maximum rate or duty diverted as of the later of:

(a) June 29, 2005;

(b) The time specified in the permit to perfect the water right; or

(c) The time specified in the last-approved extension of time to perfect the water right.

(2) Except for a holder of a permit for municipal [*use*]**, quasi-municipal, group domestic or group domestic expanded uses**, the holder of a water right permit shall prosecute the construction of any proposed irrigation or other work with reasonable diligence and complete the construction within a reasonable time, as fixed in the permit by the Water Resources Department, not to exceed [*five*] **seven** years from the date of approval.

(3) The holder of a permit for municipal use shall commence and complete the construction of any proposed works within 20 years from the date on which a permit for municipal use is issued under ORS 537.211. The construction must proceed with reasonable diligence and be completed within the time specified in the permit, not to exceed 20 years. However, the department may order and allow an extension of time to complete construction or to perfect a water right beyond the time specified in the permit under the following conditions:

(a) The holder shows good cause. In determining the extension, the department shall give due weight to the considerations described under ORS 539.010 (5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right;

(b) The extension of time is conditioned to require that the holder submit, and obtain department approval of, a water management and conservation plan;

(c) The extension of time is conditioned to provide that the holder may divert the undeveloped portion of the permit only upon approval by the department of the water management and conservation plan; and

(d) For the first extension issued after June 29, 2005, for a permit for municipal use issued before November 2, 1998, the department finds that the undeveloped portion of the permit is conditioned to maintain, in the portions of waterways affected by water use under the permit, the persistence of fish species listed as sensitive, threatened or endangered under state or federal law. The department shall base its finding on existing data and upon the advice of the State Department of Fish and Wildlife. An existing fish protection agreement between the permit holder and a state or federal agency that includes conditions to maintain the persistence of any listed fish species in the affected portion of the waterway is conclusive for purposes of the finding.

[*(4) Except as provided in ORS 537.240 and 537.248 and subsection (3) of this section, the Water Resources Department, for good cause shown, shall order and allow an extension of time, including an extension beyond the five-year limit established in subsection (2) of this section within which irrigation or other works shall be completed or the right perfected. In determining the extension, the department shall give due weight to the considerations described under ORS 539.010 (5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.*]

(4)(a) The holder of a right for quasi-municipal, group domestic or group domestic expanded uses shall complete construction of proposed works and apply water beneficially within seven years from the date on which a permit for such uses is issued under ORS 537.211. The construction must proceed with reasonable diligence and be completed within the time specific in the permit, not to exceed seven years.

(b) Notwithstanding paragraph (a) of this subsection, the Water Resources Department may, for good cause shown, order and allow one extension of time to complete construction and apply water beneficially, not exceeding:

(A) Twenty years from the date that the extension is approved for quasi-municipal use.

(B) Ten years from the date the extension is approved for group domestic use or group domestic expanded use.

(c) In determining the extension under paragraph (b) of this subsection, the department shall give due weight to considerations in ORS 539.010 (5) and to whether other governmental requirements relating to the project have significantly delayed completion of the construction and beneficial application of the right.

(5) Except as provided in subsection (6) of this section and ORS 537.409, upon completion of beneficial use as required under this section, the holder of a permit shall hire a water right examiner certified under ORS 537.798 to survey the appropriation. Within one year after application of water to a beneficial use or the beneficial use date allowed in the permit, the holder shall submit a map of the survey as required by the Water Resources Department, that shall accompany the request for a water right certificate submitted to the department under ORS 537.250. If any property described in the permit is not included in the request for a water right certificate, the holder shall state the identity of the record owner of that property.

(6) The Water Resources Director may waive the requirement under subsection (5) of this section that a holder of a permit hire a water right examiner certified under ORS 537.798 if:

(a) The permit is a supplemental water right that shares the same distribution system and same place of use as the primary water right; and

(b) The department determines that there is sufficient information in the records of the department to determine proof of beneficial use.

(7) Notwithstanding ORS 537.410, for purposes of obtaining a water right certificate under ORS 537.250 for a supplemental water right, the holder of a permit shall have a facility capable of handling the full rate and duty of water requested from the supplemental source and be otherwise ready, willing and able to use the amount of water requested, up to the amount of water approved in the water right permit. To obtain a certificate for a supplemental water right, the holder is not required to have actually used water from the supplemental source if:

(a) Water was available from the source of the primary water right and the primary water right was used pursuant to the terms of the primary water right; or

(b) The nonuse of water from the supplemental source occurred during a period of time within which the exercise of the supplemental water right permit was not necessary due to climatic conditions.

SECTION 26. ORS 537.630 is amended to read:

537.630. (1) As used in this section, "undeveloped portion" means the difference between the maximum rate or duty specified in a water right permit and the maximum rate or duty appropriated as of the later of:

(a) June 29, 2005;

(b) The time specified in the permit to perfect the water right; or

(c) The time specified in the last-approved extension of time to perfect the water right.

(2) Except for the holder of a permit for municipal [*use*]**, quasi-municipal, group domestic or group domestic expanded uses**, the holder of a permit issued pursuant to ORS 537.625 shall prosecute the construction of a well or other means of developing and securing the ground water with reasonable diligence and complete the construction within a reasonable time fixed in the permit by the Water Resources Department, not to exceed [*five*] **seven** years after the date of approval of the application. [*However, the department, for good cause shown, shall order and allow an extension of time, including an extension beyond the five-year period, for the completion of the well or other means of developing and securing the ground water or for complete application of water to beneficial use. In determining the extension, the department shall give due weight to the considerations described under ORS 539.010 (5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.*]

(3)(a) The holder of a right for quasi-municipal, group domestic or group domestic expanded uses shall complete construction of proposed works and apply water beneficially within seven years from the date on which a permit for such uses is issued under ORS 537.211. The construction must proceed with reasonable diligence and be completed within the time specified in the permit, not to exceed seven years.

(b) Notwithstanding paragraph (a) of this subsection, the department may, for good cause shown, order and allow one extension of time to complete construction and apply water beneficially, not exceeding:

(A) Twenty years from the date that the extension is approved for quasi-municipal use.

(B) Ten years from the date the extension is approved for group domestic use or group domestic expanded use.

(c) In determining the extension under paragraph (b) of this subsection, the department shall give due weight to considerations in ORS 539.010 (5) and to whether other governmental requirements relating to the project have significantly delayed completion of the construction and beneficial application of the right.

[*(3)*] **(4)** The holder of a permit for municipal use shall commence and complete the construction of any proposed works within 20 years from the date on which the permit for municipal use is issued under ORS 537.625. The construction must proceed with reasonable diligence and be completed within the time specified in the permit, not to exceed 20 years. However, the department may order and allow an extension of time to complete construction or to perfect a water right beyond the time specified in the permit under the following conditions:

(a) The holder shows good cause. In determining the extension, the department shall give due weight to the considerations described under ORS 539.010 (5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right;

(b) The extension of time is conditioned to require that the holder submit and obtain department approval of a water management and conservation plan;

(c) The extension of time is conditioned to provide that the holder may appropriate the undeveloped portion of the permit only upon approval by the department of a water management and conservation plan; and

(d) For the first extension issued after June 29, 2005, for a permit for municipal use issued before November 2, 1998, the department finds that the undeveloped portion of the permit is conditioned to maintain, in the portions of waterways affected by water use under the permit, the persistence of fish species listed as sensitive, threatened or endangered under state or federal law. The department shall base its finding on existing data and upon the advice of the State Department of Fish and Wildlife. An existing fish protection agreement between the permit holder and a state or federal agency that includes conditions to maintain the persistence of any listed fish species in the affected portion of the waterway is conclusive for purposes of the finding.

[*(4)*] **(5)** If the construction of any well or other means of developing and securing the ground water is completed after the date of approval of the application for a permit under ORS 537.625, within 30 days after the completion, or if the construction is completed before the date of approval, within 30 days after the date of approval, the permit holder shall file a certificate of completion with the Water Resources Department, disclosing:

(a) The depth to the water table;

(b) The depth, diameter and type of each well, and the kind and amount of the casing;

(c) The capacity of the well pump in gallons per minute and the drawdown thereof;

(d) The identity of the record owner of any property that was described in the application for a permit under ORS 537.625 but is not included in the certificate of completion; and

(e) Any other information the department considers necessary.

[*(5)*] **(6)** Upon completion of beneficial use necessary to secure the ground water as required under this section, the permit holder shall hire a water right examiner certified under ORS 537.798 to survey the appropriation. Within one year after applying the water to beneficial use or the beneficial use date allowed in the permit, the permit holder shall submit the survey as required by the Water Resources Department to the department along with the certificate of completion required under subsection (4) of this section. If any property described in the permit is not included in the request for a water right certificate, the holder of the permit shall state the identity of the record owner of that property.

[*(6)*] **(7)** After the department has received a certificate of completion and a copy of the survey as required by subsections [*(4) and (5)*] **(5) and (6)** of this section that show, to the satisfaction of the department, that an appropriation has been perfected in accordance with the provisions of ORS 537.505 to 537.795 and 537.992, except as provided in subsection [*(7)*] **(8)** of this section, the department shall issue a ground water right certificate of the same character as that described in ORS 537.700. The certificate shall be recorded and transmitted to the applicant as provided in ORS 537.700.

[*(7)*] **(8)** The department may not issue a water right certificate for municipal use under this section if:

(a) An extension of time is required; and

(b) The order approving the extension of time has not become final by operation of law or on appeal.

(8) The procedure for cancellation of a permit shall be as provided in ORS 537.260.

(9) Notwithstanding ORS 537.410, for purposes of obtaining a water right certificate under subsection [*(6)*] **(7)** of this section for a supplemental water right, the holder of a permit shall have a facility capable of handling the full rate and duty of water requested from the supplemental source and be otherwise ready, willing and able to use the amount of water requested, up to the amount of water approved in the water right permit. To obtain a certificate for a supplemental water right, the holder is not required to have actually used water from the supplemental source if:

(a) Water was available from the source of the primary water right and the primary water right was used pursuant to the terms of the primary water right; or

(b) The nonuse of water from the supplemental source occurred during a period of time within which the exercise of the supplemental water right permit was not necessary due to climatic conditions.

SECTION 27. (1) The amendments to ORS 537.230 and 537.630 by sections 25 and 26 of this 2025 Act apply to:

(a) Development timelines on new water right permits for which the proposed final order for the water right permit application is issued on or after the operative date specified in section 48 of this 2025 Act.

(b) Extension applications submitted on or after the operative date specified in section 48 of this 2025 Act for permits for quasi-municipal, group domestic or group domestic expanded uses.

(2) Notwithstanding ORS 537.230 and 537.630, except for a holder of a permit for municipal, quasi-municipal, group domestic or group domestic expanded uses, the following applications for extensions on permits will be processed under subsection (3) of this section:

(a) Permits with extension applications pending under ORS 537.230 or 537.630 for which a proposed final order on the extension has not been issued before the operative date specified in section 48 of this 2025 Act.

(b) Permits with a proposed final order issued on a water right application before the operative date specified in section 48 of this 2025 Act if the extension application is submitted on or after the operative date specified in section 48 of this 2025 Act.

(3) The Water Resources Department shall order and allow one extension of time for up to two years from the date that an extension is approved if the department determines that:

(a) Fish-related conditions have been satisfied; and

(b) Good cause for the extension has been shown.

PHASED FEE PAYMENT

SECTION 28. Section 29 of this 2025 Act is added to and made a part of ORS chapter 536.

SECTION 29. (1) Notwithstanding ORS 536.050, for an application under ORS 537.140, 537.150 or 537.615, the Water Resources Department may charge:

(a) A portion of the applicable examination fee for the application at the time the application is submitted; and

(b) The remaining portion of the applicable examination fee after issuing an initial review of the application.

(2) If the department charges a portion of an applicable examination fee as described in subsection (1)(a) of this section, upon issuing an initial review described in subsection (1)(b) of this section:

(a) The department shall notify the applicant of the remaining portion of the applicable examination fee due; and

(b) If the applicant wishes to continue with the application, the applicant shall pay the remaining portion of the applicable examination fee not more than 90 days after issuance of the initial review.

(3) Notwithstanding any contrary provision of law, if the applicant does not pay the remaining portion of the applicable examination fee as described in subsection (2)(b) of this section, the department shall close the file for, and take no further action on, the application.

APPLICABILITY TO APPLICATIONS AND PETITIONS

SECTION 30. Notwithstanding ORS 536.031 (1), sections 9, 24 and 29 of this 2025 Act, and rules adopted thereunder, and the amendments to ORS 536.045, 537.145, 537.150, 537.211, 537.252, 537.470, 537.610, 537.620, 540.520, 540.535, 540.585, 543.220, by sections 2 to 7, 14, 17, 19, 20, 37 and 42 of this 2025 Act, and rules adopted thereunder, apply to applications and petitions submitted on or after the operative date specified in section 48 of this 2025 Act.

AUTOMATIC FINAL ORDERS

SECTION 31. (1) Notwithstanding ORS chapters 537, 540 or 541, a proposed final order issued by the Water Resources Department under ORS chapters 537, 540 or 541 for an application requesting that the department approve a new water right or a change to an existing water right or permit, registration or license, shall become, without further department action, a final order as a matter of law 33 days after the close of the time period for submitting a protest if:

(a) The department includes a provision in the proposed final order explaining that the proposed final order will become a final order under this section; and

(b) A protest is not received by the department within the 33 days.

(2) Notwithstanding subsection (1) of this section, the department may withdraw a proposed final order for reconsideration and issuance of a superseding proposed final order not more than 33 days after the close of the time period for submitting a protest.

REQUEST FOR STANDING STATEMENT

SECTION 32. ORS 537.153 is amended to read:

537.153. (1) Within 60 days after the Water Resources Department proceeds with the application under ORS 537.150 (5)**(c)**, the department shall complete application review and issue a proposed final order approving or denying the application or approving the application with modifications or conditions. The department may request the applicant to provide additional information needed to complete the review. If the department requests additional information, the request shall be specific and shall be sent to the applicant by registered mail. The department shall specify a date by which the information must be returned, which shall be not less than 10 days after the department mails the request to the applicant. If the department does not receive the information or a request for a time extension under ORS 537.175 by the date specified in the request, the department may reject

the application and may refund fees in accordance with ORS 536.050 (4)(a). The time period specified by the department in a request for additional information shall allow the department to comply with the 60-day time limit established by this subsection.

(2) In reviewing the application under subsection (1) of this section, the department shall presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310 (12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission. This shall be a rebuttable presumption and may be overcome by a preponderance of evidence that either:

(a) One or more of the criteria for establishing the presumption are not satisfied; or

(b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest under subsection (6) of this section or in a finding of the department that shows:

(A) The specific public interest under ORS 537.170 (8) that would be impaired or detrimentally affected; and

(B) Specifically how the identified public interest would be impaired or detrimentally affected.

(3) The proposed final order shall cite findings of fact and conclusions of law and shall include but need not be limited to:

(a) Confirmation or modification of the preliminary determinations made in the initial review;

(b) A brief statement that explains the criteria considered relevant to the decision, including the applicable basin program and the compatibility of the proposed use with applicable land use plans;

(c) An assessment of water availability and the amount of water necessary for the proposed use;

(d) An assessment of whether the proposed use would result in injury to existing water rights;

(e) An assessment of whether the proposed use would impair or be detrimental to the public interest as provided in ORS 537.170;

(f) A draft permit, including any proposed conditions, or a recommendation to deny the application;

(g) Whether the rebuttable presumption that the proposed use will not impair or be detrimental to the public interest has been established; and

(h) The date by which protests to the proposed final order must be received by the department.

(4) The department shall mail copies of the proposed final order to the applicant and to persons who have requested copies and paid the fee required under ORS 536.050 (1)(p). The department also shall publish notice of the proposed final order by publication in the weekly **public** notice published by the department.

(5) Any person who supports a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing and shall be accompanied by the fee established under ORS 536.050 (1)(n).

(6) Any person may submit a protest against a proposed final order. A protest shall be in writing and shall include:

(a) The name, address and telephone number of the protestant;

(b) A description of the protestant's interest in the proposed final order and, if the protestant claims to represent the public interest, a precise statement of the public interest represented;

(c) A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest;

(d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;

(e) Any citation of legal authority supporting the protest, if known; and

(f) The protest fee required under ORS 536.050.

(7) [*Requests for standing and*] Protests on the proposed final order shall be submitted within 45 days after publication of the notice of the proposed final order in the weekly **public** notice pub-

lished by the department. **If a protest is submitted, any person may submit a request for standing under subsection (5) of this section within 30 days after the deadline for filing a protest.** Any person who asks to receive a copy of the department's final order shall submit to the department the fee required under ORS 536.050 (1)(p), unless the person has previously requested copies and paid the required fee under ORS 537.150 (7), the person is a protestant and has paid the fee required under ORS 536.050 (1)(j) or the person has standing and has paid the fee under ORS 536.050 (1)(n).

(8) Within 60 days after the close of the period for receiving protests, the Water Resources Director shall:

(a) Issue a final order as provided under ORS 537.170 (6); or

(b) Schedule a contested case hearing if a protest has been submitted and if:

(A) Upon review of the issues, the director finds that there are significant disputes related to the proposed use of water; or

(B) Within 30 days after the close of the period for submitting protests, the applicant requests a contested case hearing.

SECTION 33. ORS 537.621 is amended to read:

537.621. (1) Within 60 days after the Water Resources Department proceeds with the application under ORS 537.620 (5)**(c)**, the department shall complete application review and issue a proposed final order approving or denying the application or approving the application with modifications or conditions. The department may request the applicant to provide additional information needed to complete the review. If the department requests additional information, the request shall be specific and shall be sent to the applicant by registered mail. The department shall specify a date by which the information must be returned, which shall be not less than 10 days after the department mails the request to the applicant. If the department does not receive the information or a request for a time extension under ORS 537.627 by the date specified in the request, the department may reject the application and may refund fees in accordance with ORS 536.050 (4)(a). The time period specified by the department in a request for additional information shall allow the department to comply with the 60-day time limit established by this subsection.

(2) In reviewing the application under subsection (1) of this section, the department shall determine whether the proposed use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525. The department shall presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310 (12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission. This shall be a rebuttable presumption and may be overcome by a preponderance of evidence that either:

(a) One or more of the criteria for establishing the presumption are not satisfied; or

(b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest under subsection (7) of this section or in a finding of the department that shows:

(A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and

(B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

(3) The proposed final order shall cite findings of fact and conclusions of law and shall include but need not be limited to:

(a) Confirmation or modification of the preliminary determinations made in the initial review;

(b) A brief statement that explains the criteria considered relevant to the decision, including the applicable basin program and the compatibility of the proposed use with applicable land use plans;

(c) An assessment of water availability and the amount of water necessary for the proposed use;

(d) An assessment of whether the proposed use would result in injury to existing water rights;

(e) An assessment of whether the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525;

(f) A draft permit, including any proposed conditions, or a recommendation to deny the application;

(g) Whether the rebuttable presumption under subsection (2) of this section has been established;

(h) The date by which protests to the proposed final order must be received by the department; and

(i) The flow rate and duty of water allowed.

(4) In establishing the flow rate and duty of water allowed, the department may consider a general basin-wide standard, but first shall evaluate information submitted by the applicant to demonstrate the need for a flow rate and duty higher than the general standard. If the applicant provides such information, the department shall authorize the requested rate and duty except upon specific findings related to the application to support a determination that a lesser amount is needed. If the applicant does not provide information to demonstrate the need for a flow rate and duty higher than the general basin-wide standard, the department may apply the general standards without specific findings related to the application.

(5) The department shall mail copies of the proposed final order to the applicant and to persons who have requested copies and paid the fee required under ORS 536.050 (1)(p). The department also shall publish notice of the proposed final order by publication in the weekly **public** notice published by the department.

(6) Any person who supports a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing and shall be accompanied by the fee established under ORS 536.050 (1)(n).

(7) Any person may submit a protest against a proposed final order. A protest shall be in writing and shall include:

(a) The name, address and telephone number of the protestant;

(b) A description of the protestant's interest in the proposed final order, and if the protestant claims to represent the public interest, a precise statement of the public interest represented;

(c) A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest;

(d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;

(e) Any citation of legal authority supporting the protest, if known; and

(f) The protest fee required under ORS 536.050.

(8) [*Requests for standing and*] Protests on the proposed final order shall be submitted within 45 days after publication of the notice of the proposed final order in the weekly **public** notice published by the department. **If a protest is submitted, any person may submit a request for standing under subsection (6) of this section within 30 days after the deadline for filing a protest.** Any person who asks to receive a copy of the department's final order shall submit to the department the fee required under ORS 536.050 (1)(p), unless the person has previously requested copies and paid the required fee under ORS 537.620 (7), the person is a protestant and has paid the fee required under ORS 536.050 (1)(j) or the person has standing and has paid the fee under ORS 536.050 (1)(n).

(9) Within 60 days after the close of the period for receiving protests, the Water Resources Director shall:

(a) Issue a final order as provided under ORS 537.625 (1); or

(b) Schedule a contested case hearing if a protest has been submitted and if:

(A) Upon review of the issues, the director finds that there are significant disputes related to the proposed use of water; or

(B) Within 30 days after the close of the period for submitting protests, the applicant requests a contested case hearing.

SECTION 33a. The amendments to ORS 537.153 and 537.621 by sections 32 and 33 of this 2025 Act apply to requests for standing on proposed final orders issued on or after the operative date specified in section 48 of this 2025 Act.

CONFORMING AMENDMENTS

SECTION 34. ORS 537.147 is amended to read:

537.147. (1) Notwithstanding the process for applying for a water right permit established in ORS 537.150 to 537.230, a person may, pursuant to this section, apply to the Water Resources Department for a water right permit to use stored water. A person applying under this section for a water right permit to use stored water shall submit:

(a) A fee, in the amount required by ORS 536.050 for applications to appropriate stored water.

(b) A completed application for a secondary permit, in a form determined by the department, that contains the information required of applications under ORS 537.140 and 537.400 (1).

(c) Evidence that the proposed use of the stored water is one of the authorized uses under the water right permit, certificate or decree that allows the storage of water.

(2) If an applicant provides, to the satisfaction of the department, the fee and the information required by subsection (1) of this section, the department may, after public notice and a 30-day opportunity to submit comments on the application, issue a water right permit upon determining that no public interest issues as identified in ORS 537.170 (8) have been raised through the comments submitted.

(3) If the department determines that public interest issues have been identified, then the department shall treat the application under this section as an application under ORS 537.150 and perform the public interest review required by ORS 537.153 (2).

(4) At a minimum, a water right permit issued by the department for use of stored water under this section shall be conditioned to require:

(a) Fish screens and by-pass devices and fish passage as may be required by the State Department of Fish and Wildlife; and

(b) A measuring device at each point of diversion authorized under the water right permit.

(5) Within 10 days of issuing a water right permit under this section, the department shall provide notice of the permit issuance in the weekly **public** notice published by the department and to persons who have submitted comments pursuant to subsection (2) of this section.

SECTION 35. ORS 537.225 is amended to read:

537.225. (1) Notwithstanding ORS 537.220 and 537.635, except as provided in subsection (6) of this section, a record landowner holding a water right permit for an irrigation, nursery, temperature control, stock watering or agricultural water use that has a subsequent completion date may apply for assignment of all or part of the water right permit and for the issuance of a replacement water right permit that reflects that assignment. To obtain the assignment and replacement water right permits, the applicant shall submit an application to the Water Resources Department that includes, at a minimum:

(a) A map prepared by a certified water right examiner and meeting department mapping standards that identifies the authorized place of use, rate of use, any applicable acre-feet allowances, tax lots and points of diversion or appropriation;

(b) A copy of the deed showing that the applicant is an owner of the land;

(c) An affidavit certifying that the water right has not been conveyed or withheld;

(d) A statement by the applicant that the most recent water use under the permit, if any, has been exercised within relevant terms and conditions of the permit; and

(e)(A) Agreements to the assignment and to the request for the issuance of replacement water right permits submitted jointly or individually by all owners of the land to which the water right is appurtenant; or

(B) An assignment of interest and request for the issuance of replacement water right permits submitted by one or more of the owners of land to which the water right is appurtenant and infor-

mation identifying the names, addresses and proportionate interests for those owners not submitting the assignment and request.

(2) In addition to the application contents described in subsection (1) of this section, the department may require that the applicant provide any additional information the department deems appropriate to determining whether to approve the application.

(3) Upon receiving an application under subsection (1) of this section, the department shall determine and notify the applicant of the fees payable under ORS 536.050 for processing the application. Upon receipt of the appropriate processing fees, the department shall:

(a) Verify the address of each owner of the lands identified on the map contained in the application;

(b) Verify that the deed supplied with the application matches the property proposed for assignment;

(c) Prepare a statement that the proposed replacement water right permits will not result in the enlargement of the original water right, a proposed final order and drafts of replacement water right permits;

(d) No later than one week prior to the date of the weekly **public** notice described in paragraph (e) of this subsection, mail copies of the application, the map, the existing water right permit, the proposed final order and the draft replacement water right permits to each owner of land to which the existing water right is appurtenant; and

(e) Provide public notice of the application in the weekly **public** notice published by the department.

(4) The department shall allow comment on the application for 30 days following public notice of the application in the weekly notice published by the department. Any protest against the proposed final order must be submitted no later than 45 days after the date of the weekly notice published by the department. A protest must be filed in the manner provided in ORS 537.227.

(5) If the department determines that an application under subsection (1) of this section to assign all or part of a water right permit has been properly filed, and that the issuance of replacement water right permits will not result in the enlargement of the original water right or otherwise cause injury to other water right holders, the department shall issue one or more replacement water right permits to reflect the assignment. The replacement water right permits:

(a) Must have the same conditions as the replaced water right permit, including but not limited to priority date, source of water and type of use;

(b) May not add or change a point of diversion or point of appropriation;

(c) May not result in the enlargement of the water use authorized under the replaced water right permit;

(d) Must apportion the rate, and if applicable the duty, in proportion to the amount of land to which the water right is appurtenant; and

(e) Must identify the land to which the replacement water right permit is appurtenant and the owner of that land.

(6) This section does not apply to municipal or quasi-municipal permits or to permits held by a unit of local government, including but not limited to permits held by a port or water authority or a district. As used in this subsection, "unit of local government" has the meaning given that term in ORS 190.003 and "district" has the meaning given that term in ORS 540.505.

SECTION 36. ORS 537.348 is amended to read:

537.348. (1) Any person may purchase or lease all or a portion of an existing water right or accept a gift of all or a portion of an existing water right for conversion to an in-stream water right. Any water right converted to an in-stream water right under this section shall retain the priority date of the water right purchased, leased or received as a gift. At the request of the person the Water Resources Commission shall issue a new certificate for the in-stream water right showing the original priority date of the purchased, gifted or leased water right. Except as provided in subsections (2) to (6) of this section, a person who transfers a water right by purchase, lease or gift

under this subsection shall comply with the requirements for the transfer of a water right under ORS 540.505 to 540.585.

(2) Subject to subsections (3) to (6) of this section, any person who has an existing water right may lease all or a portion of the existing water right for use as an in-stream water right for a specified period without the loss of the original priority date. During the term of the lease, the use of the water right as an in-stream water right shall be considered a beneficial use. The term of the lease may not exceed five years. The term of the lease may be renewed. There is no limitation on the number of times that the lease may be renewed.

(3) A lease of all or a portion of an existing water right for use as an in-stream water right under subsection (2) of this section may allow the split use of the water between the existing water right and the in-stream water right during the same calendar year, provided:

(a) The uses of the existing water right and the in-stream water right are not concurrent; and

(b) The holders of the water rights measure and report to the Water Resources Department the use of the existing water right and the in-stream water right.

(4) A person who has an existing water right and wishes to lease the water right as described in subsection (2) of this section must file a request and obtain department approval of the lease. Upon receipt of the request, the department shall provide notice of the request by inclusion in the weekly **public** notice published by the department. Any allegation of injury must be delivered to the department no later than 21 days after publication of the request in the weekly **public** notice.

(5) After publishing notice of a request made under subsection (2) of this section and allowing time for the delivery of allegations of injury, the department shall issue an order approving the request if the department finds that the leasing of the water right for in-stream use can be effected without injury to other existing water rights or can be conditioned to prevent injury to other existing water rights. If the lease is for the split use of water between the existing water right and the in-stream water right during the same calendar year, the conditions imposed in the order approving the request must include, but need not be limited to, compliance with subsection (3) of this section.

(6) The department at any time may revoke or modify an order issued for a lease under subsection (2) of this section if the department determines that the use of the water right for in-stream use under the lease has resulted in or may result in injury to an existing water right.

SECTION 37. ORS 537.470 is amended to read:

537.470. (1) Upon receipt of an application for allocation of conserved water under ORS 537.465, the Water Resources Commission shall give notice of receipt of the application in accordance with ORS 540.520 [*(5)*] **(6)(c)(B)**.

(2) The commission shall allocate conserved water as provided in subsection (3) of this section and approve modifications of water rights as provided in subsection (6) of this section. The commission may not allocate conserved water pursuant to an application under ORS 537.465 if the application is filed more than five years after the conservation measure was implemented.

(3) After determining the quantity of conserved water, if any, required to mitigate the effects on other water rights, the commission shall allocate 25 percent of the remaining conserved water to the state and 75 percent to the applicant, unless the applicant proposes a higher allocation to the state or more than 25 percent of the funds used to finance the conservation measures comes from federal or state public sources. If more than 25 percent of the funds used to finance the conservation measures comes from federal or state public sources and is not subject to repayment, the commission shall allocate to the state a percentage equal to the percentage of public funds used to finance the conservation measures and allocate to the applicant a percentage equal to the percentage of other funds used to finance the conservation measures. If the commission determines that the water allocated to the state is necessary to support in-stream flow purposes in accordance with ORS 537.332 to 537.360, the water shall be converted to an in-stream water right. If the water allocated to the state is not necessary to support in-stream flow purposes, it shall revert to the public for appropriation by the next user in priority. In no event, however, shall the applicant receive less than 25

percent of the remaining conserved water unless the applicant proposes a higher allocation to the state.

(4) The commission shall notify the applicant and any other person requesting notice, of the action the commission intends to take under subsection (3) of this section. Any person objecting to the proposed allocation may file a protest requesting a contested case hearing before the commission.

(5) The modification of water rights under an allocation of conserved water may not require a separate request for transfer under ORS 540.520.

(6) After the commission completes the allocation of conserved water under subsection (3) of this section, the commission shall issue orders for proposed new certificates covering the changes in the original water rights. Once the conservation project is completed, separate new certificates preserving the previously established priority of rights shall be issued to cover the unaffected portion of the water rights and separate new certificates indicating the priority of rights as set forth in ORS 537.485 shall be issued to cover the right to the use of the allocated water.

SECTION 38. ORS 538.450 is amended to read:

538.450. (1) Subject to water rights existing on March 8, 1941, there is granted to the City of Pendleton, Umatilla County, and its water commission, the exclusive right to use for public or municipal purposes or use, or for the general use and benefit of people within or without the city, all waters of the north fork of the Umatilla River, the springs at the head which form the stream, and its tributaries to the confluence of the north fork with the main stream of the Umatilla River in the northwest quarter of section 22, township 3 north of range 37 east of the Willamette Meridian, which north fork is a tributary of the Umatilla River situated in Umatilla County.

(2) The City of Pendleton, its water commission, any of the city's agents, agencies and officers, and others on its behalf, may appropriate all such waters for these purposes and uses for the benefit and use of the city, as above set forth, either by the city in its own name, or by any of its agents, agencies or officers or by any other persons on its behalf.

(3) No person shall appropriate or be granted a permit to the use of any of such waters, except as provided in this section. But the City of Pendleton may, under this grant, divert such waters from their watershed and convey them to the city and elsewhere for use by it for public or municipal purposes or use or for the general use and benefit of people within or without the city. All of such waters are withdrawn from future appropriation, except for use and benefit of the city as set forth in this section.

(4) The point of diversion of a water right granted under this section may be exercised at the main stem of the Umatilla River situated in Umatilla County to a point not below the westerly city limit of the City of Pendleton.

(5) Prior to exercising the right granted under this section, the City of Pendleton shall submit to the Water Resources Department a notice of intent to exercise the right. The notice of intent shall be made on a form prescribed by the department and shall set forth:

(a) The name and mailing address of the applicant;

(b) The source of the water supply including the name and mailing address of any owner of the land upon which the source of the water supply is located;

(c) The nature and the amount of the proposed use;

(d) The time within which construction of the right is proposed to begin;

(e) The time required to complete construction of the right;

(f) The time required for the complete application of the water to the proposed beneficial use;

(g) The point of diversion of the exercise of the right; and

(h) Any other information required by the department that is necessary to understand the nature of the proposed project.

(6) Prior to submitting a notice of intent pursuant to subsection (5) of this section, the City of Pendleton shall hold a public meeting in the water basin in which the right is located to discuss the proposed project and receive comments from the public.

(7) Within 14 days after receiving a notice of intent submitted pursuant to subsection (5) of this section, the department shall, in the weekly **public** notice published by the department, give public notice of the submission of the notice of intent.

(8) The Confederated Tribes of the Umatilla Indian Reservation and the City of Pendleton have entered into an agreement addressing the development and use of the City of Pendleton's water rights in the Umatilla River and the impact on tribal interests from such development. The agreement includes implementation of the minimum streamflow in the main stem of the Umatilla River resulting from the exercise by the City of Pendleton of its surface water right of the north fork of the Umatilla River under this section. The City of Pendleton shall exercise such right consistent with the agreement or successor agreements between the City of Pendleton and the tribes provided in this subsection. In no event will the City of Pendleton exercise the right granted under this section so as to reduce streamflows in the Umatilla River to be less than state in-stream water rights for the Umatilla River existing as of January 1, 2002.

SECTION 39. ORS 540.524 is amended to read:

540.524. (1) Notwithstanding ORS 540.510 or 540.670, upon approval of an application submitted to the Water Resources Department, the holder of both a primary water right originating from a surface water source and a supplemental water right permit or certificate originating from a ground water source may substitute the use of the supplemental water right for the primary water right. A substitution may not be made under this subsection if the use of the supplemental water right results in an enlargement or expansion of the primary water right. This subsection does not authorize a change in place of use, type of use, point of diversion or point of appropriation.

(2) An application required under subsection (1) of this section shall be submitted on forms provided by the department. The department may request additional information if necessary to assist with the injury evaluation. Each application shall be submitted with the fee described in ORS 536.050 (1)(s).

(3) Upon receiving an application under subsection (1) of this section, the department shall provide notice, accept protests and conduct hearings on protests in the manner described in ORS 540.520 [*(5), (6) and (7)*].

(4) The Water Resources Director shall issue an order approving or denying the substitution. If the proposed substitution will result in injury to other water rights, the director shall prohibit or condition the use to avoid or mitigate the injury. The director shall issue an order approving or denying the substitution within 90 days after the department receives an application under subsection (1) of this section.

(5) For the purpose of ORS 540.610, a substituted primary surface water right shall be treated as a supplemental water right, and a substituted supplemental ground water right shall be treated as a primary water right.

(6) A completed and approved substitution of a supplemental ground water right for a primary surface water right under this section may be terminated upon a request by the water right holder or by an order of the director if the director determines that the use of the ground water as the primary water right causes injury to other water rights. Upon termination, the substituted primary and supplemental water rights shall revert back to their original status.

SECTION 40. ORS 540.570 is amended to read:

540.570. (1) Provided that the proposed transfer complies with all of the provisions of this subsection and will not result in injury to any existing water right, a district with a manager may, for one irrigation season, temporarily transfer the place of use of water appurtenant to any land within the legal boundaries of the district to an equal acreage elsewhere within the legal boundaries of that district or temporarily transfer the type of use identified in a right to store water. A temporary transfer of the place of use may occur if:

(a) The rate and duty, and the total number of acres to which water will be applied under the transfer, do not exceed existing limits on the water use subject to transfer;

(b) The type of use authorized under the water use subject to transfer remains the same; and

(c) The land from which the water use is being transferred does not receive any water under the right being transferred during the irrigation season in which the change is made.

(2) Provided that the proposed transfer complies with all the provisions of this subsection and will not result in injury to or enlargement of an existing water right, a district with a manager may, for one irrigation season, temporarily change the point of diversion or appropriation combined with a change in place of use, change the point of diversion in the event that an emergency prevents the district from diverting water from its authorized point of diversion, change the point of diversion to allow for the appropriation of ground water or change a primary right to a supplemental right if:

(a) The land on which the water is to be used is within the district's legal boundaries established pursuant to ORS chapter 545, 547, 552, 553 or 554;

(b) The other terms of the permit or certificate remain the same, including the beneficial use for which the water is used and the number of acres to which water is applied;

(c) The diversion is provided with a proper fish screen, if required by the Water Resources Department; and

(d) For a proposal to transfer the point of diversion to allow for the appropriation of ground water, the proposed change meets the standards set forth in ORS 540.531 (2).

(3) When a district or an owner or an owner's agent within a district who is subject to the charges or assessments of the district wishes to use water on alternate acreage within the district, if the district has approved the owner's request, the district shall submit to the department a petition seeking a temporary transfer under this section. The district shall submit the petition prior to making the proposed change. The petition may contain changes to one or more tax lots within the district and shall:

(a) Include the information required under ORS 540.574 (3);

(b) Be accompanied by a map in a form satisfactory to the department and certified by the district. If the water right is on a tract of land of five acres or less, the assessor's tax map with a notation of the acres of water right shall be sufficient for identification of the tract and place of use;

(c) Include a statement that a written authorization for the transfer from each landowner affected by the particular temporary transfer is on file with the district;

(d) Include any other information required by rules of the Water Resources Commission; and

(e) Include a fee in the amount required under ORS 536.050 (1)(i).

(4) The district shall notify each affected landowner that the department may reject the transfer or may require mitigation to avoid injury to other water rights. Upon receipt of a completed petition under subsection (3) of this section, the department shall place a summary of the petition in the weekly **public** notice published by the department. The department shall accept written public comments on the petition for 30 days following publication of the weekly **public** notice. The department shall consider comments that pertain to the potential for injury to an existing water right or to the enlargement of the water use subject to transfer in determining whether to condition, reject or revoke a temporary transfer.

(5) Use of water on lands from which the right is transferred and in the new temporary location during the same irrigation season or calendar year is prohibited and may subject the district and the landowner to civil penalties.

(6) The department may condition, reject or revoke a temporary transfer at any time to the extent necessary to avoid injury if the department finds the transfer is causing injury to an existing water right.

(7) Upon expiration of the temporary transfer period, all uses of water for which a temporary transfer is allowed under this section shall revert automatically to the terms and conditions of the original water right permit, certificate or adjudication under ORS chapter 539 as evidenced by a court decree.

(8) The time during which water is used under an approved temporary transfer order does not apply toward a finding of forfeiture under ORS 540.610.

SECTION 41. ORS 540.580 is amended to read:

540.580. (1) In accordance with this section, a district may by petition request that the Water Resources Department approve the permanent transfer of the place of use of water within a district as long as the proposed transfer complies with all of the following:

(a) The rate, duty and total number of acres to which water is to be applied under the water use subject to transfer are not exceeded;

(b) The use authorized under the water use subject to transfer remains the same;

(c) The change in place of use will not result in injury to any existing water right; and

(d) The land from which the water right is removed by the transfer shall receive no water under the transferred right.

(2) A district may submit a petition for a permanent transfer prior to or subsequent to the change in place of use, but no later than the end of the calendar year in which the change occurs. The petition submitted by the district may include an unlimited number of transfers within the same petition. A petition under this section shall:

(a) Include the information required under ORS 540.574 (3), except for the statement that a notice under ORS 540.572 (2) has been given;

(b) Be accompanied by a map in a form satisfactory to the department and certified by the district. If the water right is on a tract of land of five acres or less, the assessor's tax map with a notation of the acres of water right shall be sufficient for identification of the tract and place of use;

(c) Include a statement that each landowner affected by a permanent transfer has authorized the transfer in a writing that is on file with the district;

(d) Include any other information required by rules of the Water Resources Commission; and

(e) Include the fee required under ORS 536.050 (1)(h) for a change in the place of use.

(3) If a district allows a change in the place of use of water before obtaining the approval of the department, the district shall:

(a) Notify each affected landowner that the change is subject to the approval of the department and that the department may reject the transfer or may require mitigation to avoid injury to other water right holders; and

(b) Notify the department in advance of the change. The notice shall include:

(A) The name of the district and the certificate number of each water right that is the subject of the change;

(B) The names of the users within the district from whose lands and to whose lands water rights are to be transferred;

(C) A general description of the users' lands by township, range, quarter quarter section and tax lot number, and of the water right, for each parcel from which and to which water rights are to be transferred; and

(D) A description of the use that is proposed to be made of the water on each parcel.

(4) Upon receipt of the notice required under subsection (3)(b) of this section, the department shall provide public notice in the weekly **public** notice published by the department.

(5) If a district allows a change in the place of use of water before obtaining approval of the department under this section, the department may direct the district to cease delivery of water or mitigate injury where the change in place of use is causing injury to an existing water right.

(6) Within 15 days after the filing of a petition under subsection (2) of this section, the department shall include notice of the petition in the weekly **public** notice published by the department. Within 30 days after [*the mailing*] **publication** of the department's weekly **public** notice, any potentially affected holder of an existing water right may file, jointly or severally, with the department, a protest against approval of the petition.

(7) Subject to the provisions of subsection (8) of this section, whenever a timely protest is filed, or in the opinion of the Water Resources Director a hearing is necessary to determine whether the proposed changes as described in the petition would result in injury to existing water rights, the department may hold a hearing on the petition. Notice and conduct of the hearing shall be according to the provisions of ORS chapter 183 pertaining to contested cases, shall be scheduled within 45

days after the filing of the petition, and shall be held in the area where the rights are located unless all parties and persons who filed a protest under this subsection stipulate otherwise.

(8) If a water user within the district files a protest claiming injury to a water right delivery by the district, no contested case hearing shall be required, but the district shall resolve the matter directly with the water user.

(9) After examination or hearing, the department shall issue an order approving the transfer if the proposed change can be effected without injury to existing water rights. If no hearing is scheduled under subsection (7) of this section, the order of the department shall be issued within 90 days after the date of the filing of the petition. If the proposed change cannot be effected without injury to existing water rights, the department may condition approval, including requiring mitigation of the effects on other water rights, to the extent necessary to avoid injury. If a hearing is scheduled, the department shall issue a final order within 120 days after scheduling the hearing.

(10) Within 20 days after the director issues a final order under this section, the district or any protestant may file with the commission exceptions to the final order. The commission shall issue an order granting or denying the exceptions within 30 days after receiving the exceptions.

(11) If a certificate covering the water right has been previously issued, the department may amend the certificate or may cancel the certificate and issue a new certificate preserving the previously established priority of rights and covering the authorized changes. If only a portion of the water right covered by the previous certificate is affected by the changes, a separate new certificate may be issued to cover the unaffected portion of the water right. A certificate as amended or issued under this section has the evidentiary effect provided for in ORS 537.270 as to the new lands except when the right to appropriate water described in the certificate is abandoned after the certificate is amended or issued.

(12) Notwithstanding the provisions of subsection (2) of this section, a petition filed on or before December 31, 1996, may include all changes in place of use allowed by a district after July 1, 1992, and before November 30, 1996.

SECTION 42. ORS 540.585 is amended to read:

540.585. (1) In accordance with the provisions of this section, a person may request that the Water Resources Department approve the temporary transfer of the place of use and type of use and temporarily change the point of diversion if necessary to convey water to the new temporary place of use, of all or a portion of a water right, for a period not to exceed 25 years if:

(a) The person holds a water use subject to transfer;

(b) The type of use specified in the original water use subject to transfer is irrigation;

(c) The person to whom the right is transferred is:

(A) Located within the Deschutes River Basin; and

(B) A city, a quasi-municipal corporation, a domestic water supply district formed under ORS chapter 264, a water supplier as defined in ORS 448.115 or a water authority formed under ORS chapter 450;

(d) The proposed use is municipal use; and

(e) The proposed temporary transfer will not result in injury to any existing water right.

(2) An application for a temporary transfer under this section shall:

(a) Be submitted in writing to the Water Resources Department;

(b) Be accompanied by the appropriate fee for a change in the place of use and type of use as set forth in ORS 536.050;

(c) Include the information required under ORS 540.520 (2); and

(d) Include any other information the Water Resources Commission by rule may require.

(3)(a) Any portion of the use of a water right that is not temporarily transferred under this section may be used on the designated part of the lands described in the original water right permit, certificate or adjudication under ORS chapter 539 as evidenced by a court decree, if the use does not encompass more than the remaining portion of the lands, enlarge the water right or increase the rate, duty, total acreage benefited or season of use.

(b) The Water Resources Department shall designate the lands on which water may be applied under this subsection and shall prescribe mapping, measurement and recording requirements under this subsection.

(4) Upon expiration of a temporary transfer period, all uses of water for which a temporary transfer is allowed under this section shall revert automatically to the terms and conditions of the original water right permit, certificate or adjudication under ORS chapter 539 as evidenced by a court decree.

(5) The time during which water is used under an approved temporary transfer order does not apply toward a finding of forfeiture under ORS 540.610.

(6) The department may revoke a prior approval of a temporary transfer at any time if:

(a) The department finds that the transfer is causing injury to any existing water right; or

(b) The person fails to comply with the requirements prescribed by the department pursuant to subsection (3) of this section.

[*(7) The department shall provide notice, in the manner provided in ORS 540.520 (5), that the department received an application for a temporary transfer under this section.*]

(7) The department shall provide notice of the application in the weekly public notice of the department and accept written public comments for 30 days.

(8) The department may:

(a) Prescribe the duration of the temporary transfer period allowed under this section, up to 25 years;

(b) Impose conditions in the terms of the temporary transfer, including revocation of the transfer for noncompliance with applicable state, local or federal laws; and

(c) Determine the parties that may participate in the review of applications submitted under this section.

SECTION 43. ORS 543A.035 is amended to read:

543A.035. (1) Within 60 days after submitting a notice of intent under ORS 543A.030, the applicant shall submit to the Water Resources Department an application to reauthorize the water right for the state project on a form prescribed by the department.

(2) The reauthorization application for a water right for the use of water for hydroelectric purposes shall set forth:

(a) The name and post-office address of the applicant;

(b) The location of the project by county and stream and, when appropriate, by city or nearby city;

(c) The amount of water in cubic feet per second;

(d) The theoretical water horsepower; and

(e) Any other information required in the application form.

(3) Upon receipt of a reauthorization application for the use of water for hydroelectric purposes, the Water Resources Department shall convene the Hydroelectric Application Review Team for the state project. The team shall consist of representatives of the Water Resources Department, the Department of Environmental Quality and the State Department of Fish and Wildlife and may include a representative of any other state agency that has regulatory or advisory responsibility for the state project or a resource or hazard affected by the state project.

(4) Within seven days after receiving a reauthorization application under subsection (3) of this section, the department shall notify any person who responded to the notice of intent and give public notice of the application in the weekly **public** notice published by the department. The notice shall include a request for comments on the application and information pertaining to how an interested person may obtain future notices about the application and participate in the reauthorization process.

(5) Within 45 days after the public notice under subsection (4) of this section, any person interested in the application shall request future notices about the state project and may submit written comments to the department.

SECTION 44. ORS 543A.040 is amended to read:

543A.040. (1) Within 60 days after the close of the period allowed for public comment under ORS 543A.035, the Hydroelectric Application Review Team shall determine whether the reauthorization application for the water right contains sufficient information to determine whether reauthorization of the state project will comply with ORS 543A.025.

(2) If the team decides that sufficient information is available to determine whether reauthorization of the water right for the state project will comply with ORS 543A.025, the team shall proceed with expedited processing of the reauthorization application. The team shall review the application and any public comments received on the application and prepare a draft proposed final order, including findings of fact and conclusions of law, for the water right. Upon completion of the draft proposed final order, the team shall give public notice of the draft proposed final order in the weekly **public** notice published by the Water Resources Department. The notice shall include a request for comments on the draft proposed final order.

(3) Within 60 days after the public notice under subsection (2) of this section, any person interested in the draft proposed final order shall submit written comments to the team. A person who submits written comments under this subsection shall identify the provision of the draft proposed final order in question and specify why the person objects to or supports the provision. The team shall review the comments received and may revise the draft proposed final order. Unless the department receives a request under subsection (4) of this section, the team shall submit a proposed final order to the department within 30 days after the close of the period for public comment on the draft proposed final order.

(4) If the draft proposed final order prepared by the team under subsection (2) of this section proposes to deny the application for reauthorization of the water right, the applicant may request the department to process the application in accordance with ORS 543A.045 to 543A.055. The applicant shall submit a request under this subsection within the 60-day period allowed for public comment on the draft proposed final order.

(5) Unless the department receives a request under subsection (4) of this section, the department shall issue the proposed final order in accordance with the provisions of ORS 543A.120 to 543A.300.

(6) If the team determines that additional information is necessary to determine whether reauthorization of the state project will comply with ORS 543A.025, the applicant shall comply with the process established in ORS 543A.045 to 543A.055 and 543A.120 to 543A.300.

SECTION 45. ORS 543A.055 is amended to read:

543A.055. (1) The Hydroelectric Application Review Team shall review the application report prepared under ORS 543A.050 and prepare a draft proposed final order approving or denying the reauthorization of the water right. The draft proposed final order shall include the findings required for a proposed final order under ORS 543A.120. Upon completion of the draft proposed final order, the Water Resources Department shall give public notice of the draft proposed final order in the weekly **public** notice published by the department. The notice shall include a request for comments on the draft proposed final order.

(2) Within 60 days after the public notice under subsection (1) of this section, any person interested in the draft proposed final order shall submit written comments to the team.

(3) Within 30 days after the close of the period for public comment on the draft proposed final order, the team shall make any revisions necessary in response to comments received and submit a proposed final order to the department.

(4) The department shall complete the reauthorization process in accordance with the provisions of ORS 543A.120 to 543A.300.

SECTION 46. ORS 543A.120 is amended to read:

543A.120. (1) A proposed final order prepared by a Hydroelectric Application Review Team and submitted to the Water Resources Department under ORS 543A.040, 543A.055 or 543A.105 shall be based on the application of the standards set forth in ORS 543A.025 and shall reflect the complete review of the water right application for compliance with applicable statutes and rules.

(2) The proposed final order shall cite findings of fact and conclusions of law and shall include but need not be limited to:

(a) Confirmation or modification of the preliminary determinations made in the initial review;

(b) A brief statement that explains the criteria considered relevant to the decision, including the applicable basin program, the compatibility of the proposed use with applicable land use plans and information set forth in the application report or final report on studies;

(c) An assessment of water availability and the amount of water necessary for the proposed use;

(d) An assessment of whether the proposed use would result in injury to existing water rights;

(e) An assessment of whether the proposed use would impair or be detrimental to the public interest as provided in ORS 543A.025;

(f) A draft certificate, including any proposed conditions, or a recommendation to deny the application; and

(g) The date by which protests to the proposed final order must be received by the department.

(3) The department shall mail copies of the proposed final order, as submitted by the team, to the applicant and to persons who have requested copies and paid the fee required under ORS 536.050 (1)(p). The department also shall give public notice of the proposed final order in the weekly **public** notice published by the department.

(4) Any person may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing and shall be accompanied by the fee established under ORS 536.050 (1)(n).

(5) Any person may submit a protest against a proposed final order. A protest shall be in writing and shall include:

(a) The name, address and telephone number of the protestant;

(b) A description of the protestant's interest in the proposed final order and, if the protestant claims to represent the public interest, a precise statement of the public interest represented;

(c) A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest;

(d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;

(e) Any citation of legal authority supporting the protest, if known; and

(f) The protest fee required under ORS 536.050 (1)(j).

(6) Requests for standing and protests on the proposed final order shall be submitted within 45 days after publication of the notice of the proposed final order in the weekly **public** notice published by the department. Any person who asks to receive a copy of the department's final order shall submit to the department the fee required under ORS 536.050 (1)(p), unless the person has previously requested copies and paid the required fee.

(7) The Hydroelectric Application Review Team shall review any protest received and provide to the Water Resources Director a recommended response to any protest received.

(8) Within 120 days after the close of the period for receiving protests and after consultation with the Hydroelectric Application Review Team, the director shall:

(a) Issue a final order as provided under ORS 543A.130; or

(b) Schedule a contested case hearing if a protest has been submitted and if:

(A) Upon review of the issues, the director finds that there are significant disputes related to the proposed reauthorization of the project; or

(B) Within 30 days after the close of the period for submitting protests, the applicant requests a contested case hearing.

(9) At the request of the applicant, the department may extend the time periods set forth in subsection (8) of this section for a reasonable period of time.

(10) If the application is for reauthorization of a water right for a federally licensed project, the department may postpone the issuance of the final order until the Federal Energy Regulatory Commission license is issued.

CAPTIONS

SECTION 47. **The unit captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.**

OPERATIVE DATE

SECTION 48. **Sections 9, 13, 24, 29 and 31 of this 2025 Act and the amendments to ORS 536.045, 536.410, 537.145, 537.147, 537.150, 537.153, 537.211, 537.225, 537.230, 537.252, 537.348, 537.470, 537.610, 537.620, 537.621, 537.630, 538.450, 540.520, 540.524, 540.535, 540.570, 540.580, 540.585, 543.220, 543A.035, 543A.040, 543A.055 and 543A.120 by sections 2 to 7, 10, 14, 17, 19, 20, 25, 26, 32, 33 and 34 to 46 of this 2025 Act become operative on April 1, 2026.**

EARLY AGENCY ACTION

SECTION 49. **The Water Resources Department and the Water Resources Commission may take any action before the operative date specified in section 48 of this 2025 Act that is necessary to enable the department and the commission to exercise, on and after the operative date specified in section 48 of this 2025 Act, all of the duties, functions and powers conferred on the department and the commission by the provisions of this 2025 Act.**

EFFECTIVE DATE

SECTION 50. **This 2025 Act takes effect on the 91st day after the date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.**

Passed by House April 22, 2025

Repassed by House May 29, 2025

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Julie Fahey, Speaker of House

Passed by Senate May 27, 2025

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

.....
Tobias Read, Secretary of State

83rd OREGON LEGISLATIVE ASSEMBLY--2025 Regular Session

Enrolled
House Bill 3544

Sponsored by Representatives HELM, OWENS; Representative LEVY E

CHAPTER .....

AN ACT

Relating to water; creating new provisions; amending ORS 536.050, 536.750, 537.140, 537.147, 537.153, 537.170, 537.175, 537.225, 537.227, 537.295, 537.297, 537.343, 537.409, 537.420, 537.445, 537.470, 537.621, 537.622, 537.625, 537.628, 537.629, 540.520, 540.524, 540.537, 540.560, 540.641, 543.255 and 543.765 and sections 30, 33a and 48, chapter 282, Oregon Laws 2025 (Enrolled House Bill 3342); and repealing sections 5, 32, 33 and 39, chapter 282, Oregon Laws 2025 (Enrolled House Bill 3342).

Be It Enacted by the People of the State of Oregon:

UNIFORM PROCESS FOR CONTESTED CASES

SECTION 1. Sections 2 and 3 of this 2025 Act are added to and made a part of ORS chapter 536.

SECTION 2. (1) As used in this section and section 3 of this 2025 Act, "contested case" has the meaning given that term in ORS 183.310.

(2) This section and section 3 of this 2025 Act and rules adopted thereunder apply to:

(a) A contested case proceeding under a provision of ORS chapter 537 or 540 that references this section.

(b) A contested case proceeding on an application related to the use of water under a provision of ORS chapter 537, 540 or 541 in which the contested case proceeding is provided for in rule or order and the rule or order refers to this section.

(3) The Water Resources Commission and the Office of Administrative Hearings shall establish a uniform process for hearing contested cases that is consistent with this section and with ORS chapter 183. The contested case proceeding must be conducted in accordance with applicable provisions of ORS chapter 183 that govern contested cases, except as otherwise provided in this section and section 3 of this 2025 Act and administrative rules adopted under this section and section 3 of this 2025 Act, or as specified in ORS chapters 537, 540 and 541.

(4) The Water Resources Department, in consultation with the Office of Administrative Hearings, shall establish one or more default hearing schedules that govern contested case hearings and provide that the process, from a referral for a hearing to a completion of the hearing, must be completed in not more than 180 days, except as provided in subsection (5) of this section. The default schedule must include deadlines for discovery requests and responses and motions to compel discovery and may include other deadlines.

(5) The Office of Administrative Hearings may allow an extension of the hearing schedule only under the following circumstances:

(a) The department, after consulting with the parties, requests a different schedule for a particular contested case;

(b) The chief administrative law judge, upon referral, determines that adhering to the default schedule is not feasible in a particular contested case; or

(c) The administrative law judge assigned to the case determines that modifying the default schedule for a particular contested case serves the public interest, is necessary to provide due process or is in the interest of justice.

(6) An administrative law judge shall, to the greatest extent practicable, give preference to testimony being provided orally rather than in writing.

(7) The administrative law judge shall determine the venue for conducting the hearing, subject to the approval of the Water Resources Department, and shall give preference to conducting a hearing by a remote method.

(8) The department, after consultation with the parties, may request that the Office of Administrative Hearings authorize the assignment of a settlement administrative law judge. If the office assigns a settlement administrative law judge to a case, the parties have 60 days after the date of the referral to reach a settlement of the case before continuing to a hearing. If the department refers the case for review with a settlement administrative law judge and the case does not resolve within 60 days after the date of the referral, the case proceeds to a contested case hearing and the contested case hearing must be completed within 180 days after the end of the 60-day period, except as provided in subsection (5) of this section.

(9) The commission shall establish standard timelines for the department to rule on a request for party status.

(10) The commission may adopt rules necessary to implement this section.

SECTION 3. (1) To initiate a contested case proceeding that is subject to this section and section 2 of this 2025 Act:

(a) Any person may submit a protest against a proposed final order.

(b) Unless a timeline is otherwise specified under ORS chapter 537, 540 or 541, the protest must be submitted within 45 days after publication of the notice of the proposed final order in a weekly public notice of the Water Resources Department or, if weekly public notice is not required, within 45 days after issuance of notice of the proposed final order.

(c) The protest must:

(A) Be in writing;

(B) Include the name, address and telephone number of the protestant;

(C) Include a description of the protestant's interest in the proposed final order and, if the protestant claims to represent the public interest, a precise statement of the public interest represented;

(D) Include a detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest;

(E) Raise an issue with sufficient specificity to allow response to the issue, as described in subsection (3)(b) of this section;

(F) Identify any citation of legal authority supporting the protest, if known; and

(G) Include the protest fee required under ORS 536.050.

(2) If a protest is submitted as described in subsection (5) of this section, within 30 days after the deadline for filing a protest:

(a) Any person who supports the proposed final order may file a request for party status for the purpose of participating in any contested case proceeding on the proposed final order or for judicial review of a final order resulting from the proposed final order.

(b) The request for party status must:

(A) Be in writing.

(B) Meet all requirements established in rule by the Water Resources Commission.

(C) Include the fees described in ORS 536.050 (1)(n) and (o).

(3) In a contested case proceeding under this section:

(a) A hearing need not occur if:

(A) All issues in the contested case are resolved as part of a settlement;

(B) The protest is withdrawn; or

(C) The protestant defaults.

(b) A protest must raise an issue with sufficient specificity to allow response to the issue. To raise an issue with sufficient specificity, the protest must:

(A) Identify the recommended findings of fact, conclusions of law or conditions of approval to which the protestant objects; and

(B) Explain how the issues raised in the protest are within the jurisdiction of the department.

(c) Not later than the end of the protest period, each person that submits a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments that support the person's position.

(d) A failure to raise a reasonably ascertainable issue in a protest or a failure to provide sufficient specificity to afford the department an opportunity to respond to the issue precludes judicial review of that issue.

(4) If no protest on a proposed final order that is subject to this section and section 2 of this 2025 Act is timely received, as a matter of law, the proposed final order shall become a final order on the date that is 33 days after the close of the time period for submitting a protest, with no further action required by the department.

(5) Notwithstanding subsection (4) of this section, not more than 33 days after the close of the time period for submitting a protest, the department may withdraw a proposed final order for reconsideration and issuance of a superseding proposed final order.

(6) The department shall refund the fees described in ORS 536.050 (1)(o) if party status is denied.

(7) The Water Resources Commission may adopt rules necessary to implement this section.

SECTION 3a. If House Bill 3342 becomes law, section 3 of this 2025 Act is amended to read:

Sec. 3. (1) To initiate a contested case proceeding that is subject to this section and section 2 of this 2025 Act:

(a) Any person may submit a protest against a proposed final order.

(b) Unless a timeline is otherwise specified under ORS chapter 537, 540 or 541, the protest must be submitted within 45 days after publication of the notice of the proposed final order in a weekly public notice of the Water Resources Department or, if weekly public notice is not required, within 45 days after issuance of notice of the proposed final order.

(c) The protest must:

(A) Be in writing;

(B) Include the name, address and telephone number of the protestant;

(C) Include a description of the protestant's interest in the proposed final order and, if the protestant claims to represent the public interest, a precise statement of the public interest represented;

(D) Include a detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest;

(E) Raise an issue with sufficient specificity to allow response to the issue, as described in subsection (3)(b) of this section;

(F) Identify any citation of legal authority supporting the protest, if known; and

(G) Include the protest fee required under ORS 536.050.

(2) If a protest is submitted [*as described in subsection (5) of this section*], within 30 days after the deadline for filing a protest:

(a) Any person who supports the proposed final order may file a request for party status for the purpose of participating in any contested case proceeding on the proposed final order or for judicial review of a final order resulting from the proposed final order.

(b) The request for party status must:

(A) Be in writing.

(B) Meet all requirements established in rule by the Water Resources Commission.

(C) Include the fees described in ORS 536.050 (1)(n) and (o).

(3) In a contested case proceeding under this section:

(a) A hearing need not occur if:

(A) All issues in the contested case are resolved as part of a settlement;

(B) The protest is withdrawn; or

(C) The protestant defaults.

(b) A protest must raise an issue with sufficient specificity to allow response to the issue. To raise an issue with sufficient specificity, the protest must:

(A) Identify the recommended findings of fact, conclusions of law or conditions of approval to which the protestant objects; and

(B) Explain how the issues raised in the protest are within the jurisdiction of the department.

(c) Not later than the end of the protest period, each person that submits a protest shall raise all reasonably ascertainable issues and submit all reasonably available arguments that support the person's position.

(d) A failure to raise a reasonably ascertainable issue in a protest or a failure to provide sufficient specificity to afford the department an opportunity to respond to the issue precludes judicial review of that issue.

(4) If no protest on a proposed final order that is subject to this section and section 2 of this 2025 Act is timely received, as a matter of law, the proposed final order shall become a final order on the date that is 33 days after the close of the time period for submitting a protest, with no further action required by the department.

(5) Notwithstanding subsection (4) of this section, not more than 33 days after the close of the time period for submitting a protest, the department may withdraw a proposed final order for reconsideration and issuance of a superseding proposed final order.

(6) The department shall refund the fees described in ORS 536.050 (1)(o) if party status is denied.

(7) The Water Resources Commission may adopt rules necessary to implement this section.

CONTESTED CASES

SECTION 4. ORS 537.140 is amended to read:

537.140. (1)(a) Each application for a permit to appropriate water shall be made to the Water Resources Department on a form prescribed by the department and shall set forth:

(A) The name and mailing address of the applicant;

(B) The source of water supply including the name and mailing address of any owner of the land upon which the source of the water supply is located;

(C) The nature and amount of the proposed use;

(D) The location and description of the proposed ditch, canal or other work, including the name and mailing address of the owner of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work even if the applicant has obtained written authorization or an easement from the owner;

(E) A statement declaring whether the applicant has written authorization or an easement permitting access to nonowned land crossed by the proposed ditch, canal or other work;

(F) The time within which it is proposed to begin construction;

(G) The time required for completion of the construction;

(H) The time for the complete application of the water to the proposed use; and

(I) Any other information required in the application form that is necessary to evaluate the application as established by statute and rule.

(b) If for agricultural purposes, the application shall give the legal subdivisions of the land and the acreage to be irrigated, as near as may be.

(c) Except as provided in subsection (2) of this section, if for power purposes, the application shall give the nature of the works by means of which the power is to be developed, the head and amount of water to be utilized, and the uses to which the power is to be applied.

(d) If for construction of a reservoir, the application shall give the height of dam, the capacity of the reservoir, and the uses to be made of the impounded waters.

(e) If for municipal water supply, the application shall give the present population to be served, and, as near as may be, the future requirements of the city.

(f) If for mining purposes, the application shall give the nature of the mines to be served, and the methods of supplying and utilizing the water.

(2) Any person who has applied to the Federal Energy Regulatory Commission for a preliminary permit or an exemption from licensing shall, at the same time, apply to the Water Resources Department for a permit to appropriate water for a hydroelectric project. An applicant for a permit to appropriate water for a new hydroelectric project shall submit to the department a complete copy of any application for the project filed with the Federal Energy Regulatory Commission or other federal agency. If the copy of the federal application is filed with the department at the same time it is filed with the federal agency, at the department's discretion such copy may fulfill the requirements for an application under subsection (1) of this section.

(3) Each application shall be accompanied by any map or drawing and all other data concerning the proposed project and the applicant's ability and intention to construct the project, as may be prescribed by the Water Resources Commission. The accompanying data shall be considered a part of the application.

(4) The map or drawing required to accompany the application shall be of sufficient quality and scale to establish the location of the proposed point of diversion and the proposed place of use identified by tax lot, township, range, section and nearest quarter-quarter section along with a notation of the acreage of the proposed place of use, if appropriate. In addition, the department shall accept locational coordinate information, including latitude and longitude as established by a global positioning system. If the application is for a water right for a municipal use, the map need not identify the proposed place of use by tax lot.

(5) Each application for a permit to appropriate water shall be accompanied by the examination fee set forth in ORS 536.050 (1).

(6) If the proposed use of the water is for operation of a mining operation as defined in ORS 517.952, the applicant shall provide the information required under this section as part of the consolidated application under ORS 517.952 to 517.989.

[*(7) Notwithstanding any provision of ORS chapter 183, an application for a permit to appropriate water shall be processed in the manner set forth in ORS 537.120 to 537.360. Nothing in ORS chapter 183 shall be construed to allow additional persons to participate in the process. To the extent that any provision in ORS chapter 183 conflicts with a provision set forth in ORS 537.120 to 537.360, the provisions in ORS 537.120 to 537.360 shall control.*]

SECTION 5. ORS 537.153 is amended to read:

537.153. (1) Within 60 days after the Water Resources Department proceeds with the application under ORS 537.150 (5), the department shall complete application review and issue a proposed final order approving or denying the application or approving the application with modifications or conditions. The department may request the applicant to provide additional information needed to complete the review. If the department requests additional information, the request shall be specific and shall be sent to the applicant by registered mail. The department shall specify a date by which the information must be returned, which shall be not less than 10 days after the department mails the request to the applicant. If the department does not receive the information or a request for a time extension under ORS 537.175 by the date specified in the request, the department may reject

the application and may refund fees in accordance with ORS 536.050 (4)(a). The time period specified by the department in a request for additional information shall allow the department to comply with the 60-day time limit established by this subsection.

(2) In reviewing the application under subsection (1) of this section, the department shall presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310 (12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission. This shall be a rebuttable presumption and may be overcome by a preponderance of evidence that either:

(a) One or more of the criteria for establishing the presumption are not satisfied; or

(b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest under [*subsection (6) of this*] section **3 of this 2025 Act** or in a finding of the department that shows:

(A) The specific public interest under ORS 537.170 [*(8)*] **(5)** that would be impaired or detrimentally affected; and

(B) Specifically how the identified public interest would be impaired or detrimentally affected.

(3) The proposed final order shall cite findings of fact and conclusions of law and shall include but need not be limited to:

(a) Confirmation or modification of the preliminary determinations made in the initial review;

(b) A brief statement that explains the criteria considered relevant to the decision, including the applicable basin program and the compatibility of the proposed use with applicable land use plans;

(c) An assessment of water availability and the amount of water necessary for the proposed use;

(d) An assessment of whether the proposed use would result in injury to existing water rights;

(e) An assessment of whether the proposed use would impair or be detrimental to the public interest as provided in ORS 537.170;

(f) A draft permit, including any proposed conditions, or a recommendation to deny the application;

(g) Whether the rebuttable presumption that the proposed use will not impair or be detrimental to the public interest has been established; and

(h) The date by which protests to the proposed final order must be received by the department.

(4) The department shall mail copies of the proposed final order to the applicant and to persons who have requested copies and paid the fee required under ORS 536.050 (1)(p). The department also shall publish notice of the proposed final order by publication in the weekly notice published by the department.

[*(5) Any person who supports a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing and shall be accompanied by the fee established under ORS 536.050 (1)(n).*]

[*(6) Any person may submit a protest against a proposed final order. A protest shall be in writing and shall include:*]

[*(a) The name, address and telephone number of the protestant;*]

[*(b) A description of the protestant's interest in the proposed final order and, if the protestant claims to represent the public interest, a precise statement of the public interest represented;*]

[*(c) A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest;*]

[*(d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;*]

[*(e) Any citation of legal authority supporting the protest, if known; and*]

[*(f) The protest fee required under ORS 536.050.*]

[*(7) Requests for standing and protests on the proposed final order shall be submitted within 45 days after publication of the notice of the proposed final order in the weekly notice published by the*

department. Any person who asks to receive a copy of the department's final order shall submit to the department the fee required under ORS 536.050 (1)(p), unless the person has previously requested copies and paid the required fee under ORS 537.150 (7), the person is a protestant and has paid the fee required under ORS 536.050 (1)(j) or the person has standing and has paid the fee under ORS 536.050 (1)(n).]

(5) A person who asks to receive a copy of the department's final order shall submit to the department the fee required under ORS 536.050 (1)(p), unless the person has previously requested copies and has paid the fee required under ORS 537.150 (7), the person is a protestant and has paid the fee required under ORS 536.050 (1)(j) or the person has party status and has paid the fees required under ORS 536.050 (1)(n) and (o).

(6) The provisions of sections 2 and 3 of this 2025 Act, and rules adopted thereunder, apply to a contested case proceeding on a proposed final order issued under this section.

[*(8)*] **(7)** Within 60 days after the close of the period for receiving protests, **if a protest was timely submitted,** the Water Resources Director shall:

(a) Issue a final order as provided under ORS 537.170 [*(6); or*] **(1) or (2), if the applicant has not filed a protest and the director finds that there are no significant issues related to the proposed use of water;**

(b) Schedule a contested case hearing if a protest has been submitted**; or** [*and if:*]

(c) Provide any person who timely submitted a protest or request for party status with an estimate of the timing of referring the contested case to the Office of Administrative Hearings for a hearing and notice that parties may provide settlement proposals.

[*(A) Upon review of the issues, the director finds that there are significant disputes related to the proposed use of water; or*]

[*(B) Within 30 days after the close of the period for submitting protests, the applicant requests a contested case hearing.*]

SECTION 5a. If House Bill 3342 becomes law, section 32, chapter 282, Oregon Laws 2025 (Enrolled House Bill 3342) (amending ORS 537.153), is repealed and ORS 537.153, as amended by section 5 of this 2025 Act, is amended to read:

537.153. (1) Within 60 days after the Water Resources Department proceeds with the application under ORS 537.150 (5)**(c)**, the department shall complete application review and issue a proposed final order approving or denying the application or approving the application with modifications or conditions. The department may request the applicant to provide additional information needed to complete the review. If the department requests additional information, the request shall be specific and shall be sent to the applicant by registered mail. The department shall specify a date by which the information must be returned, which shall be not less than 10 days after the department mails the request to the applicant. If the department does not receive the information or a request for a time extension under ORS 537.175 by the date specified in the request, the department may reject the application and may refund fees in accordance with ORS 536.050 (4)(a). The time period specified by the department in a request for additional information shall allow the department to comply with the 60-day time limit established by this subsection.

(2) In reviewing the application under subsection (1) of this section, the department shall presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310 (12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission. This shall be a rebuttable presumption and may be overcome by a preponderance of evidence that either:

(a) One or more of the criteria for establishing the presumption are not satisfied; or

(b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest under section 3 of this 2025 Act or in a finding of the department that shows:

(A) The specific public interest under ORS 537.170 (5) that would be impaired or detrimentally affected; and

(B) Specifically how the identified public interest would be impaired or detrimentally affected.

(3) The proposed final order shall cite findings of fact and conclusions of law and shall include but need not be limited to:

(a) Confirmation or modification of the preliminary determinations made in the initial review;

(b) A brief statement that explains the criteria considered relevant to the decision, including the applicable basin program and the compatibility of the proposed use with applicable land use plans;

(c) An assessment of water availability and the amount of water necessary for the proposed use;

(d) An assessment of whether the proposed use would result in injury to existing water rights;

(e) An assessment of whether the proposed use would impair or be detrimental to the public interest as provided in ORS 537.170;

(f) A draft permit, including any proposed conditions, or a recommendation to deny the application;

(g) Whether the rebuttable presumption that the proposed use will not impair or be detrimental to the public interest has been established; and

(h) The date by which protests to the proposed final order must be received by the department.

(4) The department shall mail copies of the proposed final order to the applicant and to persons who have requested copies and paid the fee required under ORS 536.050 (1)(p). The department also shall publish notice of the proposed final order by publication in the weekly **public** notice published by the department.

(5) A person who asks to receive a copy of the department's final order shall submit to the department the fee required under ORS 536.050 (1)(p), unless the person has previously requested copies and has paid the fee required under ORS 537.150 (7), the person is a protestant and has paid the fee required under ORS 536.050 (1)(j) or the person has party status and has paid the fees required under ORS 536.050 (1)(n) and (o).

(6) The provisions of sections 2 and 3 of this 2025 Act, and rules adopted thereunder, apply to a contested case proceeding on a proposed final order issued under this section.

(7) Within 60 days after the close of the period for receiving protests, if a protest was timely submitted, the Water Resources Director shall:

(a) Issue a final order as provided under ORS 537.170 (1) or (2), if the applicant has not filed a protest and the director finds that there are no significant issues related to the proposed use of water;

(b) Schedule a contested case hearing if a protest has been submitted; or

(c) Provide any person who timely submitted a protest or request for party status with an estimate of the timing of referring the contested case to the Office of Administrative Hearings for a hearing and notice that parties may provide settlement proposals.

SECTION 6. ORS 537.170 is amended to read:

537.170. [*(1) Within 45 days after the Water Resources Director schedules a contested case hearing under ORS 537.153 (8), the Water Resources Department shall hold the contested case hearing. The issues to be considered in the contested case hearing shall be limited to issues identified by the administrative law judge.*]

[*(2) Notwithstanding the provisions of ORS chapter 183 pertaining to contested case proceedings, the parties to any contested case hearing initiated under this section shall be limited to:*]

[*(a) The applicant;*]

[*(b) Any person who timely filed a protest; and*]

[*(c) Any person who timely filed a request for standing under ORS 537.153 (5) and who requests to intervene in the contested case hearing prior to the start of the proceeding.*]

[*(3) The contested case proceeding shall be conducted in accordance with the applicable provisions of ORS chapter 183 except:*]

[*(a) As provided in subsections (1) and (2) of this section; and*]

[*(b) An interlocutory appeal under ORS 183.480 (3) shall not be allowed.*]

[*(4) If applicable, an application to appropriate water for the generation of electricity submitted under ORS 537.140 shall be included in the consolidated review and hearings process under ORS 543.255.*]

[*(5) Each person submitting a protest or a request for standing shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or in a hearing or failure to provide sufficient specificity to afford the Water Resources Department an opportunity to respond to the issue precludes judicial review based on that issue.*]

[*(6)*] **(1)** If **a protest of a proposed final order issued under ORS 537.153 is filed under section 3 of this 2025 Act and**, after the contested case hearing or, if a hearing is not held, after the close of the period allowed to file a protest, the **Water Resources** Director determines that the proposed use does not comply with the standards set forth in ORS 543.017 or rules adopted by the Water Resources Commission under ORS 543.017 or would otherwise impair or be detrimental to the public interest, the director shall issue a final order rejecting the application or modifying the proposed final order to conform to the public interest.

(2) If **a protest of a proposed final order issued under ORS 537.153 is filed under section 3 of this 2025 Act and**, after the contested case hearing or, if a hearing is not held, after the close of the period allowed to file a protest, the director determines that the proposed use would not impair or be detrimental to the public interest, the director shall issue a final order approving the application or otherwise modifying the proposed final order.

(3) A final order may set forth any of the provisions or restrictions to be included in the permit concerning the use, control and management of the water to be appropriated for the project, including, but not limited to, a specification of reservoir operation and minimum releases to protect the public interest.

(4) An interlocutory appeal under ORS 183.480 (3) is not allowed in a contested case proceeding under this section.

[*(7) If a contested case hearing is not held:*]

[*(a) Where the final order modifies the proposed final order, the applicant may request and the department shall schedule a contested case hearing as provided under subsection (3) of this section by submitting the information required for a protest under ORS 537.153 (6) within 14 days after the director issues the final order. However, the issues on which a contested case hearing may be requested and conducted under this paragraph shall be limited to issues based on the modifications to the proposed final order.*]

[*(b) Only the applicant or a protestant may appeal the provisions of the final order in the manner established in ORS chapter 183 for appeal of order other than contested cases.*]

(5) If a contested case hearing is not held under ORS 537.153 (7)(a) where the final order modifies the proposed final order, the applicant, a person granted party status or a protestant may submit a protest under section 2 or 3 of this 2025 Act within 14 days after the director issues the final order, except that the issues on which a contested case hearing may be requested and conducted under this subsection are limited to issues based on the modifications to the proposed final order. The department must hold a hearing if the protestant is an applicant.

(6) If a protest of a proposed final order issued under ORS 537.153 is filed under section 3 of this 2025 Act by a person other than the applicant and, as described in ORS 537.153 (7)(a), the director issues a final order without holding a contested case hearing, a protestant may appeal the provisions of the final order in the manner established in ORS chapter 183 for appeal of orders in other than contested cases.

[*(8)*] **(7)** If the presumption of public interest under ORS 537.153 (2) is overcome, then before issuing a final order, the director or the commission, if applicable, shall make the final determination of whether the proposed use or the proposed use as modified in the proposed final order would impair or be detrimental to the public interest by considering:

(a) Conserving the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.

(b) The maximum economic development of the waters involved.

(c) The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.

(d) The amount of waters available for appropriation for beneficial use.

(e) The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.

(f) All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.

(g) The state water resources policy formulated under ORS 536.295 to 536.350 and 537.505 to 537.534.

[*(9)*] **(8)** Upon issuing a final order, the director shall notify the applicant and each person who submitted written comments or protests or otherwise requested notice of the final order and send a copy of the final order to any person who requested a copy and paid the fee required under ORS 536.050 (1)(p).

SECTION 7. ORS 537.175 is amended to read:

537.175. (1) Except as provided in subsection (2) of this section, the Water Resources Department shall issue a final order or schedule a contested case hearing on an application for a water right referred to in ORS 537.140 or 537.400 within 180 days after the department proceeds with the application under ORS 537.150 (5).

(2) At the request of the applicant, the department may extend the 180-day period set forth in subsection (1) of this section for a reasonable period of time.

[*(3) If a contested case hearing is held, the department shall issue a final order:*]

[*(a) Within 270 days after scheduling the hearing for a contested case proceeding that involves three or more parties not including the department; and*]

[*(b) Within 180 days after scheduling the hearing for all other contested case proceedings.*]

[*(4)*] **(3)** If the applicant does not request an extension under subsection (2) of this section and the department fails to issue a proposed final order or schedule a contested case hearing on an application for a water right within 180 days after the department proceeds with the application under ORS 537.150 (5), the applicant may apply in the Circuit Court for Marion County for a writ of mandamus to compel the department to issue a final order or schedule a contested case hearing on an application for a water right. If the application is for an out-of-stream use, the writ of mandamus shall compel the department to issue a water right permit, unless the department shows by affidavit that to issue a permit may result in harm to an existing water right holder.

SECTION 8. ORS 537.225 is amended to read:

537.225. (1) Notwithstanding ORS 537.220 and 537.635, except as provided in subsection [*(6)*] **(7)** of this section, a record landowner holding a water right permit for an irrigation, nursery, temperature control, stock watering or agricultural water use that has a subsequent completion date may apply for assignment of all or part of the water right permit and for the issuance of a replacement water right permit that reflects that assignment. To obtain the assignment and replacement water right permits, the applicant shall submit an application to the Water Resources Department that includes, at a minimum:

(a) A map prepared by a certified water right examiner and meeting department mapping standards that identifies the authorized place of use, rate of use, any applicable acre-feet allowances, tax lots and points of diversion or appropriation;

(b) A copy of the deed showing that the applicant is an owner of the land;

(c) An affidavit certifying that the water right has not been conveyed or withheld;

(d) A statement by the applicant that the most recent water use under the permit, if any, has been exercised within relevant terms and conditions of the permit; and

(e)(A) Agreements to the assignment and to the request for the issuance of replacement water right permits submitted jointly or individually by all owners of the land to which the water right is appurtenant; or

(B) An assignment of interest and request for the issuance of replacement water right permits submitted by one or more of the owners of land to which the water right is appurtenant and information identifying the names, addresses and proportionate interests for those owners not submitting the assignment and request.

(2) In addition to the application contents described in subsection (1) of this section, the department may require that the applicant provide any additional information the department deems appropriate to determining whether to approve the application.

(3) Upon receiving an application under subsection (1) of this section, the department shall determine and notify the applicant of the fees payable under ORS 536.050 for processing the application. Upon receipt of the appropriate processing fees, the department shall:

(a) Verify the address of each owner of the lands identified on the map contained in the application;

(b) Verify that the deed supplied with the application matches the property proposed for assignment;

(c) Prepare a statement that the proposed replacement water right permits will not result in the enlargement of the original water right, a proposed final order and drafts of replacement water right permits;

(d) No later than one week prior to the date of the weekly notice described in paragraph (e) of this subsection, mail copies of the application, the map, the existing water right permit, the proposed final order and the draft replacement water right permits to each owner of land to which the existing water right is appurtenant; and

(e) Provide public notice of the application in the weekly notice published by the department.

(4) The department shall allow comment on the application for 30 days following public notice of the application in the weekly notice published by the department. Any protest against the proposed final order must be submitted no later than 45 days after the date of the weekly notice published by the department. [*A protest must be filed in the manner provided in ORS 537.227.*]

(5) The provisions of sections 2 and 3 of this 2025 Act, and rules adopted thereunder, apply to a contested case proceeding on a proposed final order issued under this section, except that the issues raised in a protest must directly pertain to whether the proposed replacement water right permits are authorized under and in conformance with this section.

[*(5)*] **(6)** If the department determines that an application under subsection (1) of this section to assign all or part of a water right permit has been properly filed, and that the issuance of replacement water right permits will not result in the enlargement of the original water right or otherwise cause injury to other water right holders, the department shall issue one or more replacement water right permits to reflect the assignment. The replacement water right permits:

(a) Must have the same conditions as the replaced water right permit, including but not limited to priority date, source of water and type of use;

(b) May not add or change a point of diversion or point of appropriation;

(c) May not result in the enlargement of the water use authorized under the replaced water right permit;

(d) Must apportion the rate, and if applicable the duty, in proportion to the amount of land to which the water right is appurtenant; and

(e) Must identify the land to which the replacement water right permit is appurtenant and the owner of that land.

[*(6)*] **(7)** This section does not apply to municipal or quasi-municipal permits or to permits held by a unit of local government, including but not limited to permits held by a port or water authority

or a district. As used in this subsection, "unit of local government" has the meaning given that term in ORS 190.003 and "district" has the meaning given that term in ORS 540.505.

SECTION 9. ORS 537.227 is amended to read:

537.227. [*(1) A record landowner, an assignee, an affected water right permit holder or other interested person may protest a Water Resources Department proposed final order for a water right assignment under ORS 537.225. The protest must be in writing and received by the department within the time provided under ORS 537.225 (4). The protest must be accompanied by the protest fee required under ORS 536.050 and include:*]

[*(a) The name, address and telephone number of the person filing the protest; and*]

[*(b) A detailed explanation of why the proposed order does not conform with the criteria for a water right permit assignment and a description of the changes to the order that are necessary to correct the nonconformity.*]

[*(2) A protest must identify all issues the person wishes to raise that are reasonably ascertainable at the time the protest is filed. The issues must directly pertain to whether the proposed replacement water right permits are authorized under and in conformance with ORS 537.225.*]

[*(3)*] **(1) In addition to any other authority the Water Resources Department may have,** if a protest is properly filed, the department may work with the applicant for the water right assignment and the person filing the protest to determine whether the issues raised by the protest can be resolved informally. [*The department may:*]

[*(a) Reissue a proposed final order;*]

[*(b) Issue a final order; or*]

[*(c) Refer the matter for a contested case hearing.*]

[*(4) If the department is unable to resolve the issues informally and refers the matter for a contested case hearing, the issues properly before the administrative law judge are limited to whether the proposed replacement water right permits are authorized under and in conformance with ORS 537.225. Any unraised issue that was reasonably ascertainable at the time the protest was filed and any argument not raised in the protest with sufficient specificity to afford the department an opportunity for response is not subject to review at the contested case hearing.*]

[*(5)*] **(2)** Notwithstanding ORS 183.310, **and sections 2 and 3 of this 2025 Act,** the parties to a contested case hearing held under this section are limited to:

(a) The applicant for the water right assignment; and

(b) Persons that timely filed a protest against the proposed order under ORS 537.225 (4).

SECTION 10. ORS 537.295 is amended to read:

537.295. (1) If the holder of a permit to appropriate water for hydroelectric purposes under this chapter fails, after receiving notice under ORS 537.289 (2), to amend the joint agreement so the holder continues to qualify as a municipal applicant, or if the holder of the permit has assigned ownership of the permit to an entity other than a municipal corporation or district, the Water Resources Commission shall initiate proceedings to cancel the permit.

[*(2) A proceeding to cancel a permit under subsection (1) of this section shall be conducted according to the provisions under ORS chapter 183 for a contested case hearing.*]

(2) The provisions of sections 2 and 3 of this 2025 Act, and rules adopted thereunder, apply to a contested case proceeding on a proposed final order issued under this section.

SECTION 11. ORS 537.297 is amended to read:

537.297. (1) If the owner of a certificate to appropriate water for hydroelectric purposes under this chapter fails, after receiving notice under ORS 537.289 (2), to amend the joint agreement so the owner continues to qualify as a municipal applicant, or if the holder of the certificate has assigned ownership of the certificate to an entity other than a municipal corporation or district, the Water Resources Commission shall initiate proceedings to cancel the certificate.

[*(2) A proceeding to cancel a certificate under subsection (1) of this section shall be conducted according to the provisions under ORS chapter 183 for a contested case hearing.*]

(2) The provisions of sections 2 and 3 of this 2025 Act, and rules adopted thereunder, apply to a contested case proceeding on a proposed final order issued under this section.

SECTION 12. ORS 537.409 is amended to read:

537.409. (1) In lieu of the process set forth in ORS 537.140 to 537.211 for applying for a water right permit, an owner of a reservoir may submit an application to the Water Resources Department to issue a water right permit under ORS 537.211 or a certificate under ORS 537.250 according to the process set forth in this section if the reservoir:

(a) Has a storage capacity of less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height;

(b) Does not injure any existing water right;

(c) Does not pose a significant detrimental impact to existing fishery resources as determined on the basis of information submitted by the State Department of Fish and Wildlife; and

(d) Is not prohibited under ORS 390.835.

(2) An application for a water right permit for a reservoir under subsection (1) of this section shall provide sufficient information to demonstrate compliance with the criteria set forth in subsection (1) of this section. The application shall:

(a) Include the quantity of water to be stored by the reservoir, a map indicating the location of the reservoir and the source of the water used to fill the reservoir; and

(b) Be accompanied by the fee established in ORS 536.050 (1)(q).

(3) The map required under subsection (2) of this section need not be prepared by a water right examiner certified under ORS 537.798. The map submitted with the application shall comply with standards established by the Water Resources Commission.

(4) Within 60 days after receiving an application under subsection (1) of this section, the Water Resources Department shall provide public notice of the application in the manner the department determines to be the most appropriate.

(5) Within 60 days after the department provides public notice under subsection (4) of this section, any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir:

(a) Would result in injury to an existing water right; or

(b) Would pose a significant detrimental impact to existing fishery resources.

(6) In accordance with rules established by the Water Resources Commission for an expedited public interest review process for applications submitted under this section or in response to a request under subsection (5) of this section, the department shall conduct a public interest review of the reservoir application. The review shall be limited to issues pertaining to:

(a) Water availability;

(b) Potential detrimental impact to existing fishery resources; and

(c) Potential injury to existing water rights.

(7) Within 180 days after the department receives an application for a permit under subsection (1) of this section, the department shall issue a final order granting or denying the permit or granting the permit with conditions.

(8) If the department issues an order under subsection (7) of this section denying the permit, the applicant may request a contested case hearing, which shall be conducted in accordance with applicable provisions of ORS chapter 183**, sections 2 and 3 of this 2025 Act and rules adopted thereunder**. **The status of an order issued under subsection (7) of this section and for which an applicant has requested a contested case hearing is a proposed final order.**

(9) If the department does not find injury or impact under subsection (6) of this section and the department issues a final order under subsection (7) of this section allowing the issuance of a permit, the order shall be subject to judicial review of orders in other than contested cases as provided in ORS chapter 183.

(10) Notwithstanding the requirement for a survey under ORS 537.230, a survey of the appropriation is not required for a reservoir that has a storage capacity of less than 9.2 acre-feet of water. For a reservoir qualifying under this subsection, a permittee shall submit to the department a claim of beneficial use within one year after the date of completion of construction. A claim of beneficial

use for a reservoir qualifying under this subsection shall require only a written affidavit signed by the permittee that includes the following:

(a) The dimensions of the reservoir.

(b) The maximum capacity of the reservoir in acre-feet.

(c) A map identifying the location of the reservoir. The map shall comply with standards established by the Water Resources Commission. The map required under this subsection need not be prepared by a water right examiner certified under ORS 537.798.

(11) Any person applying for a secondary permit for the use of stored water from a reservoir qualifying under subsection (10) of this section shall submit a survey prepared by a water right examiner certified under ORS 537.798. The survey required under this subsection shall apply to the storage reservoir and to the secondary use of the water in the reservoir.

SECTION 13. ORS 537.420 is amended to read:

537.420. Whenever a permit holder fails to comply with the laws of the state and the requirements of the permit as to the commencement of work with due diligence, completion of the work of construction or the application of the water for a beneficial use, and the permit is subject to cancellation as provided in ORS 537.410 to 537.450, the Water Resources Commission shall[*, not less than 30 nor more than 60 days prior to the hearing provided for in ORS 537.445, notify each person who, according to Water Resources department records, is the holder of a water right permit or certificate whose right may be injured by the proposed cancellation. The notice shall require the holder of the permit to appear before the commission at the time and place designated in the notice, and show cause why the permit described in the notice should not be canceled for the reasons therein specified. The notice shall contain a brief statement of the grounds for cancellation and shall be served in accordance with ORS 183.415.*] **issue a proposed final order canceling the permit and serve notice of the proposed final order, in accordance with ORS 183.415, on the holder of the permit that is proposed for cancellation and on each person who, according to Water Resources Department records, is the holder of a water right permit or certificate whose right may be injured by the proposed cancellation. The notice shall provide a period of 60 days from the date of the mailing of the notice within which to protest the proposed cancellation of the permit.**

SECTION 14. ORS 537.445 is amended to read:

537.445. [*(1) If the Water Resources Commission proposes to cancel a permit or appropriation under ORS 537.410 to 537.450, opportunity for hearing shall be accorded as provided in ORS chapter 183.*]

(1) The provisions of sections 2 and 3 of this 2025 Act, and rules adopted thereunder, apply to a contested case proceeding on a proposed final order issued under ORS 537.410 to 537.450.

(2) If a petition for review of an order canceling a permit or appropriation is filed under ORS 536.075, the **Water Resources** Commission [*shall*] **may** not cancel the permit or appropriation under ORS 537.440 until the petitioner's right of review is exhausted and the order is finally approved.

SECTION 15. ORS 537.470 is amended to read:

537.470. (1) Upon receipt of an application for allocation of conserved water under ORS 537.465, the Water Resources Commission shall give notice of receipt of the application in accordance with ORS 540.520 (5).

(2) The commission shall allocate conserved water as provided in subsection (3) of this section and approve modifications of water rights as provided in subsection [*(6)*] **(7)** of this section. The commission may not allocate conserved water pursuant to an application under ORS 537.465 if the application is filed more than five years after the conservation measure was implemented.

(3) After determining the quantity of conserved water, if any, required to mitigate the effects on other water rights, the commission shall allocate 25 percent of the remaining conserved water to the state and 75 percent to the applicant, unless the applicant proposes a higher allocation to the state or more than 25 percent of the funds used to finance the conservation measures comes from federal or state public sources. If more than 25 percent of the funds used to finance the conservation measures comes from federal or state public sources and is not subject to repayment, the commission

shall allocate to the state a percentage equal to the percentage of public funds used to finance the conservation measures and allocate to the applicant a percentage equal to the percentage of other funds used to finance the conservation measures. If the commission determines that the water allocated to the state is necessary to support in-stream flow purposes in accordance with ORS 537.332 to 537.360, the water shall be converted to an in-stream water right. If the water allocated to the state is not necessary to support in-stream flow purposes, it shall revert to the public for appropriation by the next user in priority. In no event, however, shall the applicant receive less than 25 percent of the remaining conserved water unless the applicant proposes a higher allocation to the state.

[*(4) The commission shall notify the applicant and any other person requesting notice, of the action the commission intends to take under subsection (3) of this section. Any person objecting to the proposed allocation may file a protest requesting a contested case hearing before the commission.*]

(4) The commission shall:

(a) Issue a proposed final order on the application.

(b) Serve the proposed final order in accordance with ORS 183.415.

(c) Provide notice of the proposed final order to any other person requesting notice.

(5) The provisions of sections 2 and 3 of this 2025 Act, and rules adopted thereunder, apply to a contested case proceeding on a proposed final order issued under this section.

[*(5)*] **(6)** The modification of water rights under an allocation of conserved water may not require a separate request for transfer under ORS 540.520.

[*(6)*] **(7)** After the commission completes the allocation of conserved water under subsection (3) of this section, the commission shall issue orders for proposed new certificates covering the changes in the original water rights. Once the conservation project is completed, separate new certificates preserving the previously established priority of rights shall be issued to cover the unaffected portion of the water rights and separate new certificates indicating the priority of rights as set forth in ORS 537.485 shall be issued to cover the right to the use of the allocated water.

SECTION 16. ORS 537.621 is amended to read:

537.621. (1) Within 60 days after the Water Resources Department proceeds with the application under ORS 537.620 (5), the department shall complete application review and issue a proposed final order approving or denying the application or approving the application with modifications or conditions. The department may request the applicant to provide additional information needed to complete the review. If the department requests additional information, the request shall be specific and shall be sent to the applicant by registered mail. The department shall specify a date by which the information must be returned, which shall be not less than 10 days after the department mails the request to the applicant. If the department does not receive the information or a request for a time extension under ORS 537.627 by the date specified in the request, the department may reject the application and may refund fees in accordance with ORS 536.050 (4)(a). The time period specified by the department in a request for additional information shall allow the department to comply with the 60-day time limit established by this subsection.

(2) In reviewing the application under subsection (1) of this section, the department shall determine whether the proposed use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525. The department shall presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310 (12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission. This shall be a rebuttable presumption and may be overcome by a preponderance of evidence that either:

(a) One or more of the criteria for establishing the presumption are not satisfied; or

(b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest under [*subsection (7) of this*] section **3 of this 2025 Act** or in a finding of the department that shows:

(A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and

(B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

(3) The proposed final order shall cite findings of fact and conclusions of law and shall include but need not be limited to:

(a) Confirmation or modification of the preliminary determinations made in the initial review;

(b) A brief statement that explains the criteria considered relevant to the decision, including the applicable basin program and the compatibility of the proposed use with applicable land use plans;

(c) An assessment of water availability and the amount of water necessary for the proposed use;

(d) An assessment of whether the proposed use would result in injury to existing water rights;

(e) An assessment of whether the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525;

(f) A draft permit, including any proposed conditions, or a recommendation to deny the application;

(g) Whether the rebuttable presumption under subsection (2) of this section has been established;

(h) The date by which protests to the proposed final order must be received by the department; and

(i) The flow rate and duty of water allowed.

(4) In establishing the flow rate and duty of water allowed, the department may consider a general basin-wide standard, but first shall evaluate information submitted by the applicant to demonstrate the need for a flow rate and duty higher than the general standard. If the applicant provides such information, the department shall authorize the requested rate and duty except upon specific findings related to the application to support a determination that a lesser amount is needed. If the applicant does not provide information to demonstrate the need for a flow rate and duty higher than the general basin-wide standard, the department may apply the general standards without specific findings related to the application.

(5) The department shall mail copies of the proposed final order to the applicant and to persons who have requested copies and paid the fee required under ORS 536.050 (1)(p). The department also shall publish notice of the proposed final order by publication in the weekly notice published by the department.

[*(6) Any person who supports a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing and shall be accompanied by the fee established under ORS 536.050 (1)(n).*]

[*(7) Any person may submit a protest against a proposed final order. A protest shall be in writing and shall include:*]

[*(a) The name, address and telephone number of the protestant;*]

[*(b) A description of the protestant's interest in the proposed final order, and if the protestant claims to represent the public interest, a precise statement of the public interest represented;*]

[*(c) A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest;*]

[*(d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;*]

[*(e) Any citation of legal authority supporting the protest, if known; and*]

[*(f) The protest fee required under ORS 536.050.*]

(6) The provisions of sections 2 and 3 of this 2025 Act, and rules adopted thereunder, apply to a contested case proceeding on a proposed final order issued under this section.

[*(8)*] **(7)** [*Requests for standing and protests on the proposed final order shall be submitted within 45 days after publication of the notice of the proposed final order in the weekly notice published by the department.*] Any person who asks to receive a copy of the department's final order shall submit to the department the fee required under ORS 536.050 (1)(p), unless the person has previously requested

copies and paid the required fee under ORS 537.620 (7), the person is a protestant and has paid the fee required under ORS 536.050 (1)(j) or the person has [*standing*] **requested party status** and has paid the fee under ORS 536.050 (1)(n) **and (o)**.

[*(9)*] **(8)** Within 60 days after the close of the period for receiving protests, **if a timely protest was submitted,** the Water Resources Director shall:

(a) Issue a final order as provided under ORS 537.625 (1)**, if the applicant has not filed a protest and the director finds that there are no significant issues related to the proposed use of water**; [*or*]

(b) Schedule a contested case hearing if a protest has been submitted**; or** [*and if:*]

(c) Provide any person who timely submitted a protest or request for party status with an estimate of the timing of referring the case to the Office of Administrative Hearings for a hearing and notice that parties may provide settlement proposals.

[*(A) Upon review of the issues, the director finds that there are significant disputes related to the proposed use of water; or*]

[*(B) Within 30 days after the close of the period for submitting protests, the applicant requests a contested case hearing.*]

SECTION 16a. If House Bill 3342 becomes law, section 33, chapter 282, Oregon Laws 2025 (Enrolled House Bill 3342) (amending ORS 537.621), is repealed and ORS 537.621, as amended by section 16 of this 2025 Act, is amended to read:

537.621. (1) Within 60 days after the Water Resources Department proceeds with the application under ORS 537.620 (5)**(c)**, the department shall complete application review and issue a proposed final order approving or denying the application or approving the application with modifications or conditions. The department may request the applicant to provide additional information needed to complete the review. If the department requests additional information, the request shall be specific and shall be sent to the applicant by registered mail. The department shall specify a date by which the information must be returned, which shall be not less than 10 days after the department mails the request to the applicant. If the department does not receive the information or a request for a time extension under ORS 537.627 by the date specified in the request, the department may reject the application and may refund fees in accordance with ORS 536.050 (4)(a). The time period specified by the department in a request for additional information shall allow the department to comply with the 60-day time limit established by this subsection.

(2) In reviewing the application under subsection (1) of this section, the department shall determine whether the proposed use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525. The department shall presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310 (12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission. This shall be a rebuttable presumption and may be overcome by a preponderance of evidence that either:

(a) One or more of the criteria for establishing the presumption are not satisfied; or

(b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest under section 3 of this 2025 Act or in a finding of the department that shows:

(A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and

(B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

(3) The proposed final order shall cite findings of fact and conclusions of law and shall include but need not be limited to:

(a) Confirmation or modification of the preliminary determinations made in the initial review;

(b) A brief statement that explains the criteria considered relevant to the decision, including the applicable basin program and the compatibility of the proposed use with applicable land use plans;

(c) An assessment of water availability and the amount of water necessary for the proposed use;

(d) An assessment of whether the proposed use would result in injury to existing water rights;

(e) An assessment of whether the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525;

(f) A draft permit, including any proposed conditions, or a recommendation to deny the application;

(g) Whether the rebuttable presumption under subsection (2) of this section has been established;

(h) The date by which protests to the proposed final order must be received by the department; and

(i) The flow rate and duty of water allowed.

(4) In establishing the flow rate and duty of water allowed, the department may consider a general basin-wide standard, but first shall evaluate information submitted by the applicant to demonstrate the need for a flow rate and duty higher than the general standard. If the applicant provides such information, the department shall authorize the requested rate and duty except upon specific findings related to the application to support a determination that a lesser amount is needed. If the applicant does not provide information to demonstrate the need for a flow rate and duty higher than the general basin-wide standard, the department may apply the general standards without specific findings related to the application.

(5) The department shall mail copies of the proposed final order to the applicant and to persons who have requested copies and paid the fee required under ORS 536.050 (1)(p). The department also shall publish notice of the proposed final order by publication in the weekly **public** notice published by the department.

(6) The provisions of sections 2 and 3 of this 2025 Act, and rules adopted thereunder, apply to a contested case proceeding on a proposed final order issued under this section.

(7) Any person who asks to receive a copy of the department's final order shall submit to the department the fee required under ORS 536.050 (1)(p), unless the person has previously requested copies and paid the required fee under ORS 537.620 (7), the person is a protestant and has paid the fee required under ORS 536.050 (1)(j) or the person has requested party status and has paid the fee under ORS 536.050 (1)(n) and (o).

(8) Within 60 days after the close of the period for receiving protests, if a timely protest was submitted, the Water Resources Director shall:

(a) Issue a final order as provided under ORS 537.625 (1), if the applicant has not filed a protest and the director finds that there are no significant issues related to the proposed use of water;

(b) Schedule a contested case hearing if a protest has been submitted; or

(c) Provide any person who timely submitted a protest or request for party status with an estimate of the timing of referring the case to the Office of Administrative Hearings for a hearing and notice that parties may provide settlement proposals.

SECTION 16b. If House Bill 3342 becomes law, section 33a, chapter 282, Oregon Laws 2025 (Enrolled House Bill 3342), is amended to read:

Sec. 33a. The amendments to ORS 537.153 and 537.621 by sections [*32 and 33 of this 2025 Act*] **5a and 16a of this 2025 Act** apply to requests for standing on proposed final orders issued on or after the operative date specified in section 48 [*of this 2025 Act*]**, chapter 282, Oregon Laws 2025 (Enrolled House Bill 3342)**.

SECTION 17. ORS 537.622 is amended to read:

537.622. [*(1) Within 45 days after the Water Resources Director schedules a contested case hearing under ORS 537.621 (9), the Water Resources Department shall hold the contested case hearing. The issues to be considered in the contested case hearing shall be limited to issues identified by the administrative law judge.*]

[*(2) Notwithstanding the provisions of ORS chapter 183 pertaining to contested case proceedings, the parties to any contested case hearing initiated under this section shall be limited to:*]

[*(a) The applicant;*]

[*(b) Any person who timely filed a protest; and*]

[*(c) Any person who timely filed a request for standing under ORS 537.621 (6) and who requests to intervene in the contested case hearing prior to the start of the proceeding.*]

[*(3) The*] **A** contested case **proceeding under ORS 537.621 (8)** [*proceeding*] shall be conducted in accordance with the applicable provisions of ORS chapter 183 **and sections 2 and 3 of this 2025 Act,** except[*:*]

[*(a) As provided in subsections (1) and (2) of this section; and*]

[*(b)*] **that** an interlocutory appeal under ORS 183.480 (3) [*shall not be*] **is not** allowed.

[*(4) Each person submitting a protest or a request for standing shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or in a hearing or failure to provide sufficient specificity to afford the Water Resources Department an opportunity to respond to the issue precludes judicial review based on that issue.*]

SECTION 18. ORS 537.625 is amended to read:

537.625. (1) If, after the contested case hearing or, if a hearing is not held, after the close of the period allowed to file a protest, the Water Resources Director determines that the proposed use **that is the subject of an application filed under ORS 537.615** does not ensure the preservation of the public welfare, safety and health as described in ORS 537.525, the director shall issue a final order rejecting the application or modifying the proposed final order as necessary to ensure the preservation of the public welfare, safety and health as described in ORS 537.525. If, after the contested case hearing or, if a hearing is not held, after the close of the period allowed to file a protest, the director determines that the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525, the director shall issue a final order approving the application or otherwise modifying the proposed final order. A final order may set forth any of the provisions or restrictions to be included in the permit concerning the use, control and management of the water to be appropriated for the project.

[*(2) If a contested case hearing is not held:*]

[*(a) Where the final order modifies the proposed final order, the applicant may request and the Water Resources Department shall schedule a contested case hearing as provided under ORS 537.622 (3) by submitting the information required for a protest under ORS 537.621 (7) within 14 days after the director issues the final order. However, the issues on which a contested case hearing may be requested and conducted under this paragraph shall be limited to issues based on the modifications to the proposed final order.*]

[*(b) Only the applicant or a protestant may appeal the provisions of the final order in the manner established in ORS chapter 183 for appeal of order other than contested cases.*]

(2) If a contested case hearing is not held under ORS 537.621 (8)(a) where the final order modifies the proposed final order, the applicant, a person that requested party status or a protestant may submit a protest under section 2 or 3 of this 2025 Act within 14 days after the director issues the final order, except that the issues on which a contested case hearing may be requested and conducted under this subsection are limited to issues that are based on the modifications to the proposed final order. The Water Resources Department must hold a hearing if the protestant is an applicant.

(3) If a protest is filed by a person other than the applicant and, as provided in ORS 537.621 (8)(a), the director issues a final order without holding a contested case hearing, a protestant may appeal the provisions of the final order in the manner established in ORS chapter 183 for appeal of orders in other than contested cases.

[*(3)*] **(4)** If the presumption of public welfare, safety and health under ORS 537.621 (2) is overcome, then before issuing a final order, the director or the Water Resources Commission, if applicable, shall make the final determination of whether the proposed use or the proposed use as modified in the proposed final order would preserve the public welfare, safety and health as described in ORS 537.525 by considering:

(a) The conservation of the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial

and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.

(b) The maximum economic development of the waters involved.

(c) The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.

(d) The amount of waters available for appropriation for beneficial use.

(e) The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.

(f) All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.

(g) The state water resources policy.

[*(4)*] **(5)** Upon issuing a final order, the [*Water Resources*] department shall notify the applicant and each person who submitted written comments or protests or otherwise requested notice of the final order and send a copy of the final order to any person who requested a copy and paid the fee required under ORS 536.050 (1)(p).

[*(5)*] **(6)** A right to appropriate ground water under a permit has a priority from the date when the application was filed with the department.

[*(6)*] **(7)** If the use of water under the permit is for operation of a mining operation as defined in ORS 517.952:

(a) Review of the application and approval or denial of the application shall be coordinated with the consolidated application process under ORS 517.952 to 517.989. However, such review and approval or denial shall take into consideration all policy considerations for the appropriation of water as set forth in this chapter and ORS chapter 536.

(b) The permit may be issued for exploration under ORS 517.702 to 517.740, but the permit shall be conditioned on the applicant's compliance with the consolidated application process.

(c) The permit shall include a condition that additional conditions may be added to the use of water when a water right certificate is issued, or when the use of water is changed pursuant to ORS 540.520 and 540.530 to use for a mining operation.

SECTION 19. ORS 537.628 is amended to read:

537.628. (1) The Water Resources Department may approve an application for less ground water than applied for or upon terms, conditions and limitations necessary for the protection of the public welfare, safety and health.

(2) In any event the department [*shall*] **may** not approve the application for more ground water than is applied for or than can be applied to a beneficial use.

(3) [*No application shall be approved when the same will deprive*] **The department may not approve an application that deprives** those having prior rights of appropriation for a beneficial use of the amount of water to which they are lawfully entitled.

[*(2) If a contested case hearing is held, the department shall issue a final order:*]

[*(a) Within 270 days after scheduling the hearing for a contested case proceeding that involves three or more parties not including the department; and*]

[*(b) Within 180 days after scheduling the hearing for all other contested case proceedings.*]

SECTION 20. ORS 540.520 is amended to read:

540.520. (1)(a) Except when the application is made under ORS 541.327 or when an application for a temporary transfer is made under ORS 540.523, if the holder of a water use subject to transfer for irrigation, domestic use, manufacturing purposes, or other use, for any reason desires to change the place of use, the point of diversion, or the use made of the water, an application to make such change, as the case may be, shall be filed with the Water Resources Department.

(b) A holder of a water right certificate that authorizes the storage of water may change the type of use identified in the water right certificate, as described in this section.

(2) The application required under subsection (1) of this section shall include:

(a) The name of the owner;

(b) The previous use of the water;

(c) A description of the premises upon which the water is used;

(d) A description of the premises upon which it is proposed to use the water;

(e) The use that is proposed to be made of the water;

(f) The reasons for making the proposed change; and

(g) Evidence that the water has been used over the past five years according to the terms and conditions of the owner's water right certificate or that the water right is not subject to forfeiture under ORS 540.610.

(3) If the application required under subsection (1) of this section is necessary to allow a change in a water right pursuant to ORS 537.348, is necessary to complete a project funded under ORS 541.932, or is approved by the State Department of Fish and Wildlife as a change that will result in a net benefit to fish and wildlife habitat, the department, at the discretion of the Water Resources Director, may waive or assist the applicant in satisfying the requirements of subsection (2)(c) and (d) of this section. The assistance provided by the department may include, but need not be limited to, development of an application map.

(4) If the application is to change the point of diversion, the transfer shall include a condition that the holder of the water right provide a proper fish screen at the new point of diversion, if requested by the State Department of Fish and Wildlife.

(5) Upon the filing of the application the department shall give notice by publication in a newspaper having general circulation in the area in which the water rights are located, for a period of at least two weeks and not less than one publication each week. The notice shall include the date on which the last notice by publication will occur. The cost of the publication shall be paid by the applicant in advance to the department. In applications for only a change in place of use or for a change in the point of diversion of less than one-fourth mile, and where there are no intervening diversions between the old diversion of the applicant and the proposed new diversion, no newspaper notice need be published. The department shall include notice of such applications in the weekly notice published by the department.

[*(6) Within 30 days after the last publication of a newspaper notice of the proposed transfer or the mailing of the department's weekly notice, whichever is later, any person may file, jointly or severally, with the department, a protest against approval of the application.*]

(6) The department shall issue a proposed final order approving or denying the application or approving the application with modifications or conditions. Within 30 days after the publication in the department's weekly public notice any person may file a protest against the proposed final order.

(7) The provisions of sections 2 and 3 of this 2025 Act, and rules adopted thereunder, apply to a contested case proceeding on a proposed final order issued under this section.

[*(7)*] **(8)** If [*a timely protest is filed, or*] in the opinion of the Water Resources Director a hearing is necessary to determine whether the proposed changes as described by the application would result in injury to existing water rights, the department shall hold a hearing on the matter. [*Notice and conduct of the hearing shall be under the provisions of ORS chapter 183, pertaining to contested cases, and shall be held in the area where the rights are located unless all parties and persons who filed a protest under this subsection stipulate otherwise.*]

[*(8)*] **(9)** An application for a change of use under this section is not required if the beneficial use authorized by the water use subject to transfer is irrigation and the owner of the water right uses the water for incidental agricultural, stock watering and other uses related to irrigation use, so long as there is no increase in the rate, duty, total acreage benefited or season of use.

[*(9)*] **(10)** A water right transfer under subsection (1) of this section is not required for a general industrial use that was not included in a water right certificate issued for a specific industrial use if:

(a) The quantity of water used for the general industrial use is not greater than the rate allowed in the original water right and not greater than the quantity of water diverted to satisfy the authorized specific use under the original water right;

(b) The location where the water is to be used for general industrial use was owned by the holder of the original water right at the time the water right permit was issued; and

(c) The person who makes the change in water use provides the following information to the Water Resources Department:

(A) The name and mailing address of the person using water under the water right;

(B) The water right certificate number;

(C) A description of the location of the industrial facility owned by the holder of the original water right at the time the water right permit was issued; and

(D) A description of the general industrial use to be made of the water after the change.

SECTION 20a. If House Bill 3342 becomes law, section 5, chapter 282, Oregon Laws 2025 (Enrolled House Bill 3342) (amending ORS 540.520), is repealed and ORS 540.520, as amended by section 20 of this 2025 Act, is amended to read:

540.520. (1)(a) Except when the application is made under ORS 541.327 or when an application for a temporary transfer is made under ORS 540.523, if the holder of a water use subject to transfer for irrigation, domestic use, manufacturing purposes, or other use, for any reason desires to change the place of use, the point of diversion, or the use made of the water, an application to make such change, as the case may be, shall be filed with the Water Resources Department.

(b) A holder of a water right certificate that authorizes the storage of water may change the type of use identified in the water right certificate, as described in this section.

(2) The application required under subsection (1) of this section shall include:

(a) The name of the owner;

(b) The previous use of the water;

(c) A description of the premises upon which the water is used;

(d) A description of the premises upon which it is proposed to use the water;

(e) The use that is proposed to be made of the water;

(f) The reasons for making the proposed change; and

(g) Evidence that the water has been used over the past five years according to the terms and conditions of the owner's water right certificate or that the water right is not subject to forfeiture under ORS 540.610.

(3) If the application required under subsection (1) of this section is necessary to allow a change in a water right pursuant to ORS 537.348, is necessary to complete a project funded under ORS 541.932, or is approved by the State Department of Fish and Wildlife as a change that will result in a net benefit to fish and wildlife habitat, the **Water Resources** Department, at the discretion of the Water Resources Director, may waive or assist the applicant in satisfying the requirements of subsection (2)(c) and (d) of this section. The assistance provided by the department may include, but need not be limited to, development of an application map.

(4) If the application is to change the point of diversion, the transfer shall include a condition that the holder of the water right provide a proper fish screen at the new point of diversion, if requested by the State Department of Fish and Wildlife.

[*(5) Upon the filing of the application the department shall give notice by publication in a newspaper having general circulation in the area in which the water rights are located, for a period of at least two weeks and not less than one publication each week. The notice shall include the date on which the last notice by publication will occur. The cost of the publication shall be paid by the applicant in advance to the department. In applications for only a change in place of use or for a change in the point of diversion of less than one-fourth mile, and where there are no intervening diversions between the old diversion of the applicant and the proposed new diversion, no newspaper notice need be published. The department shall include notice of such applications in the weekly notice published by the department.*]

(5) The Water Resources Department shall undertake an initial review of an application under subsection (1) of this section.

(6)(a) Upon completion of the initial review, the department shall notify the applicant of its preliminary determinations, identify any outstanding information that is necessary to

continue processing the application and allow the applicant 30 days from the date of notice to:

(A) Notify the department to stop processing the application; or

(B) Notify the department to continue processing the application and provide any outstanding information to the department.

(b) If, within 30 days from the date of the notice, the applicant does not notify the department as provided in paragraph (a) of this subsection, does not provide all outstanding information as provided in paragraph (a)(B) of this subsection or notifies the department to stop processing the application, the department shall close the file for the application and take no further action on the application. The department may allow an applicant up to 60 additional days to provide outstanding information if the applicant requests additional time and the department determines that the applicant is undertaking reasonable efforts to provide the information in a timely manner to the department.

(c) If, within 30 days from the date of the notice or an additional time period allowed under paragraph (b) of this subsection, the applicant notifies the department to proceed with the application and provides any outstanding information necessary to continue processing the application, the department shall:

(A) Proceed with processing the application.

(B) Give notice of the initial review in the weekly public notice of the department and accept written public comments for 30 days.

(7) Upon issuance of a proposed final order, the department shall give notice of the order in the weekly public notice of the department. If the department determines that more than five water rights would be injured as a result of the change proposed in an application under subsection (1) of this section, the department shall publish notice once each week for two consecutive weeks in a newspaper of general circulation in the area in which the water rights are located. The cost of the publication shall be paid by the applicant in advance to the department.

[*(6)*] **(8)** [*The department shall issue a proposed final order approving or denying the application or approving the application with modifications or conditions.*] Within 30 days after the publication in the department's weekly public notice any person may file a protest against the proposed final order.

[*(7)*] **(9)** The provisions of sections 2 and 3 of this 2025 Act, and rules adopted thereunder, apply to a contested case proceeding on a proposed final order issued under this section.

[*(8)*] **(10)** If in the opinion of the Water Resources Director a hearing is necessary to determine whether the proposed changes as described by the application would result in injury to existing water rights, the department shall hold a hearing on the matter.

[*(9)*] **(11)** An application for a change of use under this section is not required if the beneficial use authorized by the water use subject to transfer is irrigation and the owner of the water right uses the water for incidental agricultural, stock watering and other uses related to irrigation use, so long as there is no increase in the rate, duty, total acreage benefited or season of use.

[*(10)*] **(12)** A water right transfer under subsection (1) of this section is not required for a general industrial use that was not included in a water right certificate issued for a specific industrial use if:

(a) The quantity of water used for the general industrial use is not greater than the rate allowed in the original water right and not greater than the quantity of water diverted to satisfy the authorized specific use under the original water right;

(b) The location where the water is to be used for general industrial use was owned by the holder of the original water right at the time the water right permit was issued; and

(c) The person who makes the change in water use provides the following information to the Water Resources Department:

(A) The name and mailing address of the person using water under the water right;

(B) The water right certificate number;

(C) A description of the location of the industrial facility owned by the holder of the original water right at the time the water right permit was issued; and

(D) A description of the general industrial use to be made of the water after the change.

SECTION 21. ORS 540.524 is amended to read:

540.524. (1) Notwithstanding ORS 540.510 or 540.670, upon approval of an application submitted to the Water Resources Department, the holder of both a primary water right originating from a surface water source and a supplemental water right permit or certificate originating from a ground water source may substitute the use of the supplemental water right for the primary water right. A substitution may not be made under this subsection if the use of the supplemental water right results in an enlargement or expansion of the primary water right. This subsection does not authorize a change in place of use, type of use, point of diversion or point of appropriation.

(2) An application required under subsection (1) of this section shall be submitted on forms provided by the department. The department may request additional information if necessary to assist with the injury evaluation. Each application shall be submitted with the fee described in ORS 536.050 (1)(s).

[*(3) Upon receiving an application under subsection (1) of this section, the department shall provide notice, accept protests and conduct hearings on protests in the manner described in ORS 540.520 (5), (6) and (7).*]

(3) Upon receiving an application under subsection (1) of this section, the department shall provide public notice and accept protests as described in ORS 540.520.

(4) The provisions of sections 2 and 3 of this 2025 Act, and rules adopted thereunder, apply to a contested case proceeding on a proposed final order issued under this section.

[*(4)*] **(5)** The Water Resources Director shall issue [*an*] **a proposed final** order approving or denying the substitution. If the proposed substitution will result in injury to other water rights, the director shall prohibit or condition the use to avoid or mitigate the injury. The director shall issue [*an*] **a proposed final** order approving or denying the substitution within 90 days after the department receives an application under subsection (1) of this section.

[*(5)*] **(6)** For the purpose of ORS 540.610, a substituted primary surface water right shall be treated as a supplemental water right, and a substituted supplemental ground water right shall be treated as a primary water right.

[*(6)*] **(7)** A completed and approved substitution of a supplemental ground water right for a primary surface water right under this section may be terminated upon a request by the water right holder or by an order of the director if the director determines that the use of the ground water as the primary water right causes injury to other water rights. Upon termination, the substituted primary and supplemental water rights shall revert back to their original status.

SECTION 21a. If House Bill 3342 becomes law, section 39, chapter 282, Oregon Laws 2025 (Enrolled House Bill 3342) (amending ORS 540.524), is repealed.

SECTION 21b. If House Bill 3342 becomes law, section 30, chapter 282, Oregon Laws 2025 (Enrolled House Bill 3342), is amended to read:

Sec. 30. Notwithstanding ORS 536.031 (1), sections 9, 24 and 29 [*of this 2025 Act*]**, chapter 282, Oregon Laws 2025 (Enrolled House Bill 3342)**, and rules adopted thereunder, and the amendments to ORS 536.045, 537.145, 537.150, 537.211, 537.252, 537.470, 537.610, 537.620, [*540.520,*] 540.535, 540.585, 543.220, by sections 2 to **4, 6,** 7, 14, 17, 19, 20, 37 and 42 [*of this 2025 Act*]**, chapter 282, Oregon Laws 2025 (Enrolled House Bill 3342)**, **and the amendments to ORS 540.520 by section 20a of this 2025 Act,** and rules adopted thereunder, apply to applications and petitions submitted on or after the operative date specified in section 48 [*of this 2025 Act*]**, chapter 282, Oregon Laws 2025 (Enrolled House Bill 3342)**.

SECTION 21c. If House Bill 3342 becomes law, section 48, chapter 282, Oregon Laws 2025 (Enrolled House Bill 3342), is amended to read:

Sec. 48. (1) Sections 9, 13, 24, 29 and 31 [*of this 2025 Act*]**, chapter 282, Oregon Laws 2025 (Enrolled House Bill 3342),** and the amendments to ORS 536.045, 536.410, 537.145, 537.147, 537.150, [*537.153,*] 537.211, 537.225, 537.230, 537.252, 537.348, 537.470, 537.610, 537.620, [*537.621,*] 537.630,

538.450, [*540.520, 540.524,*] 540.535, 540.570, 540.580, 540.585, 543.220, 543A.035, 543A.040, 543A.055 and 543A.120 by sections 2 to **4, 6,** 7, 10, 14, 17, 19, 20, 25, 26, [*32, 33 and*] 34 to **38 and 40 to** 46 [*of this 2025 Act*]**, chapter 282, Oregon Laws 2025 (Enrolled House Bill 3342),** become operative on April 1, 2026.

(2) The amendments to ORS 537.153, 537.621 and 540.520 by sections 5a, 16a and 20a of this 2025 Act become operative on April 1, 2026.

SECTION 22. ORS 540.560 is amended to read:

540.560. (1) If the Water Resources Commission considers that a certificate of water right does not identify the lands to which the right is appurtenant with sufficient specificity for management, delivery or transfer of that right, the commission may issue [*an*] **a proposed final** order clarifying and refining the description of the land to which the water right is appurtenant.

(2) [*An*] **A proposed final** order issued under this section may not reduce the rate, duty or number of acres stated in the certificate of water right. The sole purpose of an addendum to a water right certificate is to better define the location of acreage to which the water right is appurtenant, where the certificate states only that the use is limited to a number of acres within a larger tract.

(3) Any **proposed final** order issued under this section shall be served on the legal owner of the land to which the water right is appurtenant and on the occupant of the land, by certified mail, return receipt requested. [*If the owner or occupant files a written request for a hearing within 30 days after service of the order, the commission shall conduct a hearing of the matter under ORS 183.413 to 183.484.*] **Notwithstanding sections 2 and 3 of this 2025 Act, if the owner or occupant files a written protest within 30 days after issuance of the proposed final order, the commission shall conduct a hearing.**

(4) The provisions of sections 2 and 3 of this 2025 Act, and rules adopted thereunder, apply to a contested case proceeding on a proposed final order issued under this section.

[*(4)*] **(5)** A final order under this section shall become an addendum to and shall be filed with the certificate of water right that the order clarifies. For all purposes, the final order shall constitute the description of the land to which the water right is appurtenant.

SECTION 23. ORS 540.641 is amended to read:

540.641. (1) If the legal owner or the occupant receiving notice as provided in ORS 540.631 fails to protest the proposed cancellation of the water right within the 60-day period prescribed in the notice, the Water Resources Commission may enter an order canceling the water right.

(2) If the legal owner or the occupant receiving notice as provided in ORS 540.631 files a protest against the proposed cancellation of the water right **the provisions of sections 2 and 3 of this 2025 Act and the rules adopted thereunder apply** [*with the commission within the 60-day period prescribed in the notice, the commission shall fix a time and place for a hearing on the protest*]. The commission shall cause written notice of the hearing to be given at least 10 days prior to the hearing to the person protesting the cancellation of the water right and to any other person who in the opinion of the commission is an interested party to the proceeding. [*The hearing shall be held by the commission and shall be conducted under the provisions of ORS chapter 183 pertaining to contested cases.*]

(3) After [*the*] **a** hearing the commission shall enter an order canceling the water right, canceling in part or modifying the water right, or declaring that the water right shall not be canceled or modified.

APPLICABILITY TO COMPLETED APPLICATIONS

SECTION 24. (1) Notwithstanding ORS 536.031 (1), rules adopted under section 2 or 3 of this 2025 Act apply to aspects of a contested case proceeding that occur on or after the effective date of this 2025 Act, for a protest:

(a) That was submitted before, on or after the effective date of this 2025 Act; and

(b) That was not referred to the Office of Administrative Hearings before the effective date of this 2025 Act.

(2) For protests that were pending on or before the effective date of this 2025 Act, the Water Resources Department shall provide to applicants, protestants, persons that submitted a request for standing and persons that have requested or been granted party status notice of the provisions and requirements of sections 2 and 3 of this 2025 Act. Notwithstanding section 3 of this 2025 Act, the department shall provide not less than 90 days after issuance of the notice for:

(a) A person that submitted a request for standing to request party status in an existing contested case proceeding.

(b) A protestant in an existing contested case proceeding to amend the protest as necessary to comply with the provisions of section 3 of this 2025 Act. The amended protest may not add issues not raised in the original protest.

(3) A person that submitted a request for party status before the effective date of this 2025 Act need not amend the request.

APPROPRIATIONS

SECTION 24a. Notwithstanding any other provision of law, the General Fund appropriation made to the Water Resources Department by section 1 (3), chapter _____, Oregon Laws 2025 (Enrolled Senate Bill 5543), for the biennium beginning July 1, 2025, for water rights and adjudications, is increased by $226,420 to carry out the provisions of this 2025 Act.

CONFORMING AMENDMENTS

SECTION 25. ORS 536.050 is amended to read:

536.050. (1) The Water Resources Department may collect the following fees in advance:

(a) For examining an application for a permit:

(A) To appropriate water, except as provided under ORS 543.280 for an application for a hydroelectric project:

(i) A base fee of $1,090 for an appropriation of water through a single use, point of diversion or point of appropriation;

(ii) $410 for the first second-foot or fraction thereof appropriated under the permit;

(iii) $410 for each additional second-foot or fraction thereof appropriated under the permit;

(iv) $410 for each additional use, point of diversion or point of appropriation included in the application;

(v) If appropriating stored water, $41 for the first acre-foot or fraction thereof up to 20 acre-feet, plus $1.40 for each additional acre-foot or fraction thereof; and

(vi) If appropriating ground water, in addition to any other fees, $480 for each application filed.

(B) To store water under ORS 537.400 or 537.534 (4):

(i) A base fee of $1,090;

(ii) $41 for the first acre-foot or fraction thereof up to 20 acre-feet, plus $1.40 for each additional acre-foot or fraction thereof; and

(iii) $160 for each additional storage location.

(C) To exclusively appropriate stored water:

(i) A base fee of $610; and

(ii) $41 for the first acre-foot or fraction thereof up to 20 acre-feet, plus $1.40 for each additional acre-foot or fraction thereof.

(b) For a permit issued under ORS 537.147, 537.211, 537.409 or 537.625 to appropriate or store water:

(A) A base fee of $610 for recording the permit; and

(B) An additional fee of $790 if the permit is issued pursuant to a final order that contains provisions requested by the applicant for mitigating impacts to the proposed water source.

(c) For filing and recording the assignment or partial assignment of a water right application, permit or license under ORS 537.220 or 537.635, $120.

(d) For copying records in the department, $2.70 for the first page and 70 cents for each additional page.

(e) For certifying copies, documents, records or maps, $14 for each certificate.

(f) For a blueprint copy of any map or drawing, the actual cost of the work.

(g) For a computer-generated map, the actual cost of the work.

(h) For examining an application for approval of a change to an existing water right or permit:

(A) A base fee of $1,360 for a change to a single water right or permit;

(B) $1,090 for each additional type of change requested;

(C) For a request for a change in place of use or type of use or for a water exchange under ORS 540.533, $410 for each second-foot or fraction thereof requested beyond the first second-foot;

(D) $610 for each additional water right or permit included in the application;

(E) An additional fee of $480 per application, if the application is for an additional point of appropriation, a change in a point of appropriation or a change from surface water to ground water or for substitution as described in ORS 540.524; and

(F) $410 for each additional point of appropriation included in the application.

(i) For examining an application for a temporary change in place of use under ORS 540.523, for a temporary transfer under ORS 540.585 or for a temporary change in place of use, a change in the point of diversion to allow for the appropriation of ground water or a change of a primary right to a supplemental right under ORS 540.570, a base fee of $950 for the first water right or permit, plus $310 for each additional water right or permit included in the application and:

(A) For nonirrigation uses, $230 for each second-foot or fraction thereof requested beyond the first second-foot; or

(B) For irrigation uses, $2.70 per acre of land irrigated or, if the application and required map are submitted to the department in a department-approved digital format, 70 cents per acre of land irrigated.

(j) For submitting a protest to the department:

(A) $950 if the protest is by a nonapplicant; and

(B) $480 if the protest is by an applicant.

(k) For filing an application for extension of time within which irrigation or other works shall be completed or a water right perfected, $780.

(L) For a limited license under ORS 537.143 or 537.534 (2), the fee established by rule by the Water Resources Commission.

(m) For filing, examining and certifying a petition under ORS 541.329, $480 plus 10 cents per acre of water involved in the application. For purposes of computing this fee, when any acreage within a quarter quarter of a section is involved, the 10 cents per acre shall apply to all acres in that quarter quarter of a section. Notwithstanding the fee amount established in this paragraph, a district notifying the department under ORS 541.327 (4) shall pay the actual cost of filing, examining and certifying the petition.

(n) For requesting standing under ORS [*537.153, 537.621 or*] 543A.120 **or section 3 of this 2025 Act**, $270.

(o) For participating in a contested case proceeding under ORS [*537.170, 537.622 or*] 543A.130 **or section 3 of this 2025 Act**, $680.

(p) Except for an applicant, for obtaining a copy of both a proposed final order and a final order for a water right application under ORS 537.140 to 537.252, 537.505 to 537.795 or 543A.005 to 543A.300 or an extension issued under ORS 537.230, 537.248 or 537.630, $35.

(q) For examining an application to store water under ORS 537.409:

(A) A base fee of $480; and

(B) $41 for each acre-foot or fraction thereof.

(r) For submitting a notice of intent under ORS 543A.030 or 543A.075, the amount established by the Water Resources Director under ORS 543A.410.

(s) For examining an application for a substitution made under ORS 540.524:

(A) A base fee of $990 for the first well substitution; and

(B) A fee of $480 for each additional well substitution.

(t) For examining an application for an allocation of conserved water under ORS 537.455 to 537.500:

(A) A base fee of $1,360 for the first water right that is part of the allocation; and

(B) An additional fee of $480 for each water right that is part of the allocation beyond the first water right.

(u) For submitting a water management and conservation plan pursuant to rules of the commission:

(A) $680, if the plan is submitted by an agricultural water supplier;

(B) $1,220, if the plan is submitted by a municipal water supplier serving a population of 1,000 or fewer persons; or

(C) $2,450, if the plan is submitted by a municipal water supplier serving a population of more than 1,000 persons.

(v) For examining a new application for an in-stream water right lease under ORS 537.348:

(A) $610 for an application for a lease with four or more landowners or four or more water rights; or

(B) $410 for all other applications.

(w) For examining an application for an in-stream water right lease renewal, $150.

(x) For submitting a claim of beneficial use under a permit or transfer having a priority date of July 9, 1987, or later, $230.

(y) For submitting a request no later than 60 days after cancellation of a permit under ORS 537.260 to reinstate the permit, $610.

(z) For submitting a request for a basin program exception under ORS 536.295, $780.

(aa) For processing an application under ORS 537.225 for an assignment of water right to one or more landowners and issuance of replacement water right permits, the actual cost of the work.

(2)(a) The department may charge a dam owner an annual fee based upon the dam's hazard rating as determined by the department. The fees the department may charge the dam owner are:

(A) $120 for a dam with a low hazard rating.

(B) $230 for a dam with a significant hazard rating.

(C) $790 for a dam with a high hazard rating.

(D) If the dam owner fails to pay an annual fee on or before six months after the billing date, a late fee of $140.

(b) If a dam owner fails to pay an annual fee or a late fee charged by the department, the department may, after giving the dam owner notice by certified mail, place a lien on the real property where the dam is located for the fees owed by the dam owner.

(3) Notwithstanding the fees established under subsection (1) of this section, the commission may establish lower examination and permit fees by rule for:

(a) The right to appropriate water for a storage project of five acre-feet or less; or

(b) The right to appropriate water for the purpose of allowing the applicant to water livestock outside of a riparian area, as that term is defined in ORS 541.890.

(4)(a) The director may refund all or part of a fee paid to the department under this section if the director determines that a refund of the fee is appropriate in the interests of fairness to the public or necessary to correct an error of the department.

(b) The director may refund all or part of the protest fee described in subsection (1)(j) of this section to the legal owner or occupant who filed a protest under ORS 540.641 if an order of the Water Resources Commission establishes that all or part of a water right has not been canceled or modified under ORS 540.610 to 540.650.

(5) The director may waive all or part of a fee for a change to a water right permit under ORS 537.211 (4), a change to a water right subject to transfer under ORS 540.520 or 540.523 or an allocation of conserved water under ORS 537.470, if the change or allocation of conserved water is:

(a) Made pursuant to ORS 537.348;

(b) Necessary to complete a project funded under ORS 541.932; or

(c) Approved by the State Department of Fish and Wildlife as a change or allocation of conserved water that will result in a net benefit to fish and wildlife habitat.

(6) Notwithstanding the fees established pursuant to this section, the commission may adopt by rule reduced fees for persons submitting materials to the department in a digital format approved by the department.

(7) All moneys received under this section, less any amounts refunded under subsection (4) of this section, shall be deposited in the Water Resources Department Water Right Operating Fund.

(8) Notwithstanding subsection (7) of this section, all fees received by the department for power purposes under ORS 543.280 shall be deposited in the Water Resources Department Hydroelectric Fund established by ORS 536.015.

SECTION 26. ORS 536.750 is amended to read:

536.750. (1) Notwithstanding any provision of ORS chapters 536 to 543A, after a declaration that a severe, continuing drought exists, the Water Resources Commission may:

(a) Issue without first conducting a hearing under ORS 537.170 **and section 3 of this 2025 Act**, a temporary permit for an emergency use of water;

(b) Allow a temporary change in use, place of use or point of diversion of water without complying with the notice and waiting requirements under ORS 540.520;

(c) Notwithstanding the priority of water rights, grant preference of use to rights for human consumption or stock watering use;

(d) Waive the notice requirements under ORS 537.753 and the start card required under ORS 537.762;

(e) Allow a temporary exchange of water without giving notice as required under ORS 540.535; and

(f) Utilize an expedited notice and waiting requirement established by rule for the substitution of a supplemental ground water right for a primary water right under drought conditions [*in place of the notice and waiting requirement provided in ORS 540.524*].

(2) The commission by rule may establish procedures for carrying out the provisions of this section and a schedule of fees that must accompany a request under subsection (1) of this section.

SECTION 27. ORS 537.147 is amended to read:

537.147. (1) Notwithstanding the process for applying for a water right permit established in ORS 537.150 to 537.230, a person may, pursuant to this section, apply to the Water Resources Department for a water right permit to use stored water. A person applying under this section for a water right permit to use stored water shall submit:

(a) A fee, in the amount required by ORS 536.050 for applications to appropriate stored water.

(b) A completed application for a secondary permit, in a form determined by the department, that contains the information required of applications under ORS 537.140 and 537.400 (1).

(c) Evidence that the proposed use of the stored water is one of the authorized uses under the water right permit, certificate or decree that allows the storage of water.

(2) If an applicant provides, to the satisfaction of the department, the fee and the information required by subsection (1) of this section, the department may, after public notice and a 30-day opportunity to submit comments on the application, issue a water right permit upon determining that no public interest issues as identified in ORS 537.170 [*(8)*] **(5)** have been raised through the comments submitted.

(3) If the department determines that public interest issues have been identified, then the department shall treat the application under this section as an application under ORS 537.150 and perform the public interest review required by ORS 537.153 (2).

(4) At a minimum, a water right permit issued by the department for use of stored water under this section shall be conditioned to require:

(a) Fish screens and by-pass devices and fish passage as may be required by the State Department of Fish and Wildlife; and

(b) A measuring device at each point of diversion authorized under the water right permit.

(5) Within 10 days of issuing a water right permit under this section, the department shall provide notice of the permit issuance in the weekly notice published by the department and to persons who have submitted comments pursuant to subsection (2) of this section.

SECTION 28. ORS 537.343 is amended to read:

537.343. (1) A proposed final order issued under ORS 537.170 [*(6)*] **(3) or (5)** for an in-stream water right certificate may include any condition the Water Resources Director considers necessary, but which is consistent with the intent of ORS 537.332 to 537.360. The proposed final order may:

(a) Approve the in-stream water right for the quantity of water requested;

(b) Approve the requested in-stream water right for a lesser quantity of water; or

(c) Reject the requested in-stream water right.

(2) If the director reduces or rejects the in-stream water right as requested, or conditions the in-stream water right, the director shall include a statement of findings that sets forth the basis for the reduction, rejection or conditions. The director shall be the final authority in determining the level of in-stream flow necessary to protect the public use.

(3) After the director issues a final order approving an in-stream water right, the Water Resources Department shall issue a certificate for an in-stream water right according to the provisions of ORS 537.341.

SECTION 29. ORS 537.629 is amended to read:

537.629. (1) When an application discloses the probability of wasteful use or undue interference with existing wells or that any proposed use or well will impair or substantially interfere with existing rights to appropriate surface water by others, or that any proposed use or well will impair or substantially interfere with existing rights to appropriate ground water for the beneficial use of the water for its thermal characteristics, the Water Resources Department may impose conditions or limitations in the permit to prevent the same or reject the same after hearing, or, in the department's discretion, request the Water Resources Commission to initiate a rulemaking proceeding to declare the affected area a critical ground water area under ORS 537.730 to 537.740.

(2)(a) When an application discloses the probability that a proposed use or well will impair or interfere with the ability to extract heat from a well with a bottom hole temperature of at least 250 degrees Fahrenheit, the department may:

(A) Approve the permit;

(B) Impose conditions or limitations in the permit to prevent the probable interference or impairment;

(C) After a hearing under ORS 537.622 **and sections 2 and 3 of this 2025 Act**, reject the application; or

(D) Request the commission to initiate a rulemaking proceeding to declare the affected area a critical ground water area under ORS 537.730 to 537.740.

(b) In deciding whether to issue, deny or condition a permit under this subsection, the department shall consider any orders or permits applicable to the ground water reservoir issued by the State Geologist or the governing board of the State Department of Geology and Mineral Industries under ORS chapter 522.

SECTION 30. ORS 540.537 is amended to read:

540.537. (1) The Water Resources Commission shall issue an order allowing an exchange unless the commission finds any of the following:

(a) The proposed exchange would adversely affect other appropriators.

(b) The proposed exchanges would be too difficult to administer.

(c) The proposed exchange would adversely affect the public interest as determined under ORS 537.170 [*(8)*] **(5)**.

(d) A sufficient quantity of water would not be available to replace the water to be used under the exchange. In determining whether replacement water will be equal to the water exchanged, the commission may consider relative consumptive uses and transmission losses.

(2) The commission may include any condition the commission considers necessary in an order allowing an exchange.

(3) The commission shall issue an order terminating the exchange:

(a) If water is not applied under the exchange within the time fixed by the commission in the order approving the exchange;

(b) Upon written request signed by all parties to the exchange;

(c) Upon finding that any other termination condition specified in the original order has occurred; or

(d) Upon attainment of a termination date specified in the original exchange order.

(4) For purposes of subsection (3) of this section, the time fixed for implementing the exchange shall include any extension granted by the commission for good cause shown.

SECTION 31. ORS 543.255 is amended to read:

543.255. (1) Whenever the Water Resources Department receives an application to appropriate water for a new hydroelectric project under ORS 537.140 to 537.320 or for a hydroelectric permit or license under ORS 543.010 to 543.610, the department shall determine whether the impacts of the project would be cumulative with:

(a) Impacts of other proposed hydroelectric projects for which an application is pending before the department; or

(b) Existing hydroelectric projects in the same river basin.

(2) If the department determines that there is no possibility that the hydroelectric projects proposed in pending applications or existing projects may have cumulative effects, the Water Resources Director shall issue an order setting forth the department's determination that there are no cumulative effects and the department's decision that consolidated review is not required.

(3) If the department determines that pending applications or existing projects may have cumulative effects, the Water Resources Commission shall conduct a consolidated review before approving any application in the affected river basin. A consolidated review process shall be conducted as a contested case hearing under the applicable provisions of ORS chapter 183 and shall include a study of the individual and cumulative effects of proposed hydroelectric projects for which applications are pending before the department and existing hydroelectric projects. In its final order on an application, the commission or the department shall include its findings on cumulative impacts. The findings of the commission or department under this section must be sufficient to support the department's decision to approve or deny an application.

(4) Any application for a project in the same river basin filed after the commission begins a consolidated review contested case hearing shall not be reviewed until the commission has issued final findings on cumulative effects for all projects included in the consolidated review proceeding.

(5) At the request of an applicant for a permit to appropriate water for a new hydroelectric project under ORS 537.140 to 537.320 or for a permit or license under ORS 543.010 to 543.610, the commission may immediately upon receiving such application begin the consolidated review proceeding under subsection (3) of this section.

(6) If applicable, an application to appropriate water for the generation of electricity submitted under ORS 537.140 shall be included in the consolidated review and hearings process under this section.

SECTION 32. ORS 543.765 is amended to read:

543.765. (1) Notwithstanding ORS 537.145 and ORS chapter 543:

(a) The holder of a water right may apply to the Water Resources Department for a certificate to use water for hydroelectric purposes within an artificial delivery system under the applicant's existing water right.

(b) A municipal corporation or people's utility district, as defined in ORS 261.010, may apply to the department for a certificate to use water for hydroelectric purposes within a piped conduit in an artificial delivery system that is delivering water for municipal uses even if the municipal corporation or people's utility district is not the holder of the underlying municipal water right, if the municipal corporation or people's utility district obtains from the holder of the underlying municipal

water right, and provides to the department with the application, a written statement authorizing the municipal corporation or people's utility district to use the water for hydroelectric purposes.

(2) If the proposed hydroelectric project meets the applicable capacity limitation under this subsection and meets either the qualifications for a Federal Energy Regulatory Commission exemption from licensing or similar qualifications of another federal agency responsible for authorizing the project, the applicant may use the expedited application process under this section regardless of which federal agency issues the authorization. To qualify under this subsection:

(a) For a project that is to be built as part of an existing dam, the capacity may not exceed five megawatts. Subsection (6)(b) of this section does not apply to a project described in this paragraph.

(b) For in-conduit projects, the capacity may not exceed 15 megawatts for a nonmunicipal facility or 40 megawatts for a municipal facility. Projects described in this paragraph must comply with subsection (6)(b) of this section.

(3) An application, which shall be on a form provided by the Water Resources Department, for a hydroelectric certificate under this section must include:

(a) The certificate number, or decree reference if no confirming certificate has been issued, of the applicant's existing water right, or the underlying water right, associated with the proposed hydroelectric project.

(b) A copy of either a Federal Energy Regulatory Commission exemption application or a similar application submitted to the federal agency responsible for authorizing the project, if applicable.

(c) A proposed schedule of annual water use and an estimate of the maximum power generation of the proposed hydroelectric project.

(d) A statement by the applicant that the amount of water used by the proposed hydroelectric project will not exceed the amount authorized and used under the applicant's existing water right, or the underlying water right, for beneficial use without waste.

(e) A statement that the applicant owns or otherwise controls the water conveyance system.

(f) An application processing fee of $500. The department shall deposit fees collected under this section into the Water Resources Department Hydroelectric Fund established pursuant to ORS 536.015.

(g) A map or drawing and all other data concerning the proposed hydroelectric project, as may be prescribed by the department. The map or drawing must be of sufficient quality and scale to establish the location of the existing point of diversion and the proposed location of the hydroelectric project.

(h) If the water to be used for the proposed hydroelectric project is delivered by a public entity other than the applicant for a certificate under this section, a statement from that entity that the entity will be able to deliver water as described in the application.

(i) Evidence that the water has been used over the past five years according to the terms and conditions of the applicant's existing water right, or the underlying water right, described in paragraph (a) of this subsection.

(4) If an applicant provides the information required by subsection (3) of this section:

(a) The Water Resources Department shall provide notice to both the State Department of Fish and Wildlife and the public, and provide a 30-day period for public comment.

(b) The Water Resources Department may issue a final order and certificate to use water for hydroelectric purposes upon making a final determination that the proposed hydroelectric use does not impair, or is not detrimental to, the public interest in the manner provided in ORS 537.170 [*(8)*] **(5)**.

(5) If the Water Resources Department determines that public interest issues have been identified, the department shall issue a final order denying the application. The department shall also issue a final order denying the application if the department identifies issues related to the public interest. If the applicant does not appeal the final order as provided in ORS chapter 183 and, within one year of the department's final order denying the applicant's application, files an application with the department for a preliminary permit to operate a hydroelectric project as provided in ORS

537.130 and 543.210, the applicant shall receive a credit toward the applicant's application fees in the amount of $500.

(6) At a minimum, a certificate issued under this section must contain the following conditions:

(a) Except as provided in paragraph (b) of this subsection, fish screens, by-pass devices and fish passages as required by the State Department of Fish and Wildlife.

(b) If the application is for a hydroelectric project that is to be installed in or on a conduit delivery system, the certificate does not need to include a requirement for fish passage at the diversion point for the conduit delivery system if:

(A) The hydroelectric generating equipment for the project is not located on a dam;

(B) The hydroelectric generating equipment for the project is installed within or at the end of a conduit delivery system;

(C) The conduit delivery system is operated for the distribution of water for agricultural, municipal or industrial consumption; and

(D) Except as provided in subsection (16) of this section, the certificate includes a condition for the making of annual payments under subsection (15) of this section.

(c) That use of water be limited to periods when the applicant's existing water right, or the underlying water right, is put to beneficial use without waste and that the amount used is not greater than the quantity of water diverted to satisfy the authorized specific use under the existing water right, or the underlying water right, described in subsection (3)(a) of this section.

(d) That use of water be limited by rate, duty, season and any other limitations of the applicant's existing water right, or the underlying water right, described in subsection (3)(a) of this section.

(e) That the applicant measure and report the quantity of water diverted.

(f) That the restrictions established in ORS 543.660 shall apply as conditions of use to a certificate issued under this section to a district as defined in ORS 543.655.

(g) That a certificate issued under this section shall be invalidated upon a change in the point of diversion of the existing water right, or the underlying water right, described in subsection (3)(a) of this section.

(h) That the right to use water under a certificate issued under this section is invalidated if the federal exemption or authorization related to the certificate is canceled or invalidated.

(i) Any other conditions the Water Resources Department deems necessary to protect the public interest.

(7) The Water Resources Department shall conduct a review of certificates issued under this section and shall issue a final order and a superseding certificate that corresponds to any changes or adjustments made to the applicant's existing water right, or the underlying water right, described in subsection (3)(a) of this section.

(8) Subsection (6)(b) of this section does not affect any requirement for fish passage applicable to a project that is otherwise required by law.

(9) Upon request, the State Department of Fish and Wildlife and the Water Resources Department shall arrange a preapplication meeting with a person to discuss the requirements associated with the installation of a hydroelectric project in an artificial delivery system.

(10) A certificate issued under this section may not have its own priority date. The Water Resources Department may not regulate for or against any certificate issued under this section based on the priority date of the certificate.

(11) A certificate issued under this section does not grant a right to divert water for hydroelectric purposes.

(12) A certificate issued under this section may not be included in the determination of injury to other water rights pursuant to ORS chapter 540.

(13) A certificate issued under this section is subject to review 50 years after the date of issuance and pursuant to the terms described in this section.

(14) Failure to fully develop and put to use a certificate issued under this section within five years of issuance invalidates the hydroelectric certificate.

(15)(a) If a certificate contains a condition described in subsection (6)(b) of this section for annual payments, the payment shall be collected as provided in paragraph (c) of this subsection. Except as provided in paragraph (b) of this subsection, the annual payment amount must be:

(A) Except as provided in subparagraph (D) of this paragraph, for the first five years, four times the base hydropower fee amount assessed for the project under ORS 543.078 for the year.

(B) Except as provided in subparagraph (D) of this paragraph, for the 6th through 10th years, eight times the base hydropower fee amount assessed for the project under ORS 543.078 for the year.

(C) Except as provided in subparagraph (D) of this paragraph, after the 10th year, 15 times the base hydropower fee amount assessed for the project under ORS 543.078 for the year.

(D) $100 for any year in which the base hydropower fee amount assessed for the project under ORS 543.078 is less than $100.

(b) If the certificate is for a hydroelectric project that will operate on a partial-year basis, the fee shall be three-fifths of the amount established in paragraph (a) of this subsection.

(c) The Water Resources Department shall collect the fee on behalf of the State Department of Fish and Wildlife and forward the fee moneys for crediting to the Fish Passage Restoration Subaccount created under ORS 497.141.

(16)(a) Notwithstanding subsection (15) of this section, a certificate for a project to install hydroelectric generating equipment as described in subsection (6)(b) of this section may provide for the termination of annual payments being made under subsection (15) of this section if, after the date the project commences operation:

(A) The project provides for fish passages;

(B) There is an agreement between the applicant and the State Department of Fish and Wildlife providing for fish passages associated with the project; or

(C) A waiver or exemption has been issued under ORS 509.585 for the project.

(b) A certificate for a project to install hydroelectric generating equipment as described in subsection (6)(b) of this section does not need to include a condition for the making of annual payments under subsection (15) of this section if:

(A) There is an agreement between the applicant and the State Department of Fish and Wildlife providing for the conduit delivery system to have fish passages associated with the project; or

(B) A waiver or exemption has been issued under ORS 509.585 for the project.

(17) If a certificate under this section is issued, the certificate holder must pay fees consistent with the fees described in ORS 543.078. Failure to pay a required fee invalidates a certificate issued under this section.

(18) The Water Resources Department shall issue invoices for fees required under this section, and the state shall have a preference lien for delinquent fees, as provided in ORS 543.082.

(19) An applicant for a certificate issued under this section must provide evidence of a Federal Energy Regulatory Commission exemption or approval under a similar process by the federal agency responsible for authorizing the project before a certificate can be issued, if applicable.

(20) Nothing in this section shall alter the preference of municipalities in ORS 543.260 (3) and 543.270.

CAPTIONS

SECTION 33. The unit captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.

Passed by House June 23, 2025

Repassed by House June 27, 2025

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Julie Fahey, Speaker of House

Passed by Senate June 27, 2025

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

.....
Tobias Read, Secretary of State

OREGON
WATER RESOURCES DEPARTMENT

Memorandum

TO: Agents Assisting Water Right Transaction Clients
FROM: Ivan Gall, Director
DATE: August 25, 2025
SUBJECT: Water Right Transaction Communications

This memo explains Oregon Water Resources Department communication protocols for water right transactions. While it primarily benefits agents who frequently engage with the Department, it is also a resource for unrepresented applicants.

Customer Service: A Holistic Look

Sharing the information in this memo is part of a focused effort to improve applicant customer service, seeking to balance transparent communication with protecting caseworkers' time for application processing. The Department is committed to continuous process improvement and serving the people of Oregon. With our limited staff resources and the robust application/transaction workload, time spent serving one customer delays processing time for other customers. Our goal is serving all our customers equitably and fairly. Someone's ability to advocate for faster processing or reevaluations of Department determinations should not delay work for other customers.

Application Status Update Inquiries

The Department receives a high volume of application status inquiries. This is understandable given application backlogs and current processing times. Time spent responding to status update inquiries reduces available staff time to process transactions. To focus staff on production, we streamlined our response protocols and are sharing this information with you. When a caseworker receives a status update inquiry, they a) note that they cannot provide an estimate of when the water right transaction will proceed to the next step; b) provide information about how to view the latest available information in our online Water Right Information Search tool; c) note that applicable new documents are generally posted within 1-2 business days (e.g., a groundwater review); and d) note that status update requests do not affect how quickly a transaction is processed. Caseworkers do not have the capacity to repeatedly respond to inquiries for the same application when a customer does not accept this response.

Disagreement with Department Determinations

We understand that applicants and their representatives sometimes disagree with Department determinations. If the Department determines we have made a mistake, we fix it. If, prior to a Proposed Final Order, the Department believes there is an opportunity for an applicant to move from a negative to a positive review, the Department provides that opportunity. If the Department determines a positive outcome is not possible (e.g., water is not available for a new water right), or the applicant has indicated they are not willing to provide the information or adjustments needed to reach a positive outcome, the Department will move to the next step of the review process as efficiently as possible. Providing a negative order more quickly, rather than engaging in extended unproductive conversations, brings quicker resolution on applications.

Order in the Processing Queue

Aside from Reimbursement Authority applications, the Department does not have a defined queue that it can provide. Factors influencing the order of processing include but are not limited to community drinking water applications; drought applications; applications returned from the protest program for further processing; if an applicant has provided all necessary information and has not requested a processing hold; if all technical reviews and interagency reviews are complete; and, in the case of new water right applications, if the application is still awaiting an Initial Review. Newer applications that are less complicated may be used to train less experienced caseworkers.

Engaging other Department Staff

Between application submittal and conclusion of the 60-day reconsideration period following final order issuance, the Water Right Services Division is the hub for water right transaction communications. Communications about a water right transaction should be directed to the caseworker or, in the case of protests, to the protest program coordinator.

Pre-Application Questions, Statutory/Rule Interpretation, and Creative Concepts

The Department periodically receives pre-application questions and questions about how we interpret our statutes and rules. Any information provided outside of a formal document (Proposed Final Order or Final Order) should be considered preliminary. We do not have staff capacity to provide the level of pre-application feedback requested by some applicants or their agents prior to submitting a specific

application. In these cases, we inform the customer that we will perform the evaluation after an application is submitted. Similarly, our ability to provide feedback on a complex, creative concept is constrained to evaluating how it might fit into our regulatory framework. It is outside our application review scope and beyond our division's available resources to help develop those concepts on behalf of an applicant or agent.

Conclusion

The Department is committed to providing excellent customer service. In the interest of improving processing timelines and fairly serving customers, we are focusing our time and attention on production. Thank you for your understanding as we work to improve our processes and reduce processing timelines.

CWRE PROGRAM UPDATE



CWRE Program Update

October 2025

OREGON WATER RESOURCES DEPARTMENT

CWRE Program – General Information

History

- The CWRE Program was established in July of 1987;
- Based on a similar program in Nevada;
- Engineers and Land Surveyors were the first professionals qualified to become CWREs;
- Later, Registered Geologists were added;
- Continuing education (PDHs) became a requirement;
- Most recently, qualifying district employees were added to the list of individuals who could sit for the exam.

Currently there are approximately 250 CWRE.

OREGON WATER RESOURCES DEPARTMENT

Exam History For Years 2000 - 2025

CWRE Approved Applicants by Year	
Year	Number of Applicants
2000	21
2001	25
2002	17
2003	19
2004	13
2005	9
2006	7
2007	10
2008	12
2009	17
2010	5
2011	14
2012	14
2013	16

CWRE Approved Applicants by Year		
Year	Number of Applicants	Number of Attendees
2014	12	12
2015	10	10
2016	11	11
2017	9	9
2018	8	7
2019	12	9
2020	3	2
2021	6	5
2022	9	8
2023	8	8
2024	17	13
2025	8	6

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CWRE Program – General Information

What is the role of a CWRE?

1 – Serves as an agent and advocate for an applicant during the application for permit, transfer, assignment, and extension processes.

2 – Serves as independent fact finder during the proving up process (site inspection and preparation of claim materials).

OREGON WATER RESOURCES DEPARTMENT

CWRE Program – General Information

Statute and Rule References for Program:

CWRE Program Described in ORS 537.797 – 799

Oregon Water Resources Rules OAR 690-014 describes the CWRE program as it relates to the function of an examiner as well as provides requirements for claims of beneficial use.

Board of Examiners for Engineering and Land Surveying (OSBEELS) Division 820.

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CWRE Program – General Information

Yearly CWRE Training Workshops – Each fall

Exam – Given once each year (April) – Register through OSBEELS

CWRE Resource Page

Contact Information Updates – Please update as necessary

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CLAIMS OF BENEFICIAL USE

Permits

Transfers



2025 CWRE Workshops

Claims of Beneficial Use
Permits and Transfers

OREGON WATER RESOURCES DEPARTMENT

October 2025

News You Can Use

What's New?

- Revised Claim Forms
  - Fee reference and a few clarifying additions
- New Fee For Permit Claims - $345 for permits with a priority date of July 9, 1987, or later.
- Transfer Fee Update - $345 for transfer applications submitted July 9, 1987, or later. (Fee no longer based on priority dates)

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News You Can Use

Progress Reports

- Permit with an extension condition that require progress report(s):
  - First look at the extension FO (see if the form is attached).
  - If not attached to the form, contact Extension Staff to get a copy.

*When beginning a Claim, if you discover that the permit holder has not submitted a required progress report, get the report submitted to Extension Section as soon as possible.

News You Can Use

Notes from Certificate Staff:

Attach your documents. For example, if you are indicating that a letter from ODFW is included with the Claim, be sure that it is attached.

Fill in all data fields completely.

Verify your data.

Pump Calcs for Groundwater Pumps – be sure to provide and verify all data – pay attention to the pumping level.

60 Day Letters – Keep Caseworker informed with your progress.

Claims of Beneficial Use - Permits

Claim of Beneficial Use

- What is a Claim of Beneficial Use (Claim, CBU, or COBU) for a Permit? A Claim consists of both:

1. A **report** that describes the extent of water use developed (uses, rates, volumes, and acres) under a permit and timely compliance with conditions; and

2. A **map** that identifies the developed location of the use, point(s) of diversion or appropriation, delivery system, as well as any measuring devices and fish protection devices required by the permit.

TIP - Think of a Claim as an "As-Built"

Claim of Beneficial Use

Report - Items	Map – Items/Specifications
Excluded landowners	Acceptable scale (1"1320', 1" = 400', or full scale of Assessor map)
Use(s) developed	Place of Use clearly defined
Rate of water developed for each use	Point of Diversion/Appropriation (POD)
Volume of water developed	Coordinate description for POD (not GPS)
System description (pumps, sprinklers, etc.)	Location of infrastructure of the system
Theoretical calculation (even if measured)	Location of fish protection and measurement devices
Compliance with conditions	Quarter quarters, DLC, and Gov Lots if applicable

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Purpose of the Claim for a Permit

To describe the extent of beneficial use developed under the Permit

- Describe the use(s) developed;
- Describe the system and system capacity
- Describe the rate developed for each use;
- Describe the volume developed (for reservoirs);
- Describe how conditions were satisfied; and
- Describe where water was used

OREGON WATER RESOURCES DEPARTMENT

What is Beneficial Use Under a Permit?

- Timely use of water, for the allowed use(s), while timely complying with conditions of the permit.
- "Timely", as used here, describes the period of time between the permit issuance date and the authorized "C" Date as established by the permit or through the approval of a Permit Extension of Time Final Order.



- Timely Use + Timely Compliance = Beneficial Use
- Timely Use – Compliance ≠ Beneficial Use

TIP - Most conditions are time sensitive.

Beneficial Use Under a Permit

Additional comments about Beneficial Use under a permit:

- Beneficial Use is based on the actual use of water made, not on the ability of the permit holder to make beneficial use. In other words, use must be made. It is important that the Claim describe the maximum use made. This means:
  - The Claim must provide enough information to run calculations for the system including pumps, ditches, sprinklers, drip tape, drip emitters, etc.
  - The Claim should describe the maximum rate of use (maximum rate appropriated for the use if not irrigation, and for irrigation, the maximum sprinkler setting).
- If the permit holders does not make beneficial use of the full rate, acres or uses, the remaining rate, acres and uses are lost. Two Exceptions:
  - Exception 1 – Supplemental Use - the standard for supplemental use is "ready, willing and able".
  - Exception 2 – Municipal Partial or Incremental Perfection

Claim VS Extension of Time

Important question to ask when beginning a project:

Should a Claim be submitted or is an Extension of Time needed?

- Has the water user made beneficial use under a permit? Remember:

  Beneficial Use = Timely Use + Timely Compliance

- How do you decide if beneficial use has been made?
  - Review the permit, permit extension of time order, and records available from the water user and WRIS (SWLs and Water Use Reports).

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Claim VS Extension of Time

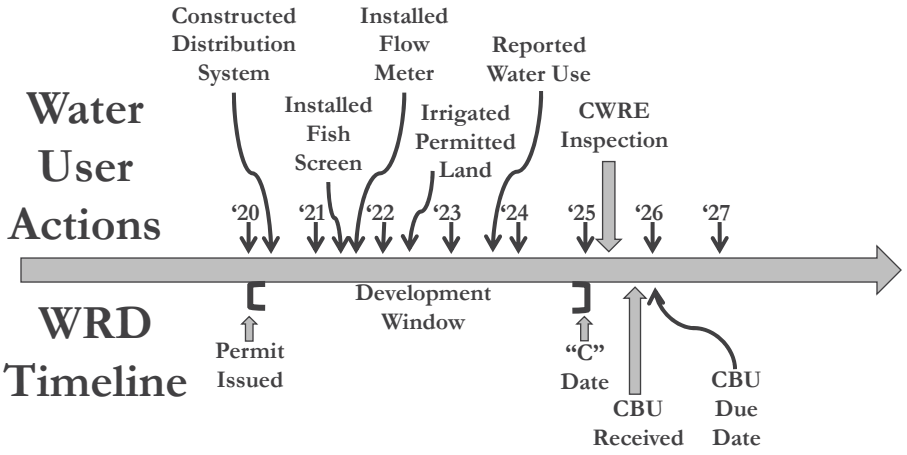
TIP – Check the beneficial use timeline:

A report that does not demonstrate that the use and compliance with conditions occurred within the authorized timeline is problematic.

A Claim that does not demonstrate that beneficial use was timely accomplished in full or in part and will lead the Department to propose cancellation or place a limitation on the extent of beneficial use developed.

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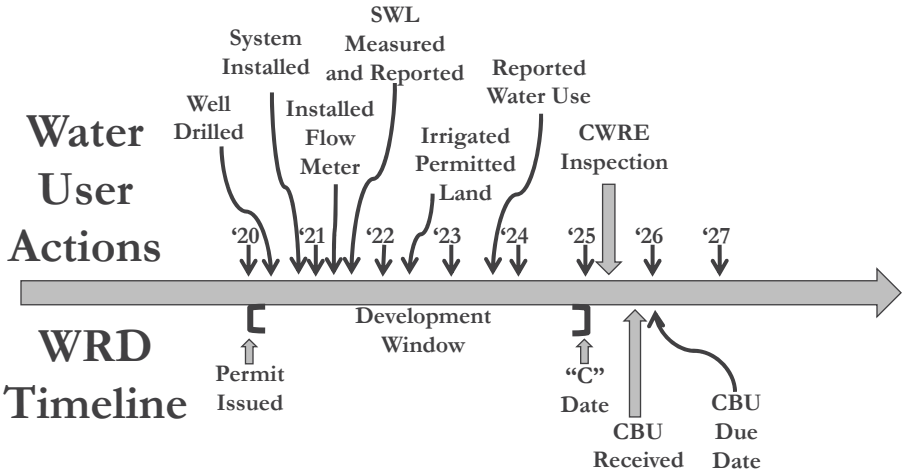
Ideal Development Timeline – Surface Water



Outcome: WRD determines that water has been put to beneficial use within the terms and conditions of the permit and issues a certificate.

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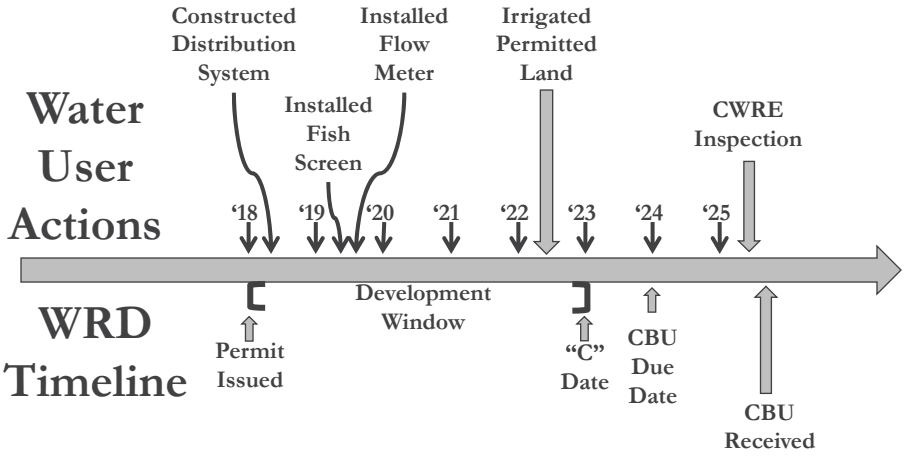
Ideal Development Timeline – Groundwater



Outcome: WRD determines that water has been put to beneficial use within the terms and conditions of the permit and issues a certificate.

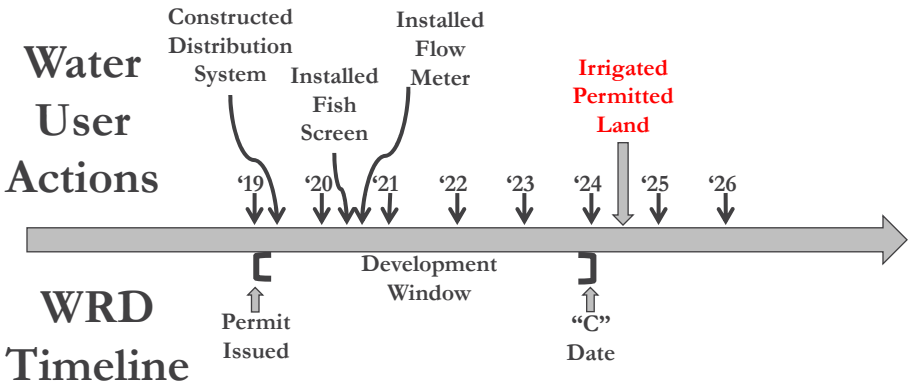
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Permit Development Timeline – Late Claim



If a permit holder completed their beneficial use timely, and the claim is "late", an extension of time is not required.

Permit Development Timeline
Extension Needed



Extensions For Non-Municipal Uses

A note about Extensions:

Permits issued prior to April 1, 2026, for uses other than municipal use, will be limited to only one extension of time if good cause can be demonstrated. The following limitations will apply:

- Quasi-Municipal - Shall not exceed 20 years;
- Group Domestic - Shall not exceed 10 years;
- Group Domestic Expanded - Shall not exceed 10 years;
- All Other Uses (irrigation, commercial, etc.) - Shall not exceed 2 years.

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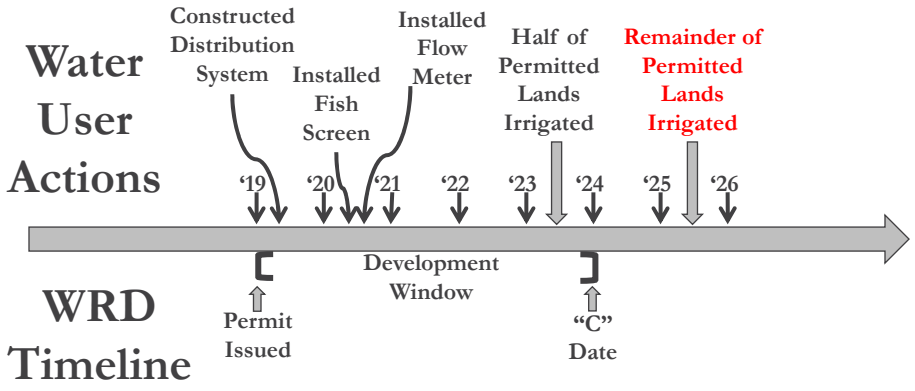
Extensions For Municipal Uses

For municipal use permits issued prior to April 1, 2026:

- Extensions of time may be issued for good cause shown for an amount of time necessary to achieve complete application of water.
- Permits for municipal use are not precluded from applying for and receiving additional extensions of time.

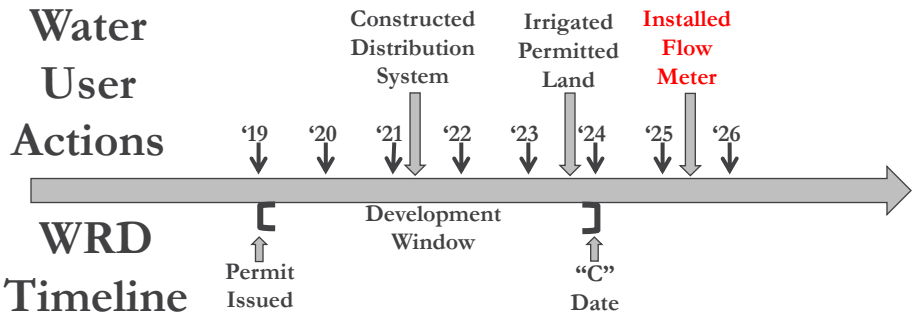
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Permit Development Timeline
Extension Needed



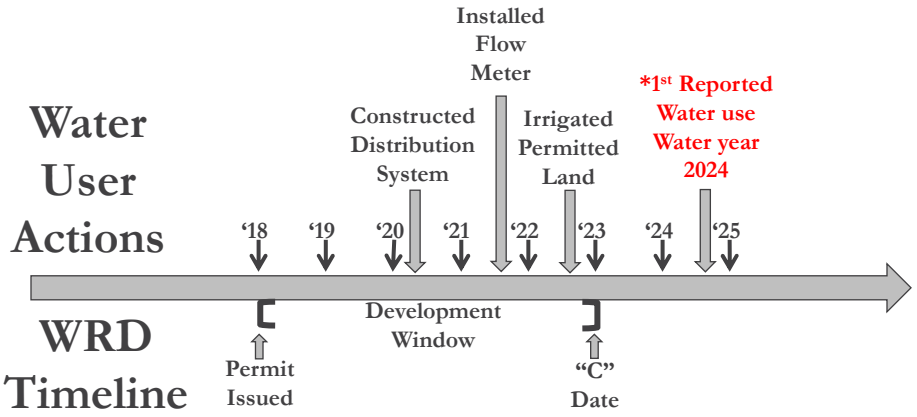
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Permit Development Timeline
Extension Needed



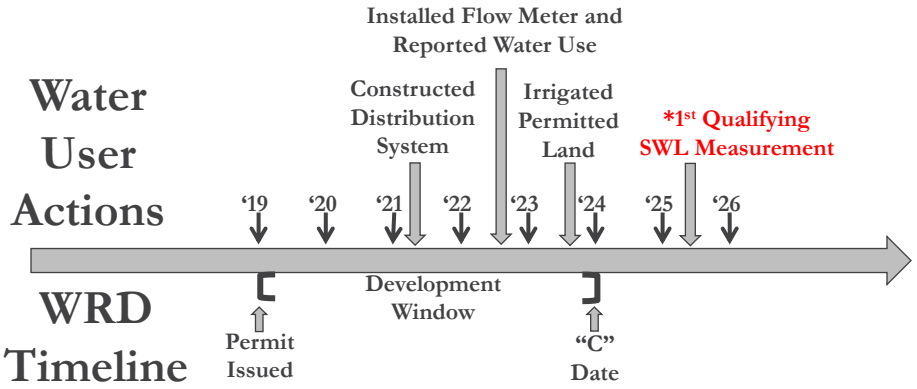
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Permit Development Timeline
Extension Needed



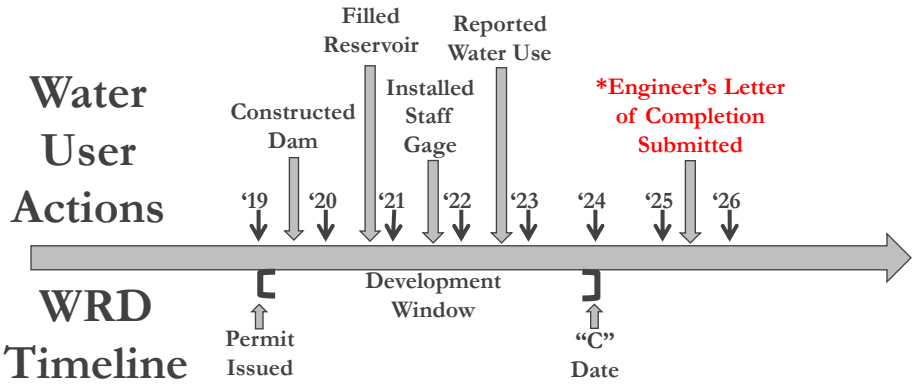
*TIP - The water year is named for the calendar year in which it ends.
Example: The 2024 water year begins October 1, 2023 and ends September 30, 2024.

Permit Development Timeline
Extension Needed



*1st Qualifying SWL Measurement = The first static water level measurement taken during the month specified in the permit.

Permit Development Timeline
Extension Needed – Engineered Dam



*TIP – "Large" dams that required a Dam Safety review of plans and specifications may require a letter from the engineer certifying that the construction was completed in accordance with the approved plans prior to any storage being made.

Claim VS Extension of Time

To Summarize:

- If you find that the permit holder did not complete their use or comply with conditions within the authorized time period, an extension of time should be requested.
- If the Department reviews a Claim and finds that the timeline to either make the beneficial use or comply with conditions was not met, the Department will move to cancel the permit or limit the right to the portion timely developed.

TIP – Check your report. If your report puts either development steps or compliance with conditions past (after) the completion date, you should discuss the need for an extension with your client and possibly the Department.

Claim of Beneficial Use

Tips, Reminders, and Examples:

- Permit Amendments
- Fees
- Signatures
- System Descriptions
- Calculations
- Conditions and Extensions
- Mapping

Permit Amendments

A note about Permit Amendments:

- The permit amendment process (ORS 537.211) is used to amend either the location of a point of diversion or appropriation and/or the place of use of a permit.
- This type of change is not a transfer.
- In completing a Claim for a permit that has been amended, you will select the Claim form from the list of Claims for permits, not transfers.

TIP – Current practice is to issue a new permit following the approval of a permit amendment. Be sure that you review the current permit record when preparing your Claim.

Fees

TIP – Not all Claims require a fee

- To determine whether a fee is required for a permit, you must look at the priority date of the permit.

Claim of Beneficial Use Fee Requirements

Claims for Permits with priority dates prior to July 9, 1987

No Fee

Claims for Permits with priority dates of July 9, 1987, or later (more recent).

$345.00 Fee

TIP – Double check the priority date of the permit to determine whether a fee is required to submit the Claim.

Stamps and Signatures

A Claim must be stamped and signed by the CWRE and signed by all permit holders of record.

- When a Claim is submitted that has not been stamped and signed by the CWRE, the Claim is returned.
- When a Claim is submitted that has not been signed by all permit holders of record, the Claim is returned with the following exception:
  - Partial Claims - The Claim must include a listing of all excluded landowners. Their signatures are not required.

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Signature Page

Be sure this section of the Claim is complete.

- Stamped and signed by you, the CWRE
- Signed by ***all*** permit holders of record
  - Include title of person signing the Claim.
  - Claim will be returned if not properly signed.

Things to consider:

- "and"
- "or"
- Northwest Farm Credit Services

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Signatures

Check WRIS to confirm the current permit holder(s).

- Newer Assignments and the Assignment confirmation letters are included in WRIS under 'Scanned Documents"

TIP – Be sure to account for all permit holders of record. It may be necessary to submit an Assignment either prior to, or concurrent with the Claim. Department preference is that the Assignment be completed prior to submittal of the Claim.

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Signatures – Partial Claim

Partial Claim

- When multiple permit holders are involved, it is possible to submit a Claim for a portion of a permit for an individual permit holder.
- Claim must clearly identify which portion of the permit is included in the Claim.
- Claim must identify each excluded property owner.
- Claim needs to be signed only by the permit holder(s) of the portion being claimed.
- The Department cannot process a partial Claim unless:
  - It is at least one year and three months past the "C" Date and notification is made to the remaining permit holders of record; or
  - The permit has been split following the submittal of the Claim and the Claim is only for the new permit.

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Claims – Variations

What's Different?

- Describe variations between the permit and the developed use
  - Section 3 of the Claim

5. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below. **YES**

(e.g. *"The permit allowed three points of appropriation. The water user only developed one of the points."* or *"The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres."*)

The permit authorized the development of 6 wells. The permit holder developed 3 wells.

The permit authorized the development of 100 acres of irrigation. The permit holder developed 88.2 acres of irrigation.

TIP - This section can also be used to identify scrivener's errors in the permit, and changes in POD or Well names or numbers.

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System Descriptions





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Claims – System Descriptions

System Description – Components and Purposes:

1. General Narrative Description of the System:
   - Provides a general description of the system from the point of diversion to the place of use.
   - Provides an outline for the system specific information required later in the Claim.
2. System Specific Description:
   - Provides specific information about the components of the system including theoretical calculations.

TIP – Theoretical calculations are required even if a measurement was made.

Claims – System Descriptions #1

- Provide a general description of the system from the POD to the POU
  - General narrative in Section 3

4. Provide a general narrative description of the distribution works. This description must trace the water system from **each** point of appropriation to the place of use:

Well #1 – Water is pumped from the well which is equipped with a totalizing flow meter. The water is conveyed through a buried mainline to a pivot.

Well #2 – Water is pumped from the well which is equipped with a totalizing flow meter. The water is conveyed through an above ground mainline to a wheel line.

Well #3 – Water is pumped from the well which is equipped with a totalizing flow meter. The water is conveyed through an above ground mainline to a big gun.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

- This system would require that each of the three wells, the pivot, wheel line, and big gun be described to include a computed theoretical capacity for each well, wheel line sprinklers, and big gun. For the pivot, the theoretical capacity can be provided using manufacturer's design data.

Claims – System Descriptions 2

- Provide a general description of the system from the POD to the POU
  General narrative in Section 3

4. Provide a general narrative description of the distribution works. This description must trace the water system from **each** point of diversion to the place of use:

The system includes 3 separate springs. There is a collection pipe at each spring which convey water to a 2" pvc mainline. The mainline delivers the water to a single 1000 gallon storage tank. A pipeline leads from the tank to the house served under the permit. The entire system is gravity flow.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

- For this system, the Claim would need to describe the three spring collection pipes, the tank, and the pipe to the place of use. As part of the description, the Claim would include the computed theoretical capacity for each spring and the pipe to the place of use.

OREGON WATER RESOURCES DEPARTMENT

Claims – System Descriptions 3

- Provide a general description of the system from the POD to the POU
  General narrative in Section 3

4. Provide a general narrative description of the distribution works. This description must trace the water system from **each** point of appropriation to the place of use:

The system includes 3 wells. Each well is equipped with a totalizing flow meter. The wells contribute to a common buried mainline that serves all the irrigation developed under the permit. The water is applied for irrigation using a combination of pivots and wheel lines.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

- This system would require that each of the three wells, the pivots, and wheel lines be described to include a computed theoretical capacity for the well and wheel line sprinklers. For the pivot, the theoretical capacity can be provided using manufacturer's design data.

OREGON WATER RESOURCES DEPARTMENT

Claims – System Descriptions

- Provide a complete description of the system in the Claim
  - Specific details for <u>each</u> component Section 4 – Pump – *Surface Water*

1. Is a pump used? YES NO

If "NO" items 2 through item 6 may be deleted.

2. Pump Information:

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE

3. Motor Information:

MANUFACTURER	HORSEPOWER

4. Theoretical Pump Capacity:

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)

TIP- Calculations are required even if a measurement was made.

Claims – System Descriptions

- Provide a complete description of the system in the Claim
  - Specific details for <u>each</u> component Section 4 – *Pump in Well*

2. Pump Information:

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE

3. Motor Information:

MANUFACTURER	HORSEPOWER

4. Theoretical Pump Capacity – Pump at Well:

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO GROUND SURFACE (THE DEPTH TO WATER FROM THE GROUND SURFACE MEASURED AT THE WELL DURING PUMPING)	LIFT TO PLACE OF USE (THE LIFT FROM THE GROUND SURFACE AT THE WELL TO THE PLACE OF USE)	TOTAL PUMP OUTPUT (IN CFS)

TIP- Calculations are required even if a measurement was made.

Claims – System Descriptions

- Provide a complete description of the system in the Claim
  - Specific details for each component Section 4 – *Pump at Sump*

7. Theoretical Pump Capacity – Pump at Sump:

Horsepower	Operating PSI	Lift from Source to Ground Surface (the lift from the water surface to the pump)	Lift to Place of Use (the lift from the pump to the place of use)	Total Pump Output (in cfs)

TIP- Calculations are required even if a measurement was made

OREGON WATER RESOURCES DEPARTMENT

Claims – System Descriptions

- Provide a complete description of the system in the Claim
  - Specific details for each component Section 4 – Gravity Flow Pipe

D. Gravity Flow Pipe

(The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

1. Does the system involve a gravity flow pipe? **YES NO**

If "NO", items 2 through 4 relating to this section may be deleted.

2. Complete the table:

Pipe Size	Pipe Type	"C" factor	Amount of Fall	Length of Pipe	Slope	Computed Rate of Water Flow (in cfs)

3. Provide calculations:

TIP - Calculations are required even if a measurement was made

4. If an actual measurement was taken, provide the following:

Date of Measurement	Who Made the Measurement	Measurement Method	Measured Quantity of Water (in cfs)

Attach measurement notes.

OREGON WATER RESOURCES DEPARTMENT

Claims – System Descriptions

- Provide a complete description of the system in the Claim
  - Specific details for each component Section 4 – Gravity Flow Canal or Ditch

E. Gravity Flow Canal or Ditch
(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system? **YES** **NO**

If "NO", items 2 through 4 relating to this section may be deleted.

2. Complete the table:

CANAL OR DITCH TYPE (MATERIAL)	TOP WIDTH OF CANAL OR DITCH	BOTTOM WIDTH OF CANAL OR DITCH	DEPTH	"N" FACTOR	AMOUNT OF FALL	LENGTH OF CANAL / DITCH	SLOPE	COMPUTED RATE (IN CFS)

3. Provide calculations:

TIP - Calculations are required even if a measurement was made

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)

Attach measurement notes.

OREGON WATER RESOURCES DEPARTMENT

Claims – System Descriptions

- Provide a complete description of the system in the Claim
  - Specific details for each component - Section 4 (Mainline)

7. Is the distribution system piped? **YES** **NO**

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND

OREGON WATER RESOURCES DEPARTMENT

Claims – System Descriptions

- Provide a complete description of the system in the Claim
  - Specific details for <u>each</u> component Section 4 – Sprinklers, Pivots, and Notes

10. Sprinkler Information:

Size	Operating PSI	Sprinkler Output (GPM)	Total Number of Sprinklers	Maximum Number Used	Total Sprinkler Output (CFS)

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Drip Emitter Information:

Size	Operating PSI	Emitter Output (GPM)	Total Number of Emitters	Maximum Number Used	Total Emitter Output (CFS)

12. Drip Tape Information:

Dripper Spacing in inches	GPM per 100 Feet	Total Length of Tape	Maximum length of Tape Used	Total Tape Output (CFS)	Additional Information

13. Pivot Information:

Manufacturer	Maximum Wetted Radius	Operating PSI	Total Pivot Output (GPM)	Total Pivot Output (CFS)

OREGON WATER RESOURCES DEPARTMENT

Claims – System Descriptions - Recap

- The Claim must contain enough information about the pump, ditch, pipe, sprinklers, and drip emitters or drip tape so that theoretical calculations can be run.
- The Claim must contain enough information to determine the maximum rate or volume beneficial of use (rates are determined for the point of diversion or appropriation).
  - Certificates are limited to the lesser of the authorized amount, the capacity of the delivery system, or the amount of actual beneficial use (OAR 690-014-0100(10))
  - In other words, certificates are limited to the lesser of the authorized amount (instantaneous rate or rate equivalent such as 1/40 or 1/80), the capacity of the delivery system (theoretical calculations), or the amount of actual beneficial use (measured use).
- Calculations are required even if a measurement was taken.
  - Calculators for common calculations are available on the CWRE Resource Page

TIP – Provide any additional information that you feel would help to describe the system

OREGON WATER RESOURCES DEPARTMENT

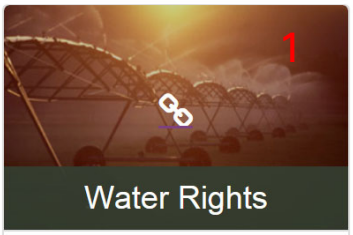
Claims – System Descriptions - Bulge

When a *Bulge* is involved

- The Claim must describe the system from the POD to the end use. For example:
- POD ➞ Bulge ➞ Bulge Pump ➞ Sprinklers
- Assuming that no water is diverted from the conveyance system between the POD and the bulge, and the limiting duty (1/40 or 1/80) is not exceeded, the rate water is diverted from the source and placed in the "Bulge" is the rate of beneficial use. The rate is not based on the pump at the bulge or the rate of application.

OREGON WATER RESOURCES DEPARTMENT

CWRE Resource Page



- Apply for a New Water Right
- Change an Existing Water Right
- Find Water Rights
- Water Rights Public Notice
- Water Use Reporting

2

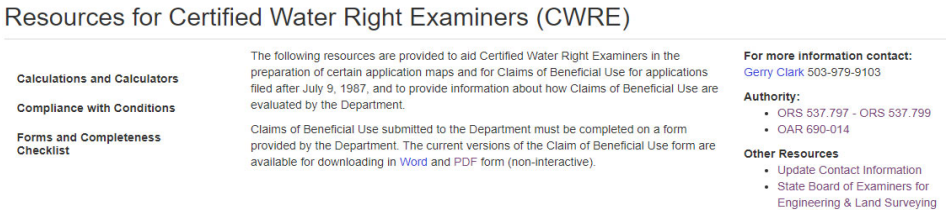
Water Rights

- Adjudications and Registrations
- Certificates
- Conservation
- Decrees
- Forms
- Hydroelectric Program
- Instream
- Other Water Use Authorizations
- Permits
- Reimbursement Authority
- Reporting
- Resources for Certified Water Right Examiners (CWRE)
- Transfers
- Water Right Information Search

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CWRE Resource Page

- CWRE Resource Page:
- Calculations and Calculators
- Compliance with Conditions
- Forms Link
- Update Contact Information



OREGON WATER RESOURCES DEPARTMENT

Claims - Conditions

The Claim must fully address compliance with conditions:

- Time Limits
- Measuring Devices
- Water Use Reporting – Check WRIS
- Static Water Levels – Check WRIS
- Fish Protection Devices – ODFW Approval or Waiver Evidence
- Well ID Tags
- Measuring Tubes in Groundwater Permits
- Drill Cuttings
- Pump Tests – *Prior to certificate issuance*
- Other Conditions?

OREGON WATER RESOURCES DEPARTMENT

Time Limits



TIP – Use and condition compliance must occur between the permit issuance date and the authorized "C" Date.

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Claims – Conditions - Time Limits

Who can spot the problem?

	Date from Permit or Transfer	Date Accomplished	Description of Actions Taken by Water User to Comply with the Time limits
Issuance Date	May 5, 2010		
Begin construction (A)	NA	September 1983	
Complete construction (B)	NA	September 1983	
Complete application of water (C)	**May 5, 2015**	**September 1983**	**Existing system**

OREGON WATER RESOURCES DEPARTMENT

Claims – Conditions - Time Limits

Problem Identified – Use prior to permit issuance is not beneficial use

	Date from Permit or Transfer	Date Accomplished	Description of Actions Taken by Water User to Comply with the Time Limits
Issuance Date	May 5, 2010		
Begin construction (A)	NA	September 1983	
Complete construction (B)	NA	September 1983	
Complete application of water (C)	May 5, 2015	September 1983	Existing system **There is no mention of use between May 5, 2010 and May 5, 2015

OREGON WATER RESOURCES DEPARTMENT

Claims – Conditions - Time Limits

Solution

	Date from Permit or Transfer	Date Accomplished*	Description of Actions Taken by Water User to Comply with the Time Limits
Issuance Date	May 5, 2010		
Begin construction (A)	NA		**This system has been in place since 1983.
Complete construction (B)	NA		
Complete application of water (C)	May 5, 2015	May 31, 2010	Following issuance of the permit, the water user installed the fish screen and meter and used water for the irrigation of permitted acres.

OREGON WATER RESOURCES DEPARTMENT

Claims – Conditions - Time Limits

Who can spot the problem?

	Date from Permit or Transfer	Date Accomplished*	Description of Actions Taken by Water User to Comply with the Time Limits
Issuance Date	May 5, 2010		
Begin construction (A)	NA		
Complete construction (B)	NA		
Complete application of water (C)	May 5, 2015	August 5, 2018	Site Inspection. System was operating as intended.

OREGON WATER RESOURCES DEPARTMENT

Claims – Conditions - Time Limits

Problem Identified – Use started after the "C" Date is not beneficial use

	Date from Permit or Transfer	Date Accomplished*	Description of Actions Taken by Water User to Comply with the Time Limits
Issuance Date	May 5, 2010		
Begin construction (A)	NA		
Complete construction (B)	NA		
Complete application of water (C)	May 5, 2015	August 5, 2018	Site Inspection. System was operating as intended. **There is no mention of use between May 5, 2010 and May 5, 2015

OREGON WATER RESOURCES DEPARTMENT

Claims – Conditions - Time Limits

Solution

	Date from Permit or Transfer	Date Accomplished*	Description of Actions Taken by Water User to Comply with the Time Limits
Issuance Date	May 5, 2010		
Begin construction (A)	NA		
Complete construction (B)	NA		
Complete application of water (C)	May 5, 2015	June 10, 2012	System was operating as intended and irrigating the lands with fish screen and totalizing flow meter in place.

TIP – If you are working on a Claim after the "C" Date has passed, be sure to address what happened between the permit issuance date and the authorized "C" Date.

OREGON WATER RESOURCES DEPARTMENT

Claims – Conditions - Time Limits

How do you handle a replacement meter?

	Date from Permit or Transfer	Date Accomplished*	Description of Actions Taken by Water User to Comply with the Time Limits
Issuance Date	May 5, 2010		
Begin construction (A)	NA		
Complete construction (B)	NA		
Complete application of water (C)	May 5, 2015	June 2010	Use made with meter in place. Original meter was replaced in August 2018.

TIP –
Key questions to ask:

- Is this the original measuring device? If not,
- When was the original measuring device installed?

OREGON WATER RESOURCES DEPARTMENT

Claims – Measuring Devices

What measuring device does the permit condition require?

- Meter
- Totalizing Flow Meter
- Staff Gage
- Weir
- Other



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Claims – Measuring Devices

- Meter vs Totalizing Flow Meter
  - Totalizing flow meter is specific
    - Must be a totalizing flow meter
  - Meter is generic
    - Could be:
    - Dedicated electrical meter
    - Instantaneous flow meter
    - Totalizing flow meter
    - Hour meter on a generator



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Claims – Measuring Devices

What measurement device is required?

- "Other suitable measuring devices":
  - Require approval by Watermaster
    - Example – A reservoir permit that requires a meter or other suitable measuring device. Watermaster would need to approve a Staff Gage.



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Rate Restriction: Flow Restrictor





Also known as a Dole Valve, this device restricts the diversion rate to a set amount.

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Claims – Flow Restrictors

What is a Flow Restrictor?

- A flow restrictor is a device that is placed in-line to restrict the flow of the amount of water diverted to ensure that the authorized rate of use is not exceeded.
- A flow restrictor is not a measuring device.
- Examples:
  - A Dole valve
  - An appropriated sized pipe to restrict the flow.

    TIP - Water user can contact a pump service to help with the design and installation of an appropriately sized pipe to restrict the flow to the authorized rate.
  - A ball valve placed in line that be used to calibrate and reduce the rate to that authorized under the right.

TIP - Check with the Watermaster for assistance in picking out an appropriate flow restrictor.

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Flow Restrictors and Measuring Devices

Warning:

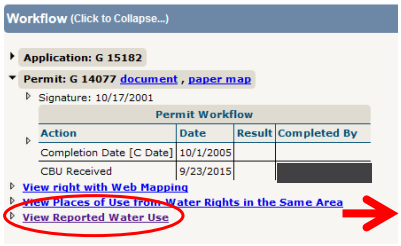
Many permits require that both a totalizing flow meter and a flow restrictor be installed.

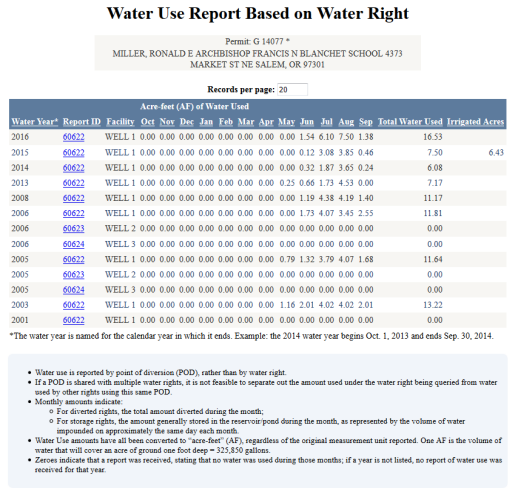
- Because a flow restrictor is not a measuring device, the permit holder would be required to install both devices to comply with this condition.

OREGON WATER RESOURCES DEPARTMENT

Claims – Water Use Reporting

- Water Use Reporting Data – See WRIS





Water Use Report Based on Water Right

Permit: G 14077 *
MILLER, RONALD E ARCHBISHOP FRANCIS N BLANCHET SCHOOL 4373 MARKET ST NE SALEM, OR 97301

Records per page: 20

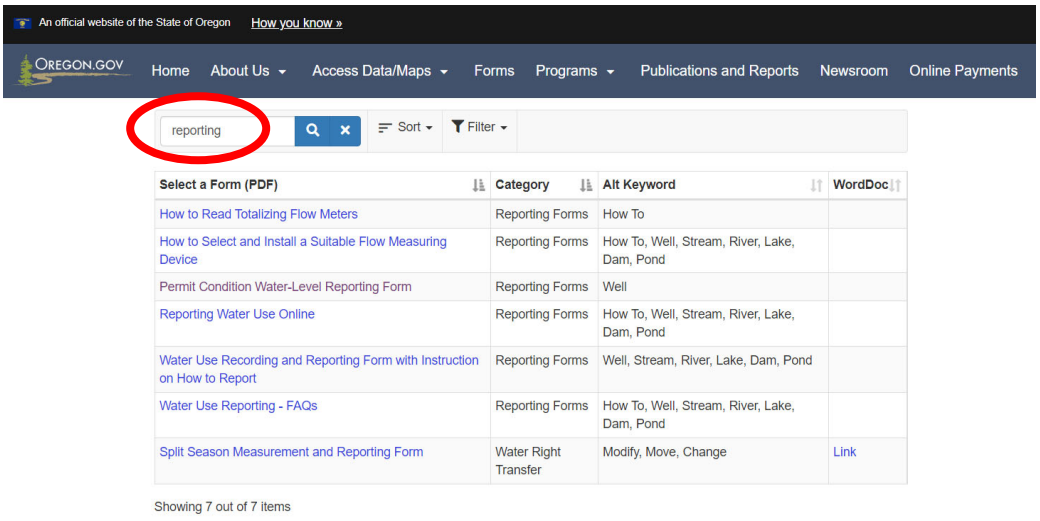
			Acre-feet (AF) of Water Used													
Water Year*	Report ID	Facility	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total Water Used	Irrigated Acres
2016	60622	WELL 1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.54	6.10	7.50	1.38	16.53	
2015	60622	WELL 1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.12	3.08	3.85	0.46	7.50	6.43
2014	60622	WELL 1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.32	1.87	3.65	0.24	6.08	
2013	60622	WELL 1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.25	0.66	1.73	4.53	0.00	7.17
2008	60622	WELL 1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.19	4.38	4.19	1.40	11.17	
2006	60622	WELL 1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.73	4.07	3.45	2.55	11.81	
2006	60623	WELL 2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2006	60624	WELL 3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2005	60622	WELL 1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.79	1.32	3.79	4.07	1.68	11.64
2005	60623	WELL 2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2005	60624	WELL 3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2003	60622	WELL 1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.16	2.01	4.02	4.02	2.01	13.22
2001	60622	WELL 1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	

*The water year is named for the calendar year in which it ends. Example: the 2014 water year begins Oct. 1, 2013 and ends Sep. 30, 2014.

- Water use is reported by point of diversion (POD), rather than by water right.
- If a POD is shared with multiple water rights, it is not feasible to separate out the amount used under the water right being queried from water used by other rights using this same POD.
- Monthly amounts indicate:
  - For diverted rights, the total amount diverted during the month;
  - For storage rights, the amount generally stored in the reservoir/pond during the month, as represented by the volume of water impounded on approximately the same day each month.
- Water Use amounts have all been converted to "acre-feet" (AF), regardless of the original measurement unit reported. One AF is the volume of water that will cover an acre of ground one foot deep = 325,850 gallons.
- Zeroes indicate that a report was received, stating that no water was used during those months; if a year is not listed, no report of water use was received for that year.

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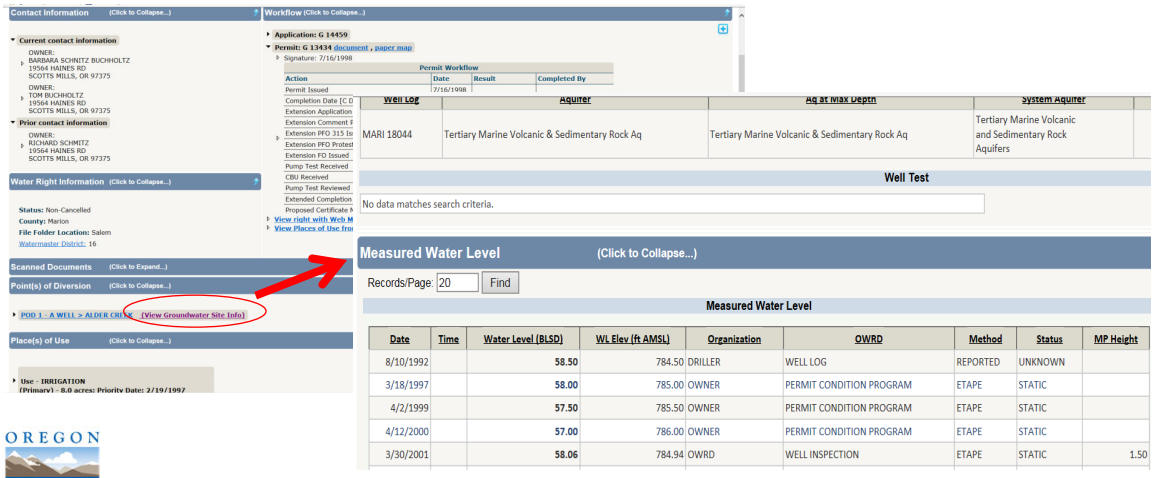
Reporting Forms and Measuring Device Info



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Claims - Static Water Level Data

- Static Water Level Data – See WRIS



Claims - Static Water Level – Reference Levels

- Static Water Levels – Set Reference Levels – See WRIS



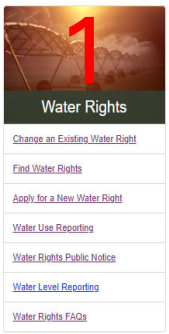
Static Water Level Measurements

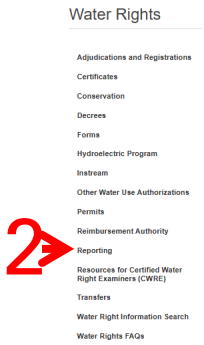
- TIP - If multiple wells are involved in a permit, there may be an opportunity to provide an alternative plan to Groundwater Section to measure and report SWLs:

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

OREGON WATER RESOURCES DEPARTMENT

Reporting – WU, SWL, and Pump Test

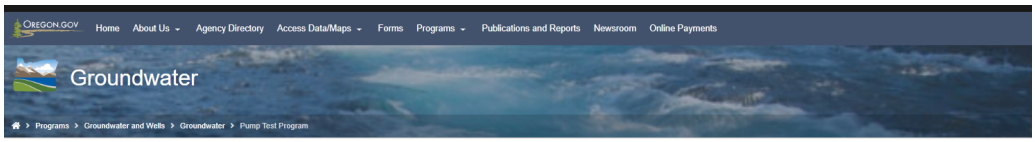






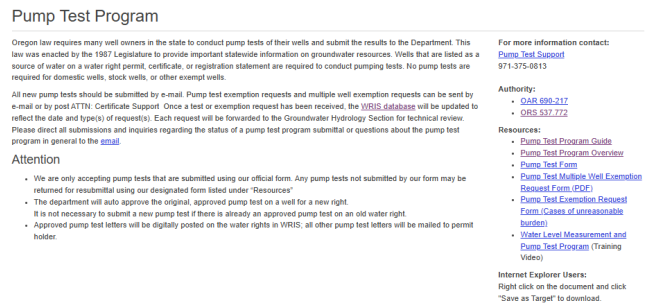
OREGON WATER RESOURCES DEPARTMENT

Reporting Page – Pump Test



See additional documents in the "Resources" Section of this book:

- Overview - "Pump Test"
- "2024 Pump Test Requirements for Groundwater Right Holders"



Pump Test Program

Oregon law requires many well owners in the state to conduct pump tests of their wells and submit the results to the Department. This law was enacted by the 1987 Legislature to provide important statewide information on groundwater resources. Wells that are listed as a source of water on a water right permit, certificate, or registration statement are required to conduct pumping tests. No pump tests are required for domestic wells, stock wells, or other exempt wells.

All new pump tests should be submitted by e-mail. Pump test exemption requests and multiple well exemption requests can be sent by e-mail or by post ATTN: Certificate Support. Once a test or exemption request has been received, the WRIS database will be updated to reflect the date and type(s) of request(s). Each request will be forwarded to the Groundwater Hydrology Section for technical review. Please direct all submissions and inquiries regarding the status of a pump test program submittal or questions about the pump test program in general to the email.

Attention

- We are only accepting pump tests that are submitted using our official form. Any pump tests not submitted by our form may be returned for resubmittal using our designated form listed under "Resources"
- The department will auto approve the original, approved pump test on a well for a new right.
  It is not necessary to submit a new pump test if there is already an approved pump test on an old water right.
- Approved pump test letters will be digitally posted on the water rights in WRIS; all other pump test letters will be mailed to permit holder.

For more information contact:
Pump Test Support
971-375-0813

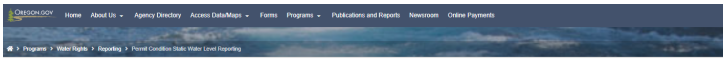
Authority:
- OAR 690-217
- ORS 537.772

Resources:
- Pump Test Program Guide
- Pump Test Program Overview
- Pump Test Form
- Pump Test Multiple Well Exemption Request Form (PDF)
- Pump Test Exemption Request Form (Cases of unreasonable burden)
- Water Level Measurement and Pump Test Program (Training Video)

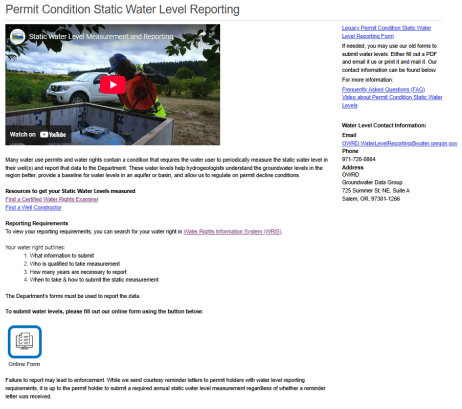
Internet Explorer Users:
Right click on the document and click "Save as Target" to download.

OREGON WATER RESOURCES DEPARTMENT

Reporting Page – Static Water-Levels (Wells)



A video that discusses SWL measurement conditions has been posted to the Department's YouTube Channel



Permit Condition Static Water Level Reporting

Static Water Level Measurement and Reporting

Watch on YouTube

Many water use permits and water rights contain a condition that requires the water user to periodically measure the static water level in their well(s) and report that data to the Department. These water levels help hydrogeologists understand the groundwater levels in the region better, provide a baseline for water levels in an aquifer or basin, and allow us to regulate on permit decline conditions.

Resources to get your Static Water Levels measured
Find a Certified Water Rights Examiner
Find a Well Constructor

Reporting Requirements
To view your reporting requirements, you can search for your water right in Water Rights Information System (WRIS).

Your water right outlines:
1. What information to submit
2. Who is qualified to take measurement
3. How many years are necessary to report
4. When to take & how to submit the static measurement

The Department's forms must be used to report the data.

To submit water levels, please fill out our online form using the button below:

Online Form

Failure to report may lead to enforcement. While we send courtesy reminder letters to permit holders with water level reporting requirements, it is up to the permit holder to submit a required annual static water level measurement regardless of whether a reminder letter was received.

Legacy Permit Condition Static Water Level Reporting Form

If needed, you may use our old forms to submit water levels. Either fill out a PDF and email it us or print it and mail it. Our contact information can be found below.

For more information:
Frequently Asked Questions (FAQ)
Video about Permit Condition Static Water Levels

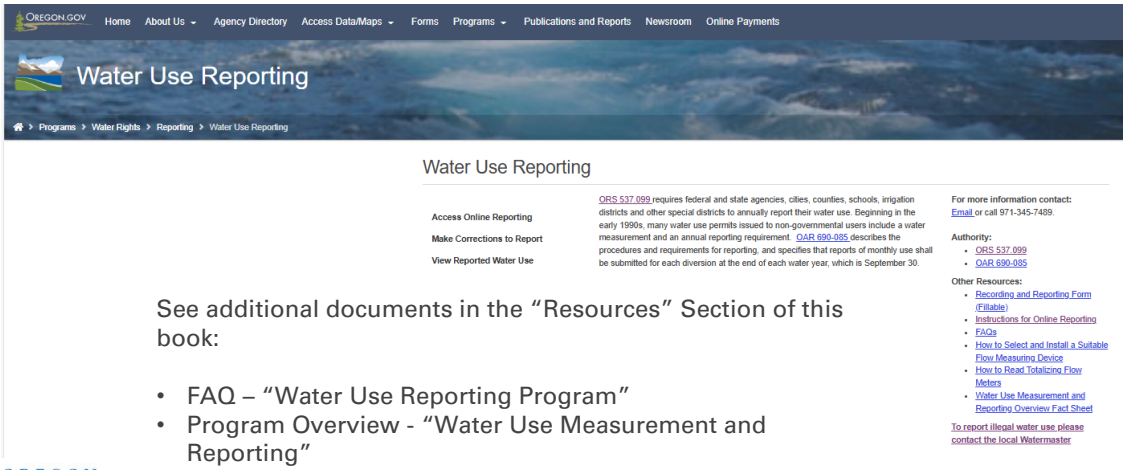
Water Level Contact Information:
Email
OWRD.WaterLevelReporting@water.oregon.gov
Phone
971-720-0864
Address
OWRD
Groundwater Data Group
725 Summer St. NE, Suite A
Salem, OR, 97301-1266

See additional documents in the "Resources" Section of this book:

- FAQ – "Updated Rules for Allocation of New Groundwater Rights"
- "Static Water Level Reporting Requirements"

OREGON WATER RESOURCES DEPARTMENT

Reporting Page – Water Use



See additional documents in the "Resources" Section of this book:

- FAQ – "Water Use Reporting Program"
- Program Overview - "Water Use Measurement and Reporting"
- "How to Select and Install a Suitable Flow Measuring Device"
- "How to Read Totalizing Flow Meters"

OREGON WATER RESOURCES DEPARTMENT

Claims - Fish Protection Conditions

If a permit required some type of fish protection device such as a fish screen, by-pass device, or fish passage:

- The fish screen will likely require Oregon Department of Fish and Wildlife approval or waiver in writing, unless the water can "self-certify" the screen:
  - For some older permits and transfers the water user may be able to self-certify the fish screen if each of the following criteria are met:
    1. Must be for a pumped diversion;
    2. Developed pumping capacity must be less than 225 gpm;
    3. The permit or transfer was issued prior to February 1, 2011.
- By-pass devices and fish passage devices will require ODFW to either approve or waive the requirement.

OREGON WATER RESOURCES DEPARTMENT

TIP – Be sure to attach copy of ODFW correspondence that either approves or waivers requirements for fish protestion devices.

Claims - Well ID Tags



- Newer groundwater permits contain a condition that requires the water user to have a Well ID Tag assigned and permanently attached to the well prior to use of any water from the well.
- In the case of a pre-existing well, the well may not have a Tag.
- Work with the permit holder to obtain a Tag prior to submitting the Claim.

OREGON WATER RESOURCES DEPARTMENT

Tip - Well ID Tags

TIP - Whenever you encounter a well without a Well ID Tag, work with the well owner to obtain a Tag. This could be at the time of:

- SWL Measurement;
- Pump Test;
- Field Inspection for the CBU;
- Other work that involves the property or well.

- If a well ID Tag is not assigned or attached by the "C" Date, be sure to get a tag on the well prior to Claim submittal.
- An extension of time is not necessary for a permit holder to come into compliance with this condition.



Groundwater & Wells

Groundwater Use Recording Fee
Find a Well Report
Find Groundwater Data
Report a Dry Well
Resources for Well Constructors
Well Abandonment, Repair and Replacement Fund (WARRF)
Well Construction Video Tutorials
Well Identification Program

OREGON WATER RESOURCES DEPARTMENT

Claims - Pump Tests

- What is a Pump Test?
  - It is a test that provides valuable information on the water-bearing earth materials (or groundwater aquifers) penetrated by a well.
  - A test that provides information on the performance of the well.

- Pump Test Specifications – Four Phases:
  1. Idle Time (Idle for at least 16 hours prior to testing)
  2. Pre-Pumping Phase (1 hour)
  3. Pumping Phase (minimum 4 hours)
  4. Post Pumping or Recovery Phase (4 hours or 90% recovery)

OREGON WATER RESOURCES DEPARTMENT

Claims - Pump Tests

- Three ways that the Pump Test Requirement can be satisfied:

- Perform the Pump Test
- Request an Unreasonable Burden Exemption
- Request a Multiple Well Exemption

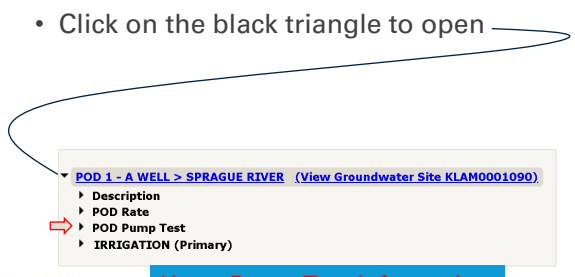
- Certain wells do not require a Pump Test:
  - A well with a diameter greater than 36 inches and a depth less than 30 feet.
  - Excavations that produce water from horizontal screens embedded in a gravel pack (infiltration galleries) or vertical caissons that produce water from a radiating system of horizontal casings or screens (collection wells).

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Claims - Pump Tests

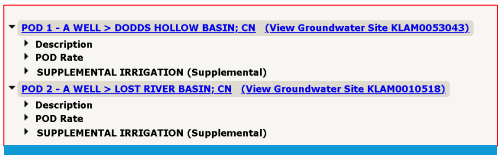
The Department has now made Pump Test information available on our website.

- Access through our Water Rights Information Query (WRIS), and look under the "Point(s) of Diversion" tab:
- Click on the black triangle to open



Has a Pump Test information





Does NOT have "POD Pump Test" record

OREGON WATER RESOURCES DEPARTMENT

Claims - Pump Tests

- Reveal additional information by clicking on the black triangle

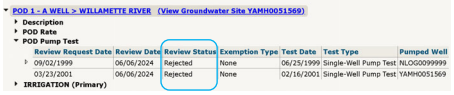
POD approved

Pump Test received

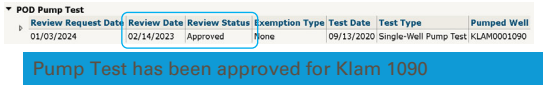


An exemption request has been received.

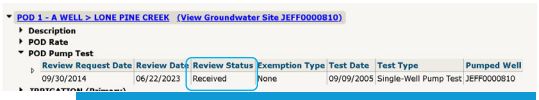
Pump Test: Approved/Rejected



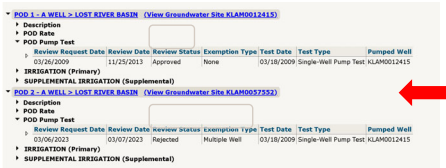
In this example: the water user submitted 2 different pump test, both have been rejected.



Pump Test has been approved for Klam 1090



A pump test on well Jeff 810 has been received.



This is an example of a pump test and multi-well exemption request; In this case, the pump test was approved but the exemption was rejected

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Claims - Pump Tests

Pump Tests Resources - Additional Thoughts

1 →



- Groundwater Use Recording Fee
- Find a Well Report
- Find Groundwater Data
- Report a Dry Well
- Resources for Well Constructors
- Well Abandonment, Repair and Replacement Fund (WARRF)
- Well Construction Video Tutorials
- Well Identification Program

2 →

Groundwater and Wells

- Groundwater
- Well Construction and Compliance
- Find a Well Report
- About Well Reports
- Report a Dry Well
- OHA Drinking Water Program
- Well Abandonment, Repair, and Replacement Fund

3 →

Groundwater

- Groundwater Allocation Rulemaking
- Groundwater Monitoring
- Groundwater Administrative Areas & Critical Groundwater Areas
- Artificial Groundwater Recharge (AR)
- Aquifer Storage & Recovery (ASR)
- Low Temperature Geothermal
- Pump Test Program
- Technical Input to Water Rights Decisions
- Groundwater Advisory Committee (GWAC)
- Groundwater Investigations & Publications
- Harney Basin Groundwater Study
- Walla Walla Subbasin Groundwater

TIP - A groundwater permit for which a Claim has been submitted, without the Pump Test requirement being met, is currently not considered ready for Department review.

OREGON WATER RESOURCES DEPARTMENT

Claims - Pump Tests

To submit a Pump Test, Multiple Well Exemption or a request for an Exemption Due to Unreasonable Burden, send it electronically to:

wrd_dl_pumptestsupport@water.oregon.gov

To request a status update related to a previously submitted test or exemption request, send it electronically to:

wrd_dl_pumptestsupport@water.oregon.gov

OREGON WATER RESOURCES DEPARTMENT

Claims – Other Conditions

TIP - Reporting on all conditions is essential. This includes "Other Conditions":

- The reporting on "Other Conditions", conditions that are not as common, need to be addressed in the Claim.
- These "Other Conditions" will vary between surface water permits and groundwater permits.
- Example of an overlooked condition – Progress Report submittal, which comes from Extension of Time Final Orders.

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Claims – Other Conditions – Surface Water

7. Other conditions required by permit, permit amendment final order, or extension final order:

a.	Was the water user required to restore the riparian area if it was disturbed?	YES	NO
b.	Was a fishway required?	YES	NO
c.	Was submittal of a water management and conservation plan required?	YES	NO
d.	Other conditions?	YES	NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

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Claims – Other Conditions – Groundwater

8. Other conditions required by permit, permit amendment final order, or extension final order:

a. Were there special well construction standards? YES NO

b. Was submittal of a ground water monitoring plan required? YES NO

c. Was submittal of a water management and conservation plan required? YES NO

d. Was a Well Identification Number (Well ID tag) assigned and attached to the well? YES NO

WELL ID #	DATE ATTACHED TO WELL

e. Other conditions? YES NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

Examples of "Other Conditions - Drill Cuttings, Dedicated Measurement Tube, etc.

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Claim – "May" Conditions

Does the Claim need to address "May" conditions?

No – "May" conditions do not need to be addressed in the Claim.

Example – The permit holder may be required to install a totalizing flow meter.

For the purpose of the Claim, you do not need to contact the Watermaster to see if a totalizing flow meter is required due to a regulatory issue, not a Claim of Beneficial Use issue.

OREGON WATER RESOURCES DEPARTMENT

Permit Claim Forms

- Access Claim forms either from our home page, or through the CWRE Resource Page.
- Multiple Claim forms (6) have been developed. The forms are broken out by permit type (surface water, groundwater, and reservoir) and further by the rate being claimed for surface water and groundwater, and CWRE required or permit holder self certification for reservoirs.

TIP - Always download the most current version of the Claim form when beginning a new project.

OREGON WATER RESOURCES DEPARTMENT

Permit Claims – Use of Stored Water

- Which surface water Claim do I use if the source is exclusively stored water?
  - Look at the instantaneous rate of diversion/re-diversion developed at the POD(s) under the permit.
  - If the rate is equal to or less than, 0.1 cfs at each of the PODs, use the form "Claim Of Beneficial Use for Surface Water Permits (claiming 0.1 cfs or less).
  - If the rate is greater than 0.1 cfs at one of the PODs, use the form "Claim Of Beneficial Use for Surface Water Permits (claiming more than 0.1 cfs).

TIP- The developed diversion rate of stored water will determine which form to use.

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ORS 537.409 Reservoir Claims

Are there cases where a CWRE can use the Claim form "Reservoirs storing less than 9.2 acre-feet permitted under ORS 537.409 ? YES

- If a CWRE is contacted by a permit holder with a reservoir permit that was processed under ORS 537.409 (AKA - HB 2376 or the Alternative Reservoir Process), for which the water user qualifies to prepare their own Claim, the CWRE can use the abbreviated Claim form. Important – The permit and reservoir must qualify.

What is a qualifying reservoir?

1) The permit was issued under the authority of ORS 537.409; and
2) No secondary permit exists for the use of water stored in the reservoir; and
3) The developed capacity of the reservoir is less than 9.2 acre-feet; and
4) The water was stored by the date required in the permit.

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Completeness Project – 60 Day Letter

- ORS 537.260 - If a permit holder fails or refuses to submit their Claim of Beneficial Use Report (Claim) within one year of the complete application of water, the Department may begin the process to cancel the permit three month after that date.
- What happens if a Claim or an Extension of Time has not been not submitted?
  - The Department will mail a certified "60 Day Letter" to the permit holder(s) of record. A courtesy copy of the letter is mailed to the current landowner(s) of record (per County Assessor records).
  - After 60 days, if a Claim or an Extension of Time is not received, the Department will issue an order cancelling the permit.
  - Within 60 days of the cancellation, the permit holder may request reinstatement of the permit.
  - There is a $610.00 fee to reinstate a permit.
- As part of the reinstatement, the permit holder(s) are provided a timeline for the submittal of the Claim or the Extension of Time. If the permit holder again fails to submit either of these documents, the Department will cancel the permit. It is unlikely that the Department will reinstate the permit a second time.

TIP - If you are hired by the permit holder to work on one of these files, be sure to notify the Department staff who sent the 60 Day Letter of your engagement and provide a timeline for the completion of the work and submittal of a Claim or an Extension.

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Claim of Beneficial Use Mapping Reminders/Examples

Mapping Rules for Permit Claims

OAR 690-014-0170

OAR 690-310-050

OREGON WATER RESOURCES DEPARTMENT

Map Scale

Map Scales

- The rules require that the map be drafted at a scale of 1" = 400', 1" = 1320', or the full scale of the Assessor's map.
- If you are using the Assessor Map scale, note that on the map under the scale:

Scale 1" = 200'
Full Scale of Assessor Map

TIP - If you are using the Assessor Map scale, all other map elements still need to be included on your map.

- A waiver of the mapping scale can be requested by the CWRE for a different scale.

TIP - The approval of a different scale does not waive other mapping requirements.

- Maps depicting municipal place should be sufficient to identify the quarter-quarters involved in the place of use. No waiver request is required for a municipal place of use map.

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Tax Lots and QQ Noted on Map

Tax Lot and Quarter Quarter Notations on Map

The location of the place where water is used must be identified by tax lot, township, range, section and nearest quarter-quarter section along with a notation of the acreage of the place of use, if appropriate.

- The map must identify both the boundary and the tax lot number for the place of use.
- The map must indicate the projected quarter quarter lines and quarter quarter name for each location where the place of use is located; i.e. NENE, NWNW, SWSW, etc.

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Common Map Issues

- Here is a list of the most common mapping issues:
  - Maps not submitted on polyester film;
  - Scrivener's errors in application, permit, certificate or transfer numbers referenced on the map;
  - Scrivener's errors in the township, range and section on the map;
  - Scrivener's errors in the coordinates for points of diversion or appropriation;

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Common Map Issues Continued

- Measurement devices not identified on map;
- Fish protection devices not identified on map;
- Donation Land Claims and Government Lots not identified, and acreages not designated within projected quarter quarters;
- Maps not at authorized scale without an approved waiver request;
- Map does not clearly identify the quarter quarter where the place of use or point of diversion/appropriation are located;

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Common Map Issues Continued

- Map identifies more acres than were authorized by the permit; and
- The footprint of the supplemental irrigation falls outside of the footprint of the primary right that it is associated with.
  - The supplemental acres must match the footprint, or fall within the boundary, of the primary water right.

Claim Map Coordinates

- Two acceptable location measurement descriptions for the point of diversion/appropriation:

1. Bearing and distance by reference to a recognized public land survey corner; or
2. Coordinates - distance north or south and distance east or west by reference to a recognized public land survey corner.

- See OAR 690-014-170 and OAR 690-310-050

GPS Coordinates

GPS coordinates are not authorized as the sole identifier for the location of a point of diversion, well, or dam in the Rules pertaining to CBU Maps (Division 14 and Division 310).

OAR 690-310-050(4) allows for any locational coordinate information that the applicant may wish to provide, including latitude and longitude as established by a global positioning system in addition to bearing and distance or coordinates (distance north or south and distance east or west from the reference corner).

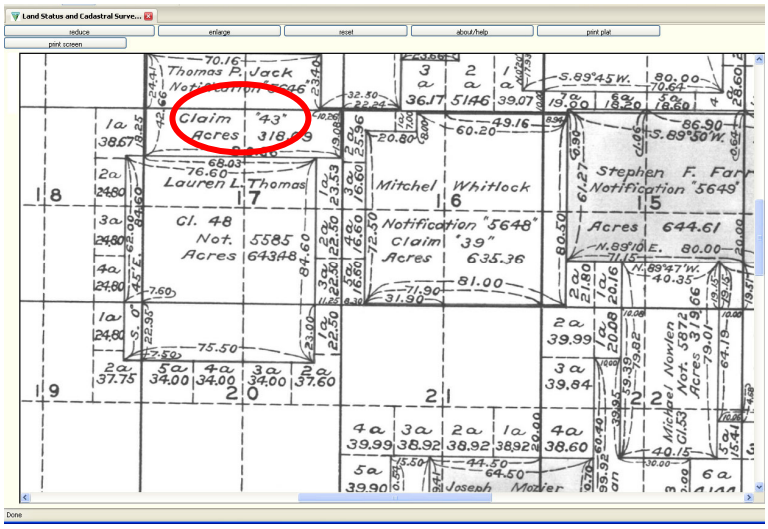
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Government Lots and DLCs

- The map must include Government Lots and Donation Land Claims, if applicable.
- Attach copies of the maps used to lay out the section(s) where the use or point of diversion/appropriation is located.
- Copies of the Government Land Office records (GLOs) can be found through the Bureau of Land Management's web site at:
- www.blm.gov/or/landrecords/survey/ySrvy1.php

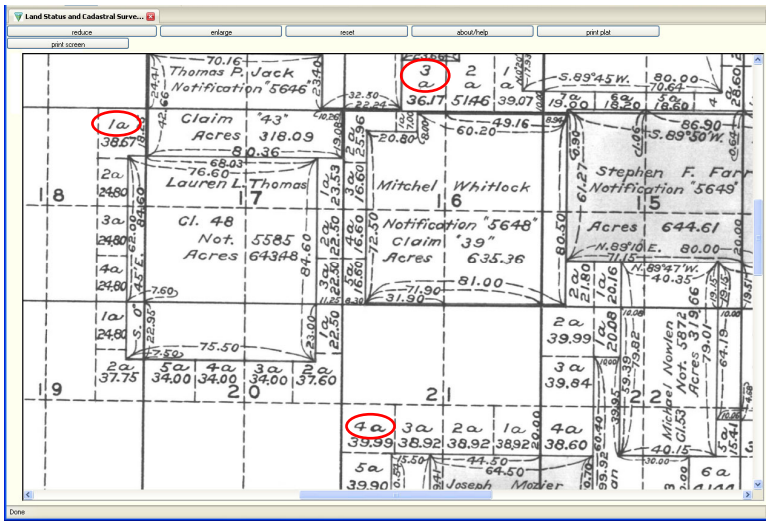
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DLCs



OREGON WATER RESOURCES DEPARTMENT

Government Lots



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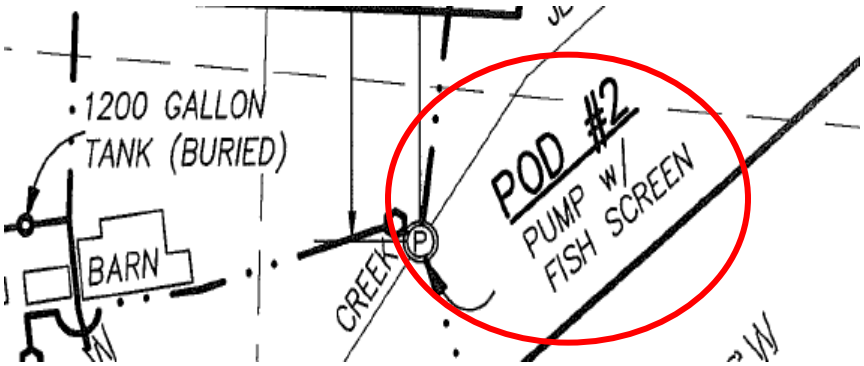
Mapping Multiple Rights

- In some cases, multiple permits may be included on a single Claim map. If this is the case, be sure to differentiate between the various rights.
  - Important because:
    - Different priority dates;
    - Different rights;
    - Different PODs or POAs; and
    - Different sources

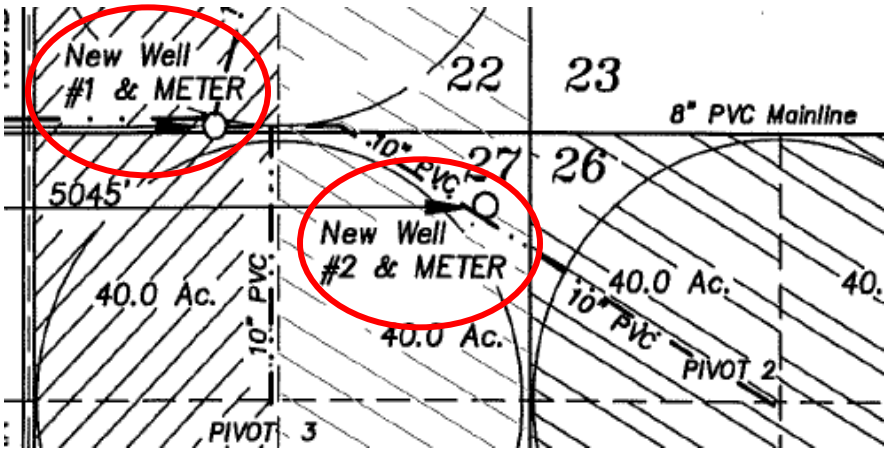
Fish Screens and Measurement Devices

- The location of any required fish screens, fish by-pass devices, or fish passage devices are required to be identified on the Claim map in relationship to the point of diversion.
- The location of any required measurement devices are required to be identified on the Claim map in relationship to the point of diversion or appropriation.

Fish Screens



Meters and Measuring Devices



Mapping Nursery Use

- The mapping of the developed place of use for Nursery Use should include only those areas where the water was used for a Nursery related use:

OAR 690-300-0010(30) "Nursery Operations Use" means the use of water for operation of a commercial nursery which may include *temperature control, watering of containerized stock, soil preparation, application of chemicals or fertilizers, watering within greenhouses and uses to construct, operate and maintain nursery facilities. The use of water within plant nursery operations constitutes a different use from field irrigation, although that may be a part of nursery use.* If used for field irrigation for nursery stock, such use is not restricted to the defined agricultural irrigation season.

- Nursery Use is essentially irrigation use, agricultural use, and temperature control use all merged into one use.
- Because there is an irrigation component in "Nursery Use", the place of use must quantify the number of acres within the areas(s) <u>where water was used</u>.

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Mapping Nursery Use

Nursery Use – Where Water Was Used

Assume the following:

Permit issued for 10 acres of Nursery Use.

Tax Lot 3100 is 10.0 acres.

At the time of the Inspection following the "C" Date, this is what you find.

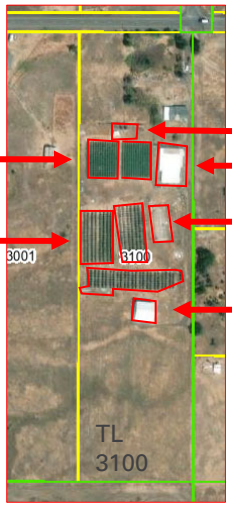


Where was water used for Nursery Use?

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Mapping Nursery Use

Nursery Use – Where was water used?



Total acres where water is used for Nursery Use is approximately 2.0 acres

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Summary – Permit Claim Form

- Beneficial use under a permit is the timely use of water, for the allowed use(s), while timely complying with each condition of the permit.
- The Claim for a permit must describe the use(s) developed, the extent of the developed use (including acres, rate and volume), and compliance with conditions;
- The Claim must address each condition of the permit;

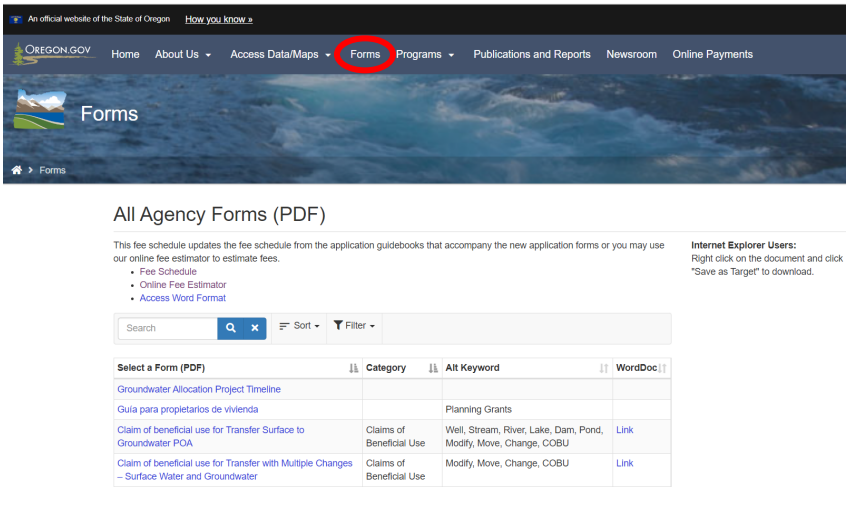
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Summary – Permit Claim Form

- If ownership of the lands involved has changed, an Assignment may be necessary in order to file the Claim; and
- Always download the most current version of the Claim form when beginning a new project.

Summary – Claim Form

- Claim forms can be found on our Forms



Summary – Permit Claim Map

- The map must be prepared on polyester film map;
- The map must include Government Lots, Donation Land Claims, or Home Entry Surveys;
- The map must identify the tax lots, by both the unique tax lot number(s) and location;
- The map must indicate the projected quarter quarter lines and quarter quarter name for each location where the place of use is located; i.e. NENE, NWNW, SWSW, etc;
- If you need a different map scale, request a waiver. Acceptable scales are 1″ = 400′, 1″ = 1320′, or the full scale of the Assessor's map;

OREGON WATER RESOURCES DEPARTMENT

Summary – Permit Claim Map

- The map must include the location of any required fish protection devices;
- The map must include the location of any required measurement devices; and
- The map must differentiate between the various permits if more than one is included on the Claim map.

OREGON WATER RESOURCES DEPARTMENT

CLAIMS OF BENEFICIAL USE

Part Two

Transfers

Claims of Beneficial Use - Transfers

Transfer Claim of Beneficial Use

- What is a Claim of Beneficial Use (Claim, CBU, or COBU) for a Transfer?
  - A **report** that describes the extent of the change or changes completed under a transfer final order and timely compliance with conditions; and
  - A **map** that identifies the developed location of the new place of use, new or additional point(s) of diversion or appropriation, and the location of any measuring devices and fish protection devices required by the transfer final order.

Purpose of a Transfer Claim

Purpose of a Transfer Claim:

To describe the extent that the changes authorized in the Transfer Final Order were accomplished.

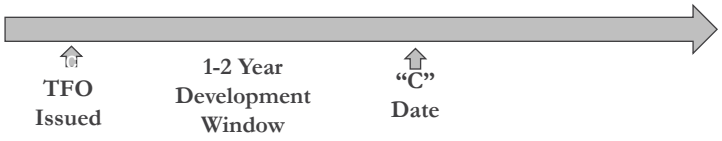
- Change in PODs or POAs;
- Addition of a PODs or POAs;
- Changes in place of use developed;
- Changes in character of use developed; and
- Describe how conditions were satisfied.

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Beneficial Use Under a Transfer

What is Beneficial Use Under a Transfer?

- Timely completion of the change(s), while timely complying with conditions of the transfer final order.
- "Timely", as used here, describes the period of time between the Transfer Final Order (TFO) issuance date and the authorized "C" Date as established by the TFO or through the approval and issuance of an Extension of Time Final Order.



- Timely Completion of the Change(s) + Timely Compliance = Beneficial Use
- Timely Completion of the Change(s) – Compliance ≠ Beneficial Use

TIP - Most conditions are time sensitive.

OREGON WATER RESOURCES DEPARTMENT

Transfer Claims

- Claims only need to describe the change that was authorized under the transfer final order.
- See CWRE Resource Page for Claim forms or access the Forms page from our home page. There are currently a total of 10 Claim forms available to accommodate the various types and combinations of changes completed as well as sources of water involved.
- Always download the most current version of the Claim form when beginning a new project.

New POD/POA Only

Type of Change (Single)	Claim Report	Map - POD/POA	Map - POU	Possible Results of the CBU review
New POD/POA	Only describe new POD/POA Compliance with conditions	Identify new POD/POA location by survey	Identify POU using record data at time of transfer final order (no new survey required)	Reduction in instantaneous rate if new POD/POA cannot produce the full rate authorized

POD – Point of Diversion
POA – Point of Appropriation
POU – Place of Use
CBU – Claim of Beneficial Use

Additional POD/POA Only

Type of Change (Single)	Claim Report	Map - POD/POA	Map - POU	Possible Results of the CBU review
Additional POD/POA	Only describe additional POD/POA Compliance with conditions	Identify additional POD/POA location by survey Identify original POD/POA location using record data at time of transfer final order (no new survey required)	Identify POU using record data at time of transfer final order (no new survey required)	Reduction in instantaneous rate of the additional POD/POA only if it cannot produce the full rate authorized Original POD/POA will remain at the rate authorized by the transfer final order

POD – Point of Diversion
POA – Point of Appropriation
POU – Place of Use
CBU – Claim of Beneficial Use

TIP – Some conditions, such as measurement devices, may pertain to both the additional POD/POA and the original POD/POA.

OREGON WATER RESOURCES DEPARTMENT

Change in POU Only

Type of Change (Single)	Claim Report	Map - POD/POA	Map - POU	Possible Results of the CBU review
Change in POU only	Only describe the extent of the new POU Compliance with conditions	Identify original POD/POA location using record data at time of transfer final order (no new survey required)	Identify new POU based on a new survey of location	Reduction in the POU if fewer acres or limited POU developed following issuance of the transfer final order Possible reduction in instantaneous rate based on the authorized rate limit from original right (1/40, 1/80, etc)

POD – Point of Diversion
POA – Point of Appropriation
POU – Place of Use
CBU – Claim of Beneficial Use

OREGON WATER RESOURCES DEPARTMENT

Character of Use Change Only

Type of Change (Single)	Claim Report	Map - POD/POA	Map - POU	Possible Results of the CBU review
Character of use change only	Only describe the date that the new use made Compliance with conditions	Identify original POD/POA location using record data at time of transfer final order (no new survey required)	Identify POU using record data at time of transfer final order (no new survey required)	Most likely no changes from transfer order

POD – Point of Diversion
POA – Point of Appropriation
POU – Place of Use
CBU – Claim of Beneficial Use

OREGON WATER RESOURCES DEPARTMENT

Reservoir Character of Use Change

Type of Change (Single)	Claim Report	Map - POD/POA	Map - POU	Possible Results of the CBU review
Reservoir character of use change only	Only describe the date that storage was made for the new use Compliance with conditions	Identify original POD/POA location using record data at time of transfer final order (no new survey required)	Identify POU using record data at time of transfer final order (no new survey required)	Most likely no changes from transfer order

POD – Point of Diversion
POA – Point of Appropriation
POU – Place of Use
CBU – Claim of Beneficial Use

OREGON WATER RESOURCES DEPARTMENT

Multiple Change Transfers

New POD/POA and New POU

Types of Changes (Multiple)	Claim Report	Map - POD/POA	Map - POU	Possible Results of the CBU review
New POD/POA	Describe new POD/POA Compliance with conditions	Identify new POD/POA location by survey	See below for change in POU	Reduction in instantaneous rate if new POD/POA cannot produce the full rate authorized
PLUS				
Change in POU	Describe the extent of the new POU Compliance with conditions	See above for new POD/POA	Identify new POU based on a new survey of location	Reduction in the POU if fewer acres or limited POU developed following issuance of the transfer final order Possible reduction in instantaneous rate based on authorized rate limit from original right (1/40, 1/80, etc)

OREGON WATER RESOURCES DEPARTMENT

POD – Point of Diversion
POA – Point of Appropriation
POU – Place of Use
CBU – Claim of Beneficial Use

Multiple Change Transfers

Additional POD/POA and New POU

Types of Changes (Multiple)	Claim Report	Map - POD/POA	Map - POU	Possible Results of the CBU review
Additional POD/POA	Describe additional POD/POA Compliance with conditions	Identify additional POD/POA location by survey Identify original POD/POA location using record data at time of transfer final order (no new survey required)	See below for change in POU	Reduction in instantaneous rate of the additional POD/POA only if it cannot produce the full rate authorized Original POD/POA will remain at the record rate at the time of transfer final order
PLUS				
Change in POU	Describe the extent of the new POU Compliance with conditions	See above for additional POD/POA	Identify new POU based on a new survey of location	Reduction in the POU if fewer acres or limited POU developed following issuance of the transfer final order Possible reduction in instantaneous rate based on the authorized rate limit from original right (1/40, 1/80, etc)

OREGON WATER RESOURCES DEPARTMENT

POD – Point of Diversion
POA – Point of Appropriation
POU – Place of Use
CBU – Claim of Beneficial Use

Multiple Change Transfers

New POD/POA, New POU, and Character of Use Change

Type of Changes (Multiple)	Claim Report	Map - POD/POA	Map - POU	Possible Results of the CBU review
New POD/POA	Describe new POD/POA Compliance with conditions	Identify new POD/POA location by survey	See below for change in POU	Reduction in instantaneous rate if new POD/POA cannot produce the full rate authorized
PLUS				
Change in POU	Describe the extent of the new POU Compliance with conditions	See above for new POD/POA	Identify new POU based on a new survey of location	Reduction in the POU if fewer acres or limited POU developed following issuance of the transfer final order Possible reduction in instantaneous rate based on the authorized rate limit from original right (1/40, 1/80, etc)
PLUS				
Character of use change	Describe the date that the new use made Compliance with conditions	See above for new POD/POA	See above for change in POU	Most likely no changes from transfer order

POD – Point of Diversion
POA – Point of Appropriation
POU – Place of Use
CBU – Claim of Beneficial Use

OREGON WATER RESOURCES DEPARTMENT

Claim VS Extension of Time

Important question to ask when beginning a project:

Should a Claim be submitted or is an Extension of Time needed?

- Has the water user completed the authorized change(s) within the authorized time limits?

Timely Completion of the Change(s) + Timely Compliance = Beneficial Use

- How do you decide if the authorized the change(s) were completed within the authorized time limits?
  - Review the transfer, extensions of time, and records available from the water user.

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Claim VS Extension of Time

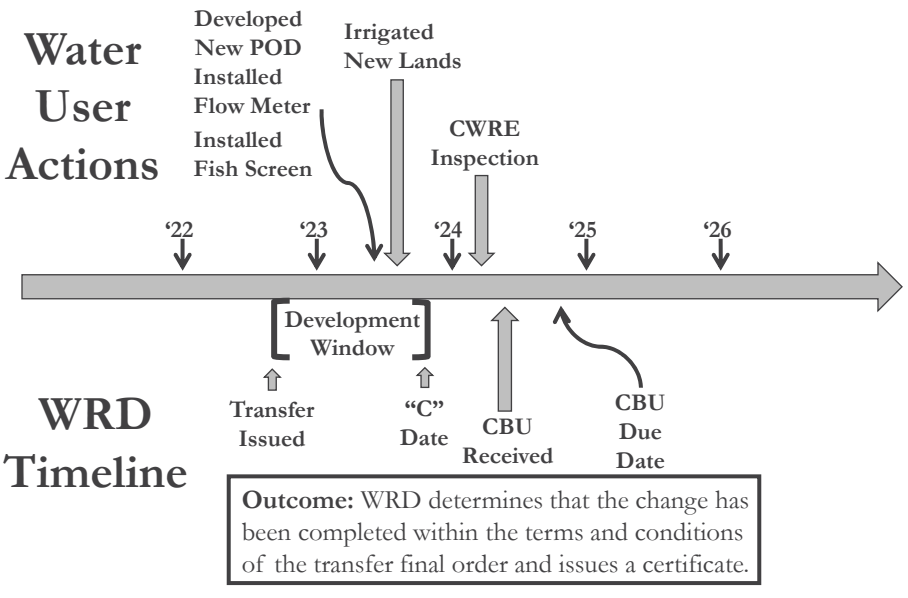
TIP – Check the beneficial use timeline:

A report that does not demonstrate that the authorized change(s) and compliance with conditions occurred within the authorized timeline is problematic.

A Claim that does not demonstrate that the change(s)was timely completed in full or in part and will lead the Department to propose cancellation or place a limitation on the extent of the change(s) developed.

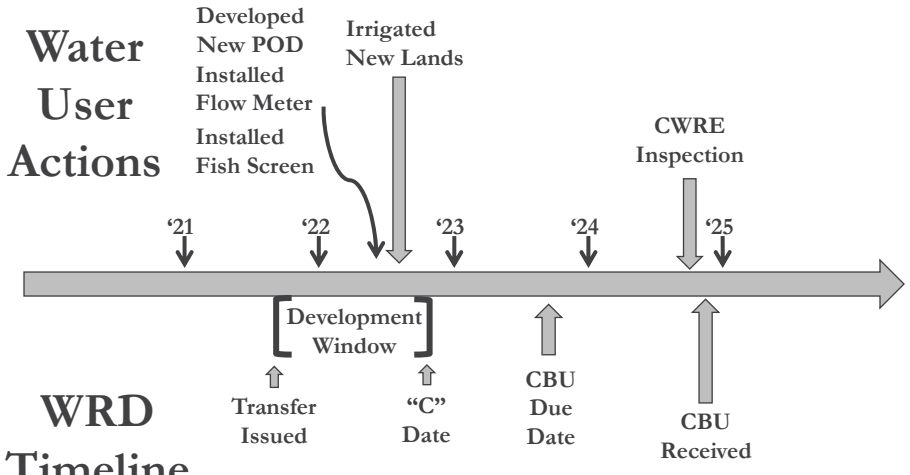
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Ideal Transfer Development Timeline



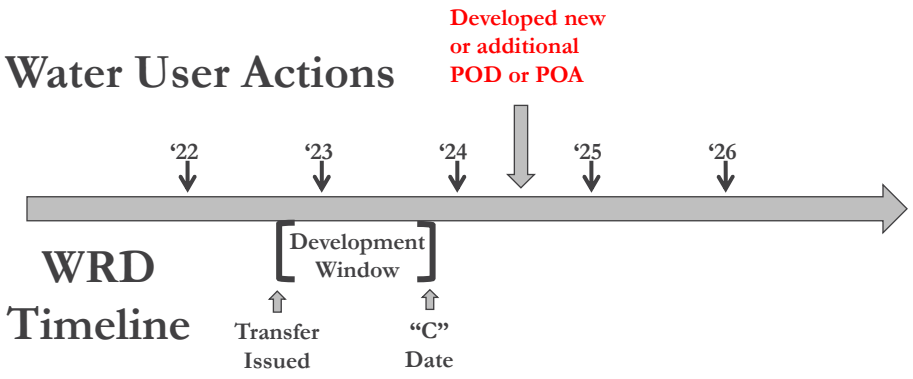
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Transfer Development Timeline – Late Claim

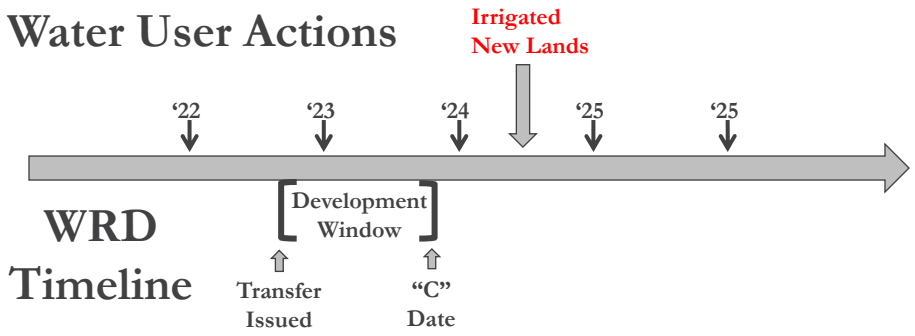


If a transfer holder completed the change(s) timely, and the claim is "late", an extension of time is <u>not</u> required.

Transfer Development Timeline
Extension Needed

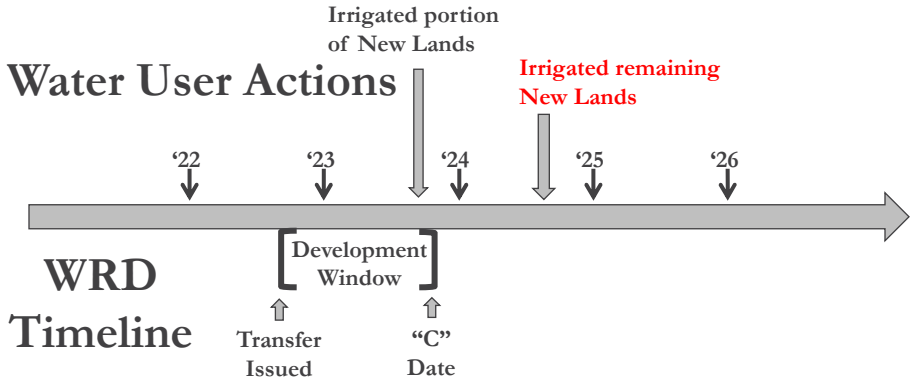


Transfer Development Timeline
Extension Needed



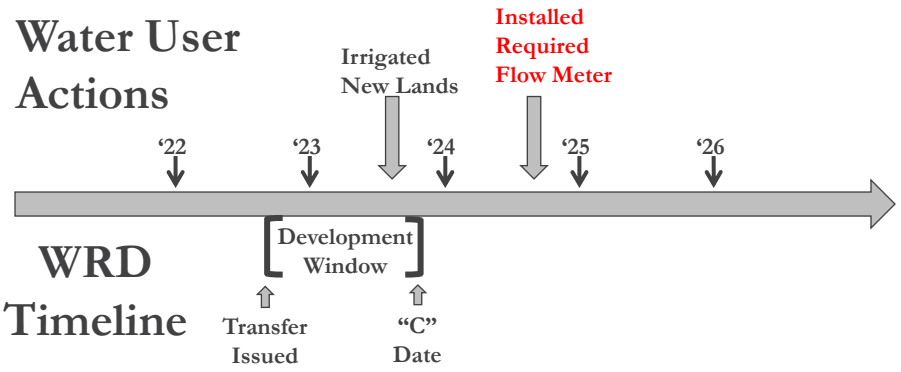
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Transfer Development Timeline
Extension Needed



OREGON WATER RESOURCES DEPARTMENT

Transfer Development Timeline
Extension Needed



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Claim VS Extension of Time

To Summarize:

- If you find that the water user did not complete the change or comply with conditions within the time period allowed in the transfer final order, an extension of time should be requested.
- If the Department reviews a Claim and finds that the change was not completed or conditions were not met within the authorized time period, the Department will move to cancel the transfer or in certain instances, revert the change.

TIP – Check your report. If your report puts either completion of the change(s) or compliance with conditions past (after) the completion date, you should discuss the need for an extension with your client and possibly the Department.

OREGON WATER RESOURCES DEPARTMENT

Tips, Reminders, and Examples:

- Permit Amendments
- Fees
- Signatures
- Variations
- Calculations
- Conditions and Extensions
- Mapping

Permit Amendments

A few notes about Permit Amendments:

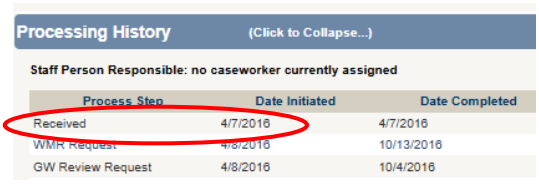
- A permit amendment is a process used to amend either the location of a point of diversion or appropriation and/or the place of use of a permit.
- This type of change is not a transfer.
- In completing a Claim for a permit that has been amended, you will select the Claim form from the list of Claims for permits, not transfers.

Fees - NEW

TIP - Not all Transfer Claims require a fee.

- To determine whether a fee is required for a transfer, you must look at the ***application submittal date***.

WRIS

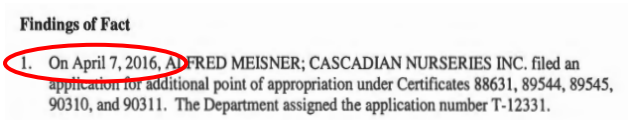


Processing History (Click to Collapse...)

Staff Person Responsible: no caseworker currently assigned

Process Step	Date Initiated	Date Completed
Received	4/7/2016	4/7/2016
WMR Request	4/8/2016	10/13/2016
GW Review Request	4/8/2016	10/4/2016

Order



Findings of Fact

1. On April 7, 2016, ALFRED MEISNER; CASCADIAN NURSERIES INC. filed an application for additional point of appropriation under Certificates 88631, 89544, 89545, 90310, and 90311. The Department assigned the application number T-12331.

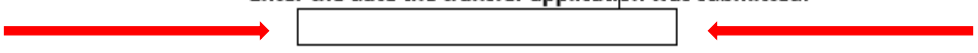
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Fees

The Claim forms have been updated to guide you in determining whether a fee is required:

A fee of $345 must accompany this form for transfers where the application was submitted on July 9, 1987, or later.

Enter the date the transfer application was submitted:



OREGON WATER RESOURCES DEPARTMENT

Stamps and Signatures

A Claim must be stamped and signed by the CWRE and signed by all transfer holders or receiving landowners of record.

- When a Claim is submitted that has not been stamped and signed by the CWRE, the Claim is returned.
- When a Claim is submitted that has not been signed by all transfer holders or receiving landowners of record, the Claim is returned with the following exception:
  - Partial Claims. The Claim must include a listing of all excluded landowners. Their signatures are not required.

OREGON WATER RESOURCES DEPARTMENT

Signature Page

Be sure this section of the Claim is complete.

- Stamped and signed by you, the CWRE
- Signed by ***all*** transfer holders and/or receiving landowners of record
  - Include title of person signing the Claim.
  - Claim will be returned if not properly signed.

Things to consider:

- "and"
- "or"
- Northwest Farm Credit Services

OREGON WATER RESOURCES DEPARTMENT

Signatures

Check WRIS to confirm the current permit holder(s).

- Newer Assignments and the Assignment confirmation letters are included in WRIS under 'Scanned Documents"

TIP – Be sure to account for all transfer holders of record. It may be necessary to submit an Assignment either prior to, or concurrent with the Claim. Department preference is that the Assignment be completed prior to submittal of the Claim.

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Signatures – Partial Claim

Partial Claim

- When multiple transfer holders are involved, it is possible to submit a Claim for a portion of the transfer for an individual transfer holder.
- Claim must clearly identify which portion of the transfer is included in the Claim.
- Claim must identify each excluded property owner.
- Claim needs to be signed only by the transfer holder(s) of the portion being claimed.
- The Department cannot process a partial Claim unless:
  - It is at least one year and three months past the "C" Date and notification is made to the remaining transfer holders of record.

OREGON WATER RESOURCES DEPARTMENT

Claims – Variations

Describe any variations from the transfer to the completed change. Examples:

- "The order allowed three new points of diversion. The water user only developed one of the points."
- "The order authorized a change in place of use for 40 acres. The water user only developed 38 acres."
- "The order authorized changes in character of use to industrial, commercial, and livestock. The water user did not develop the commercial use."

Claims – Variations Cont.

Additionally, the Variations Section can be used to describe the following:

- Scrivener's errors in the Transfer Final Order.
- Changes in the names of the PODs or POAs.

Claims – Calculations

- For POD or POA transfers, provide a complete description of the pump and provide a theoretical calculation of each new or additional POD or POA:

3. Motor Information

MANUFACTURER	HORSEPOWER

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)

5. Provide pump calculations:

TIP - Calculations are required even if the system was operating, and a measurement was taken

6. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)

OREGON WATER RESOURCES DEPARTMENT

Claims – Calculations

- For POD or POA transfers, provide a complete description of the pipe and provide a theoretical calculation of each new or additional:

D. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe? **YES NO**

If "NO", items 2 through 4 relating to this section may be deleted.

2. Complete the table:

PIPE SIZE	PIPE TYPE	"C" FACTOR	AMOUNT OF FALL	LENGTH OF PIPE	SLOPE	COMPUTED RATE OF WATER FLOW (IN CFS)

3. Provide calculations:

TIP - Calculations are required even if a measurement was taken

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)

Attach measurement notes.

OREGON WATER RESOURCES DEPARTMENT

Claims – Calculations

- For POD or POA transfers, provide a complete description of the canal or ditch and provide a theoretical calculation of each new or additional POD:

E. Gravity Flow Canal or Ditch
(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system? **YES** **NO**

If "NO", items 2 through 4 relating to this section may be deleted.

2. Complete the table:

CANAL OR DITCH TYPE (MATERIAL)	TOP WIDTH OF CANAL OR DITCH	BOTTOM WIDTH OF CANAL OR DITCH	DEPTH	"N" FACTOR	AMOUNT OF FALL	LENGTH OF CANAL / DITCH	SLOPE	COMPUTED RATE (IN CFS)

3. Provide calculations:

TIP - Calculations are required even if a measurement was taken

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)

Attach measurement notes.

OREGON WATER RESOURCES DEPARTMENT

Claims - Conditions

- The Claim must fully address compliance with conditions:
  - Time Limits
  - Measuring Devices
  - Fish Protection Devices
  - Well ID Tags
  - Other Conditions

OREGON WATER RESOURCES DEPARTMENT

Claims – Conditions - Time Limits

Can you spot the problem?

SECTION 4

CONDITIONS

All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	Date from Transfer	Date the Authorized Changes Were Completed *This Date Must Fall Between The "Issuance Date" And The "Completeness Date"
Issuance Date	**September 5, 2019**	
Completeness Date From Order (C)	**October 1, 2020**	**June 5, 2021 - New point of diversion developed, totalizing flow meter installed, and new lands irrigated.**

* Must be within period between transfer final order, or any extension final order issuance and the date to complete the change

2. Is there an extension final order(s)? **YES** **NO**
If "NO", you may delete the following table.

If for a transfer extension order, provide the following information:

Volume	Page	Date Extended To

OREGON WATER RESOURCES DEPARTMENT

Claims – Conditions - Time Limits

Problem Identified – change completed after the "C" Date

SECTION 4

CONDITIONS

All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	Date from Transfer	Date the Authorized Changes Were Completed *This Date Must Fall Between The "Issuance Date" And The "Completeness Date"
Issuance Date	**September 5, 2019**	
Completeness Date From Order (C)	**October 1, 2020**	**June 5, 2021 - New point of diversion developed, totalizing flow meter installed, and new lands irrigated.**

* Must be within period between transfer final order, or any extension final order issuance and the date to complete the change

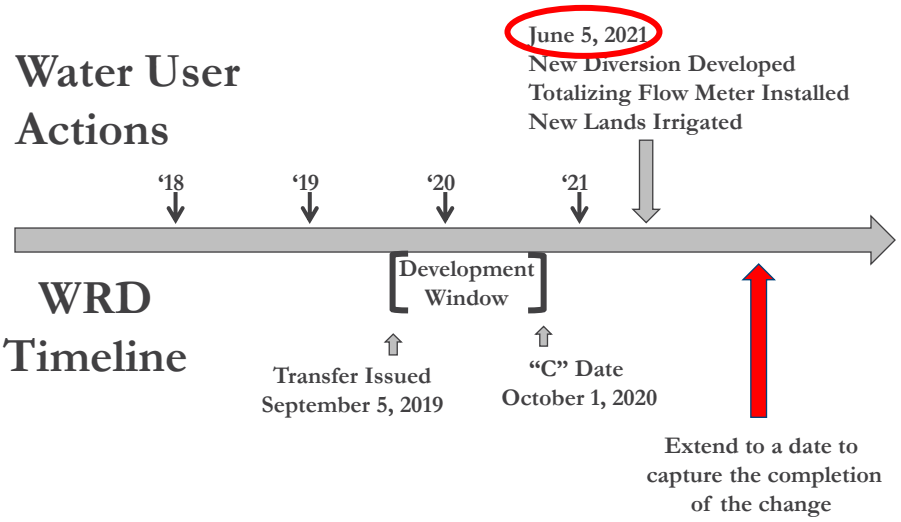
2. Is there an extension final order(s)? **YES** **NO**
If "NO", you may delete the following table.

If for a transfer extension order, provide the following information:

Volume	Page	Date Extended To

OREGON WATER RESOURCES DEPARTMENT

Solution – File an Extension



Claims – Conditions - Time Limits

Can you spot the problem?

All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE AUTHORIZED CHANGES WERE COMPLETED *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	**September 5, 2018**	
COMPLETENESS DATE FROM ORDER (C)	**October 1, 2019**	**August 2019 - New lands irrigated** **July 2020 – Totalizing flow meter**

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

OREGON WATER RESOURCES DEPARTMENT

Claims – Conditions - Time Limits

Problem Identified – totalizing flow meter installed after the "C" Date

All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

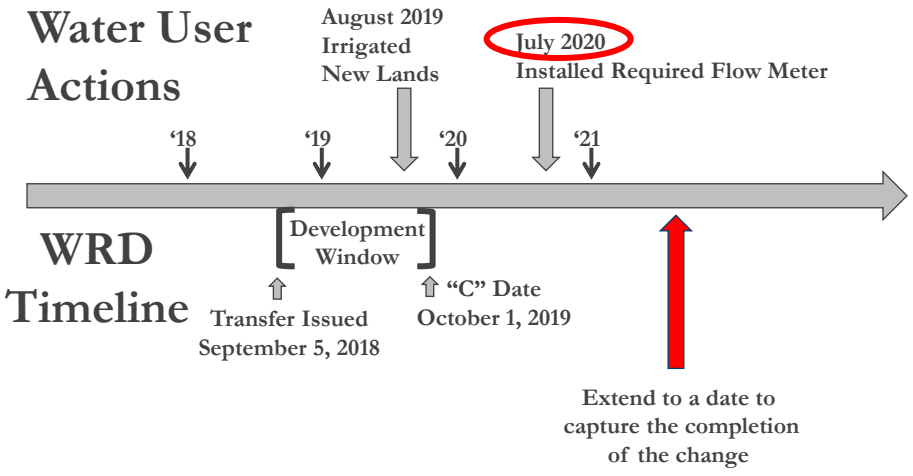
Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	Date from Transfer	Date the Authorized Changes Were Completed *This Date Must Fall Between The "Issuance Date" And The "Completeness Date"
Issuance Date	**September 5, 2018**	
Completeness Date From Order (C)	**October 1, 2019**	**August 2019 - New lands irrigated** **July 2020 – Totalizing flow meter**

* Must be within period between transfer final order, or any extension final order issuance and the date to complete the change

OREGON WATER RESOURCES DEPARTMENT

Solution – File an Extension



OREGON WATER RESOURCES DEPARTMENT

Claims – Measuring Devices

What measurement device is required?

- Meter vs Totalizing Flow Meter
  - Totalizing flow meter is specific
    - Must be a totalizing flow meter
  - Meter is generic
    - Could be:
    - Dedicated electrical meter
    - Instantaneous flow meter
    - Totalizing flow meter
    - Hour meter on a generator



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Claims – Measuring Devices

What measurement device is required?



- Other suitable measuring devices:
  - Require approval by Watermaster
    - Example – A reservoir permit that requires a meter or other suitable measuring device. Watermaster would need to approve a Staff Gage.
- Key questions to ask:
  - When was the original measuring device installed? Is this a replacement device?

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Claims – Flow Restrictors

What is a Flow Restrictor?

- A flow restrictor is simply a device that is placed in-line to restrict the flow to the amount of water diverted to ensure that the authorized rate of use is not exceeded.
- A flow restrictor is not a measuring device.
- Examples:
  - An appropriated sized pipe to restrict the flow.
  - A ball valve placed in line that be used to calibrate and reduce the rate to that authorized under the right.

TIP - Water user can contact a pump service to help with the design and installation of an appropriately sized pipe to restrict the flow to the authorized rate.

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Flow Restrictors and Measuring Devices

You may find a transfer final order require that both a totalizing flow meter and a flow restrictor be installed.

- Because a flow restrictor is not a measuring device, the permit holder would be required to install both devices in order to comply with this condition.

OREGON WATER RESOURCES DEPARTMENT

Claims - Fish Protection Conditions

If a transfer required some type of fish protection device such as a fish screen, by-pass device, or fish passage:

- The fish screen will likely require Oregon Department of Fish and Wildlife approval or waiver in writing, unless the water can "self-certify" the screen:
  - For some older permits and transfers the water user may be able to self-certify the fish screen if each of the following criteria are met:
  1. Must be for a pumped diversion;
  2. Developed pumping capacity must be less than 225 gpm;
  3. The permit or transfer was issued prior to February 1, 2011.
- By-pass devices and fish passage devices will require ODFW to either approve or waive the requirement.

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Claim of Beneficial Use Mapping Reminders/Examples

Applicable Rules

Mapping Rules for Transfer Claims

OAR 690-014-0170

OAR 690-310-050

Map Scale

- The rules require that the map be drafted at a scale of 1" = 400', 1" = 1320', or the full scale of the Assessor's map.
- If you are using the Assessor Map scale, note that on the map under the scale:

Scale 1" = 200'
Full Scale of Assessor Map

TIP - If you are using the Assessor Map scale, all elements still need to be included on your map.

- A waiver of the mapping scale can be requested by the CWRE for a different scale.

TIP - The approval of a different scale does not waive other mapping requirements.

- Maps depicting municipal place should be sufficient to identify the quarter-quarters involved in the place of use. No waiver request is required for a municipal place of use map.

Tax Lots and Q Q Noted on Map

Tax Lot and Quarter Quarter Notations on Map

The location of the place where water is used must be identified by tax lot, township, range, section and nearest quarter-quarter section along with a notation of the acreage of the place of use, if appropriate.

- The map must identify both the boundary and the tax lot number for the place of use.
- The map must indicate the projected quarter quarter lines and quarter quarter name for each location where the place of use is located; i.e. NENE, NWNW, SWSW, etc.

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Common Map Issues

- Here is a list of the most common mapping issues:
  - Maps not submitted on polyester film;
  - Scrivener's errors in application, permit, certificate or transfer numbers referenced on the map;
  - Scrivener's errors in the township, range and section on the map;
  - Scrivener's errors in the coordinates for points of diversion or appropriation;

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Common Map Issues Continued

- Measurement devices not identified on map;
- Fish protection devices not identified on map;
- Donation Land Claims and Government Lots not identified, and acreages not designated within projected quarter quarters;
- Maps not at authorized scale without an approved waiver request;
- Map does not clearly identify the quarter quarter where the place of use or point of diversion/appropriation are located;

Common Map Issues Continued

- Map identifies more acres than were authorized by the transfer; and
- The footprint of the supplemental irrigation falls outside of the footprint of the primary right that it is associated with.
  - The supplemental acres must match the footprint, or fall within the boundary, of the primary water right.

Claim Map Coordinates

- Two acceptable location measurement descriptions for the point of diversion/appropriation:

1. Bearing and distance by reference to a recognized public land survey corner; or
2. Coordinates - distance north or south and distance east or west by reference to a recognized public land survey corner.

- See OAR 690-014-170 and OAR 690-310-050

GPS Coordinates

GPS coordinates are not authorized as the sole identifier for the location of a point of diversion, well, or dam in the Rules pertaining to CBU Maps (Division 14 and Division 310).

OAR 690-310-050(4) allows for any locational coordinate information that the applicant may wish to provide, including latitude and longitude as established by a global positioning system in addition to bearing and distance or coordinates (distance north or south and distance east or west from the reference corner).

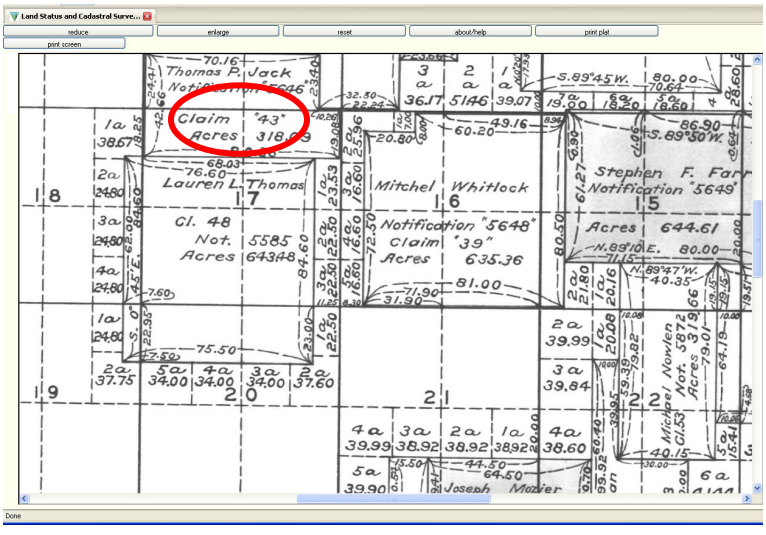
Government Lots and DLCs

- The map must include Government Lots and Donation Land Claims, if applicable.
- Attach copies of the maps you used to lay out the section(s) where the use or point of diversion/appropriation is located.
- Copies of the Government Land Office records (GLOs) can be found through the Bureau of Land Management's web site at:

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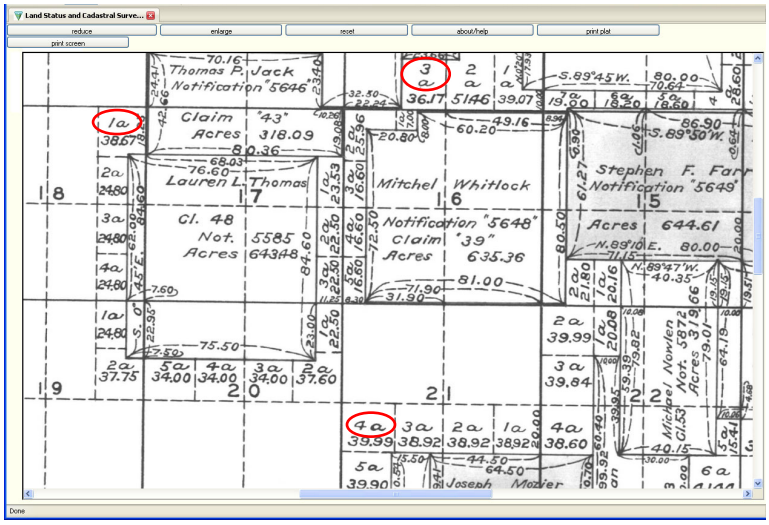
- www.blm.gov/or/landrecords/survey/ySrvy1.php

DLCs



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Government Lots



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Mapping Multiple Rights

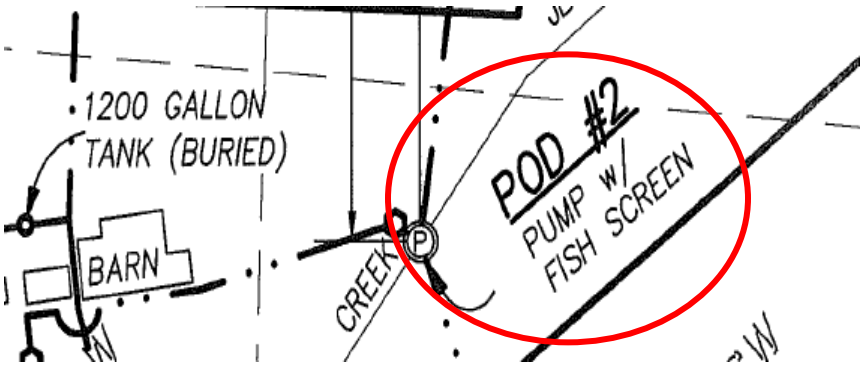
- In the case of a transfer involving multiple rights, be sure to differentiate between the various rights involved in the transfer.
  - Important because:
    - Different priority dates;
    - Different rights;
    - Different PODs or POAs; and
    - Different sources

OREGON WATER RESOURCES DEPARTMENT

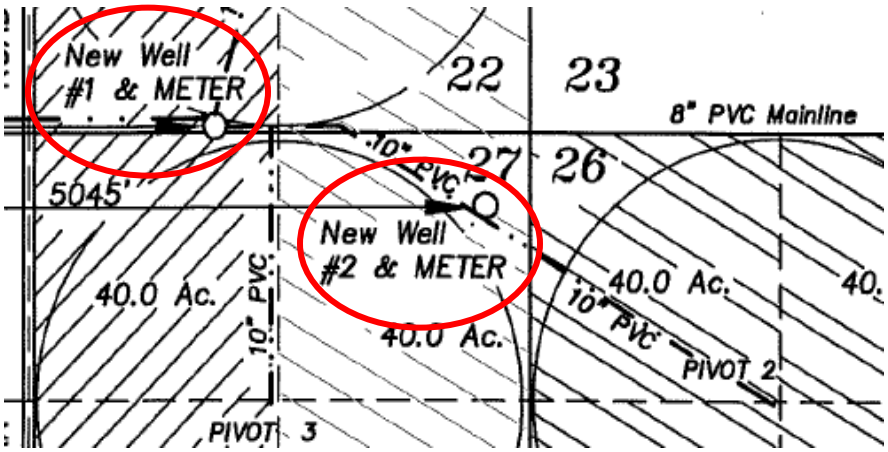
Fish Screens and Measurement Devices

- The location of any required fish screens, fish by-pass devices, or fish passage devices are required to be identified on the Claim map in relationship to the point of diversion.
- The location of any required measurement devices are required to be identified on the Claim map in relationship to the point of diversion or appropriation.

Fish Screens



Meters and Measuring Devices



OREGON WATER RESOURCES DEPARTMENT

Mapping Nursery Use

- The mapping of the developed place of use for Nursery Use should include only those areas where the water was used for a Nursery related use:

OAR 690-300-0010(30) "Nursery Operations Use" means the use of water for operation of a commercial nursery which may include *temperature control, watering of containerized stock, soil preparation, application of chemicals or fertilizers, watering within greenhouses and uses to construct, operate and maintain nursery facilities. The use of water within plant nursery operations constitutes a different use from field irrigation, although that may be a part of nursery use.* If used for field irrigation for nursery stock, such use is not restricted to the defined agricultural irrigation season.

- Nursery Use is essentially irrigation use, agricultural use, and temperature control use all merged into one use.
- Because there is an irrigation component in "Nursery Use", the place of use must quantify the number of acres within the areas(s) <u>where water was used</u>.

OREGON WATER RESOURCES DEPARTMENT

Mapping Nursery Use

Nursery Use – Where Water Was Used

Assume the following:

Permit issued for 10 acres of Nursery Use.

Tax Lot 3100 is 10.0 acres.

At the time of the Inspection following the "C" Date, this is what you find.

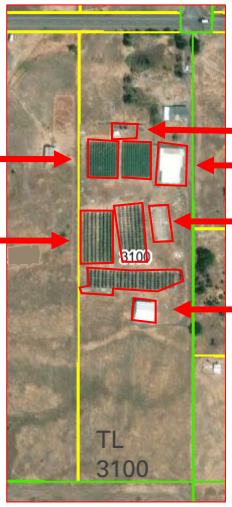


Where was water used for Nursery Use?

OREGON WATER RESOURCES DEPARTMENT

Mapping Nursery Use

Nursery Use – Where was water used?



In-Ground Irrigation

In-Ground Irrigation

Equipment Storage and Maintenance Yard

Production Facility

Greenhouse

Production Facility

Total acres where water is used for Nursery Use is approximately 2.0 acres

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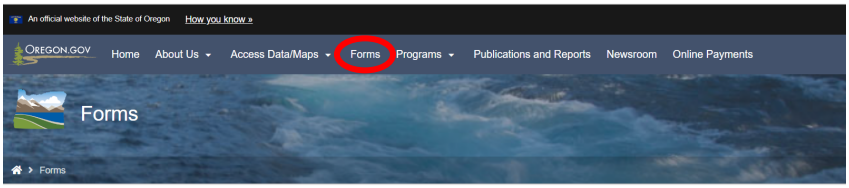
Summary – Claim Form

- Claims for a Transfer only need to describe the change or changes authorized under the transfer final order;
- Completion of a change for a transfer involves both the timely completion of the change along with timely compliance with the conditions of the transfer;
- The Claim must address each condition of the transfer final order;

OREGON WATER RESOURCES DEPARTMENT

Summary – Claim Form

- Claim forms can be found on our Forms Page:



All Agency Forms (PDF)

This fee schedule updates the fee schedule from the application guidebooks that accompany the new application forms or you may use our online fee estimator to estimate fees.

- Fee Schedule
- Online Fee Estimator
- Access Word Format

Internet Explorer Users: Right click on the document and click "Save as Target" to download.

Search | Sort | Filter

Select a Form (PDF)	Category	Alt Keyword	WordDoc
Groundwater Allocation Project Timeline			
Guía para propietarios de vivienda		Planning Grants	
Claim of beneficial use for Transfer Surface to Groundwater POA	Claims of Beneficial Use	Well, Stream, River, Lake, Dam, Pond, Modify, Move, Change, COBU	Link
Claim of beneficial use for Transfer with Multiple Changes – Surface Water and Groundwater	Claims of Beneficial Use	Modify, Move, Change, COBU	Link

OREGON WATER RESOURCES DEPARTMENT

Summary – Claim Form

- If ownership of the lands involved has changed, an Assignment may be necessary in order to file the Claim;
- If receiving landowner for the lands involved has changed, an Assignment may be necessary in order to file the Claim; and
- Always download the most current version of the Claim form when beginning a new project.

Summary – Claim Map

- The map must be prepared on polyester film map;
- The map must include Government Lots, Donation Land Claims, or Home Entry Surveys;
- The map must identify the tax lots, by both the unique tax lot number(s) and tax lot boundary;
- The map must indicate the projected quarter quarter lines and quarter quarter name for each location where the place of use is located; i.e. NENE, NWNW, SWSW, etc.;
- If you need a different map scale, request a waiver. Acceptable scales are 1" = 400', 1" = 1320', or the full scale of the Assessor's map;

Summary – Claim Map

- The map must include the location of any required fish protection devices;
- The map must include the location of any required measurement devices; and
- The map must differentiate between the various rights involved in the transfer, and, if necessary, also by:
  - Different priority dates; and
  - Different sources

Certificate Section Contacts

- **Questions? Please contact our Certificate Staff:**
- **Gerry Clark at 503-979-9103 or by email at gerald.e.clark@water.oregon.gov**
- **Jonnine Skaug at 503-979-3943 or by email at Jonnine.L.SKAUG@water.oregon.gov**
- **Codi Holmes at 503-979-3184 or by email at Codi.N.HOLMES@water.oregon.gov**

TRANSFERS

2025 CWRE Training

Water Right Transfers (OAR 690-380)

Corey Courchane, Allocation of Conserved Water Program Coordinator
Transfer and Conservation Section

1

Overview

- Who We Are & What We Do
- Laws & Rules
- Allowed Changes / Different Transfer Types
- Standard Transfers
  - Transfer Process & Approval Criteria
- Updates

OREGON WATER RESOURCES DEPARTMENT

Water Right Services Division (WRSD)

Water Rights Section (Eliot Crafton)	Transfer & Conservation Section (Lisa Jaramillo)	Other WRSD Programs (Katie Ratcliffe)
• Water Right Permits • Limited Licenses • Road-Watering Registrations • Customer Service	• Transfers & District Transfers • Instream Leases & Transfers • Allocations of Conserved Water • Water Management & Conservation Plans • Reclaimed Water • Transfer Extensions	• Division Administration • Certificates Section • Protests • Hydroelectric Licensing • Adjudications • Permit Extensions

OREGON WATER RESOURCES DEPARTMENT

Ways to Change Water Rights



Div 18 Allocations of Conserved Water

OREGON WATER RESOURCES DEPARTMENT

Transfer Laws & Rules

- **Oregon Revised Statutes (ORS)**
  - ORS 540.505 – 540.585 – Standard & District
  - ORS 537.610 – GR Modifications
  - ORS 537.211(4)-(9) – Permit Amendments
- **Oregon Administrative Rules (OAR)**
  - OAR Chapter 690, Division 380 – Standard
  - OAR Chapter 690, Division 382 – GR Modifications
  - OAR Chapter 690, Division 385 – District

OREGON WATER RESOURCES DEPARTMENT

Types of Changes - Generally

- **Three ways to change a water right:**
  - Type of Use (USE)
  - Place of Use (POU)
  - Point of Diversion (POD) or Appropriation (POA)
    - Change or add locations



Permanent Transfers

- **Change in POD or POA**
  - ORS 540.510 / OAR 690-380-2110
- **Historical POD or POA Changes**
  - ORS 540.532 / OAR 690-380-2120
- **SW POD to GW POA**
  - ORS 540.531 / OAR 690-380-2130

Permanent Transfers

- **Change in POU**
  - ORS 540.510 / OAR 690-380-2200
- **Layered Rights**
  - ORS 540.510 / OAR 690-380-2240
- **Transfer of Supplemental Water Right or Permit**
  - ORS 540.510 / OAR 690-380-2250

Permanent Transfers

- **Change in Character of Use**
  - ORS 540.510 / OAR 690-380-2300
- **Transfer from Supplemental to Primary**
  - ORS 540.510 / OAR 690-380-2320

Permanent Transfers

- **Substitution - Supplemental GW Use for Primary SW Use**
  - ORS 540.524 / OAR 690-380-2330
- **Specific-to-General Industrial Use**
  - ORS 540.520(9) / OAR 690-380-2340

Temporary Transfers

- **Temporary Transfer**
  ORS 540.523 / OAR 690-380-8000(1) & -8002
- **Temporary Transfer in Deschutes Basin**
  ORS 540.585 / OAR 690-380-8000(2) & -8004
- **Drought Temp Transfer**
  ORS 536.750
  OAR 690-019-0055



Permit Amendments

- **Permit Amendments**
  - Place of Use (POU)
  - Point of Diversion / Appropriation (POD/POA)
    - Change in POD or POA
    - Additional POD or POA
  - **CANNOT** change Type of Use (USE)
    [ORS 537.211(4)-(9)]

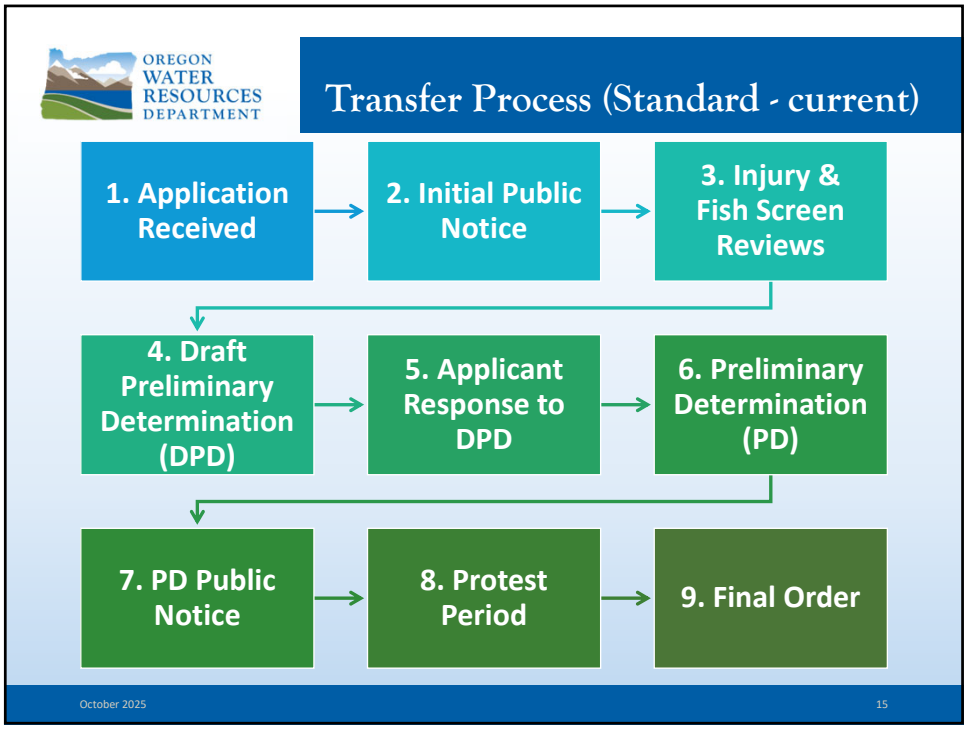
GR Modifications

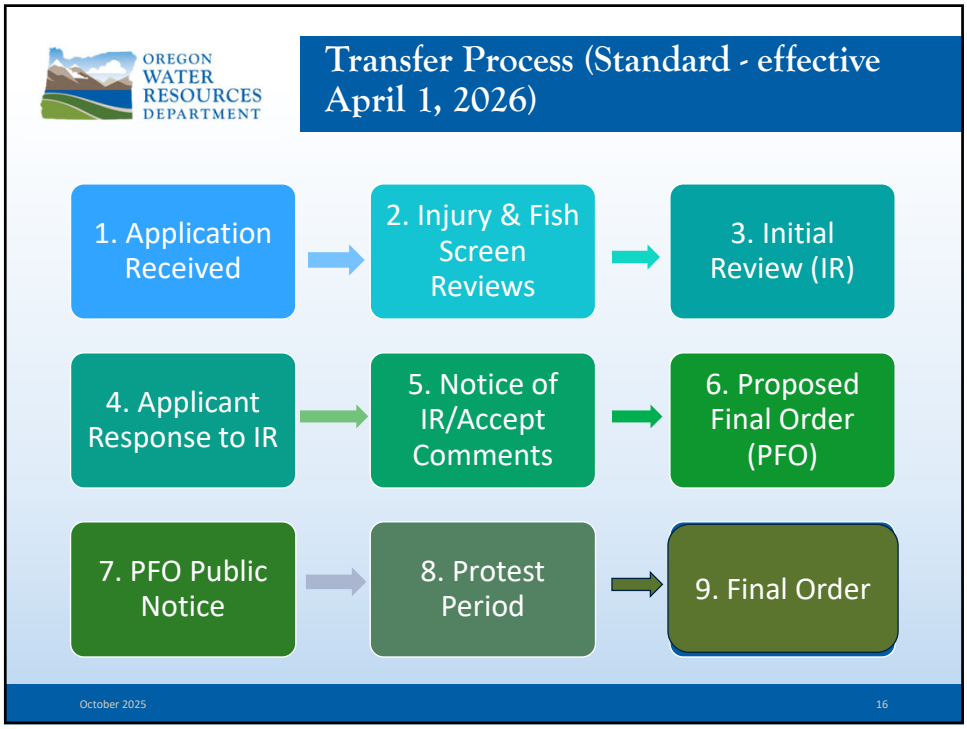
- **Groundwater Registration (GR) Modifications**
  - Place of Use (POU)
  - Type or Character of Use (USE)
  - Point of Appropriation (POA)
  - Additional POA (APOA)

[ORS 537.610 / OAR 690-382]

What CANNOT Be Changed?

- **Source**
- **Rate of diversion** (can't be increased)
- **Annual duty** (can't be increased beyond what could have originally been used beneficially)
- **Priority date**
- **Number of acres** (if irrigation)
- **Season of use**

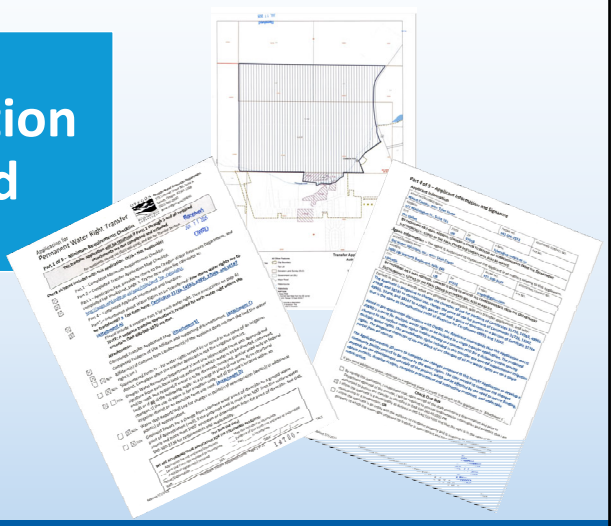

OREGON WATER RESOURCES DEPARTMENT
Transfer Process (Standard - current)
1. Application Received
2. Initial Public Notice
3. Injury & Fish Screen Reviews
4. Draft Preliminary Determination (DPD)
5. Applicant Response to DPD
6. Preliminary Determination (PD)
7. PD Public Notice
8. Protest Period
9. Final Order
October 2025
15


OREGON WATER RESOURCES DEPARTMENT
Transfer Process (Standard - effective April 1, 2026)
1. Application Received
2. Injury & Fish Screen Reviews
3. Initial Review (IR)
4. Applicant Response to IR
5. Notice of IR/Accept Comments
6. Proposed Final Order (PFO)
7. PFO Public Notice
8. Protest Period
9. Final Order
October 2025
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OREGON WATER RESOURCES DEPARTMENT

Transfer Process (Standard)

1. Application Received



OREGON WATER RESOURCES DEPARTMENT

Application Intake Process

- **Intake Completeness Review**
  - Cursory review – Caseworkers are doing their best to check the entirety of the application, it is possible things can get missed at intake; however, they will reach out if additional information is needed to fulfill a requirement
- **Complete Submittal?**
  - YES – Accept & Assign T-#####
  - NO – Return application & fees [OAR 690-380-4000(2)]

OREGON WATER RESOURCES DEPARTMENT

Intake: What We're Looking For

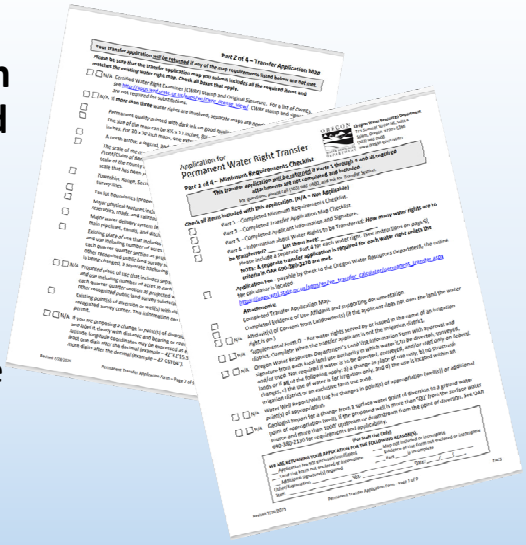
- **Water Right Proposed for Transfer**
  - Must be non-cancelled
  - Must be a "water use subject to transfer"

[ORS 540.505(4)]

OREGON WATER RESOURCES DEPARTMENT

Intake: What We're Looking For

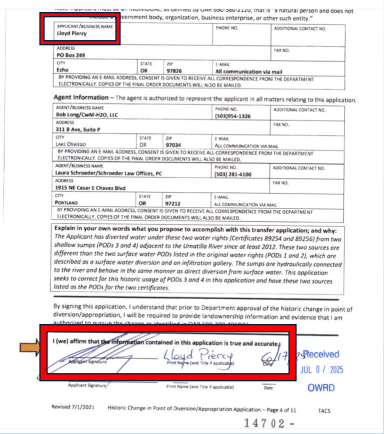
- **Is the Application Completely Filled Out?**
  - Blanks filled in
  - Boxes checked
  - Supplemental forms & evidence
  - Map



OREGON WATER RESOURCES DEPARTMENT

Intake: What We're Looking For

- **Signature Page**
  - All applicants listed must sign
  - Oath – must be original signature(s)



OREGON WATER RESOURCES DEPARTMENT

Intake: What We're Looking For

- **Water Delivery System & Capacity**
  - Must demonstrate applicant is ready, willing, & able to exercise the water right
  - Description of current system
  - Capacity of any pumps, canals, & pipelines used to:
    - Divert water from the authorized source(s)
    - Convey water to the authorized place of use
    - Used in the authorized manner

Intake: What We're Looking For

- **All Required Attachments included, such as:**
  - Application Map(s)
  - Evidence of Use & Supporting Documentation
  - Affidavits of Consent or Water Right Conveyance Agreements, as applicable
  - Supplemental Form D
  - Land Use Form
  - Well Construction Logs
  - Geologist Report, as applicable (SW POD to GW POA)

Intake: What We're Looking For

- **Application Map**
  - Make sure a map is included and has a CWRE stamp, as required
  - TRSQQ
  - North arrow
  - FROM & TO lands identified
  - Authorized and Proposed PODs/POAs

Intake: What We're Looking For

- **Evidence of Use & Supporting Documentation**
  - Must be included with application
  - Must have notarized signature of affiant
  - Must address entire portion of right being transferred
  - Must include supporting documentation

Intake: What We're Looking For

- **Land Use Form**
  - Must be completely filled out
    - "Receipt" not sufficient for Transfers
  - Page 1 – Completed by applicant
    - Proposed TRSQQ & Use match Transfer Application
  - Page 2 – Completed by **all** affected local gov't
    - On or through which the diversion, conveyance, **and** use of water will occur

Intake: What We're Looking For

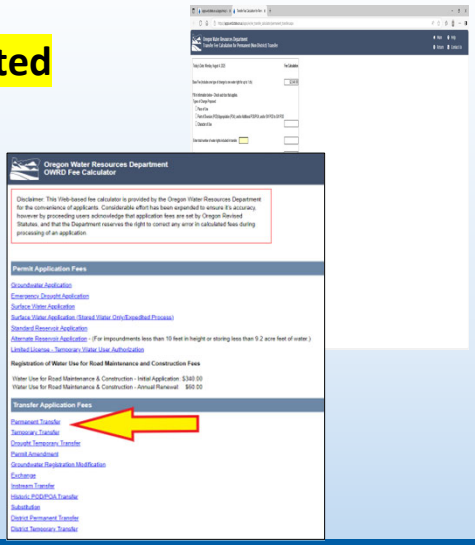
- **Land Use Form NOT required if…**
  - Diverted, conveyed, and/or used only on federal lands;

    OR
  - **The following ALL apply:**
    - Existing & proposed use entirely within EFU-zoned lands or an irrigation district;
    - POU change only;
    - No placement or modification of structures; **and**
    - Irrigation water uses only.

Intake: What We're Looking For

- **Correct Fees Submitted**
  - Online Fee Estimator

    apps.wrd.state.or.us/apps/misc/wrd_fee_calculator



Intake: What We're Looking For

- **Correct Fees Submitted**
  - OWRD Fee Schedule
    www.oregon.gov/owrd/WRDFormsPDF/fee_schedule.pdf
  - ORS 536.050
    www.oregonlegislature.gov/bills_laws/ors/ors536.html
  - If you're not sure……ask us!

The Department may deny applications – HB 3342

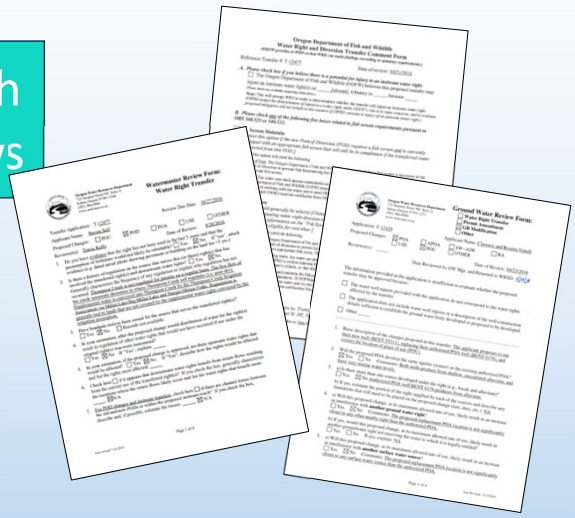
Effective April 1, 2026, OWRD shall publish, make publicly available and regularly update a list of restrictions where the source of water is:

- Designated as a critical ground water area under ORS 537.730
- Subject to restrictions on allowed ground water uses by classification under ORS 536.340
- Withdrawn from appropriation under ORS chapter 538 or by rule or order of the Water Resources Commission under ORS 536.410

OREGON WATER RESOURCES DEPARTMENT

Transfer Process (Standard)

2. Injury & Fish Screen Reviews



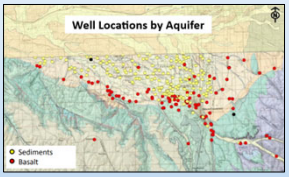
OREGON WATER RESOURCES DEPARTMENT

Watermaster & GW Injury Reviews

- **Watermaster Injury Review**
  - All Transfer Applications
- **Groundwater Injury Review**
  - POA / APOA
  - SW POD to GW POA









Change to ORS 537.211

- OWRD may deny a change in the POA under 537.211(4), if the proposed POA is for a source of ground water that is restricted, and the proposed use is subject to the restrictions

Change to ORS 537.211 (cont.)

Proposed POA may be denied, unless the proposed POA is:

- In a critical ground water area designated under ORS 537.730;
- In the same aquifer as the existing POA, and in the same portion of the critical ground water area as the existing POA;
- In an area for which a ground water bank that is established by law or by rule mitigates the effects of the use of ground water; or
- Related to the recovery of stored ground water under an artificial recharge or aquifer storage and recovery project

OREGON WATER RESOURCES DEPARTMENT

ODFW Fish Screen Reviews

- **ODFW Fish Screen Review**
  - POD location change
  - Additional POD





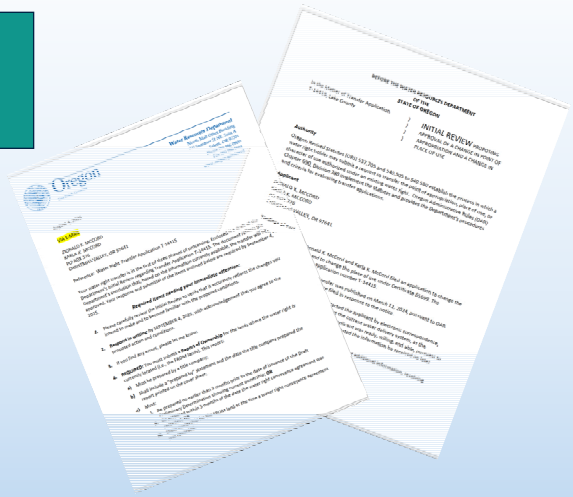




OREGON WATER RESOURCES DEPARTMENT

Transfer Process (Standard)

3. Initial Review (IR)



Initial Review & Cover Letter

- **Initial Review (IR)**
  - Propose to approve or deny
  - Any conditions or restrictions needed to approve
  - If propose to deny… describes basis for denial

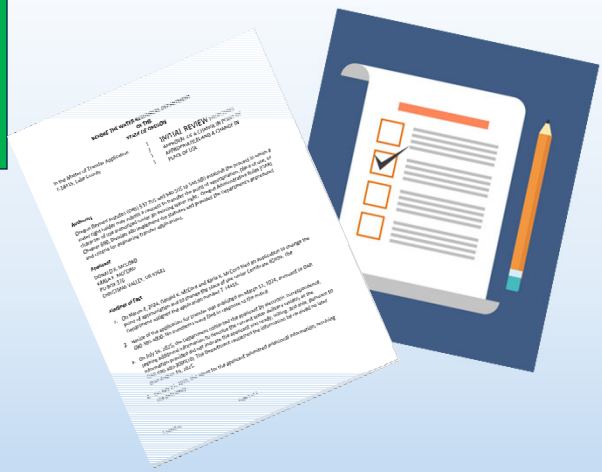


Initial Review & Cover Letter

- **IR Cover Letter**
  - IR overview & next steps for applicant
  - Ownership report – “FROM” lands
  - Notification of newspaper notice, if required
  - 30-day deadline to respond
  - Effective April 1, 2026, all documents will be sent electronically, unless the recipient has requested mailing or other sending of the document in written form under ORS 536.045

Transfer Process (Standard)

4. Applicant Response to IR



Applicant's Response to IR

- **Applicant has 30 days to:**
  - Review IR/conditions & provide written response
    - Proceed or withdraw application?
    - Did we interpret request correctly?
    - If denial, may revise application to address any issues causing denial
  - Submit Report of Ownership Information (ROI)
  - Confirm paper for newspaper notice, if required

Applicant's response to IR



- If the applicant doesn't respond & the required information is not submitted, the Dept shall close the file for the application and take no further action on the application. The Department may allow an applicant up to 60 additional days to submit outstanding information, if the applicant requests additional time and the Department determines they are undertaking reasonable efforts to provide the information in a timely manner.

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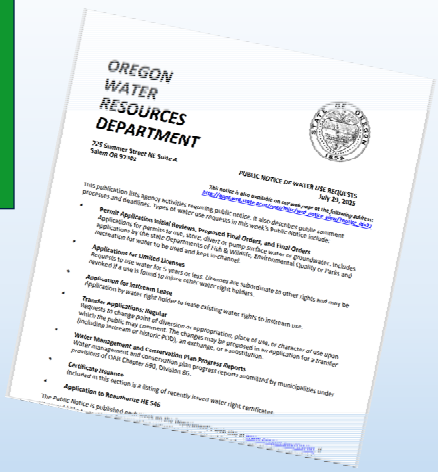
Applicant's Response to IR

- **Report of Ownership Information (ROI)**
  - Prepared by title company & dated
    - Meets timeframe outlined in OAR 690-380-4010(6)
  - Ownership & legal description of "FROM" lands
  - Notarized statement of consent (if applicable), or other documentation demonstrating applicant authorized to pursue transfer

OREGON WATER RESOURCES DEPARTMENT

Transfer Process (Standard)

5. Notice of Initial Review (IR)


OREGON WATER RESOURCES DEPARTMENT

PUBLIC NOTICE OF WATER USE REVIEW STS
July 21, 2025

Permit Application Initial Reviews, Proposed Final Orders, and Final Orders

Application for Limited Licenses

Application for Instream Lease

Transfer Applications: Regular

Water Management and Conservation Plan Progress Reports

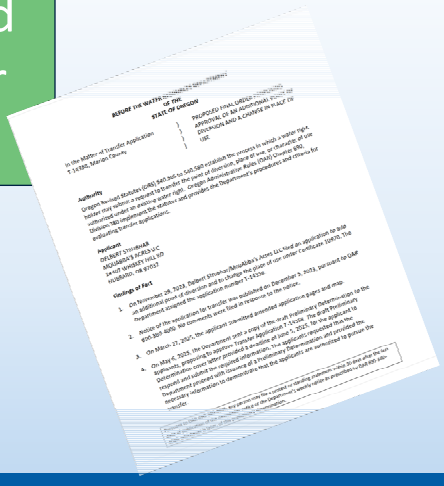
Certificate Hearings

Application to Reauthorize HE 546

OREGON WATER RESOURCES DEPARTMENT

Transfer Process (Standard)

6. Proposed Final Order (PFO)


BEFORE THE WATER RESOURCES DIRECTOR
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-14380, Malheur County

PROPOSED FINAL ORDER APPROVING AND A CONFIRM IN PART, DENYING IN PART

Authority

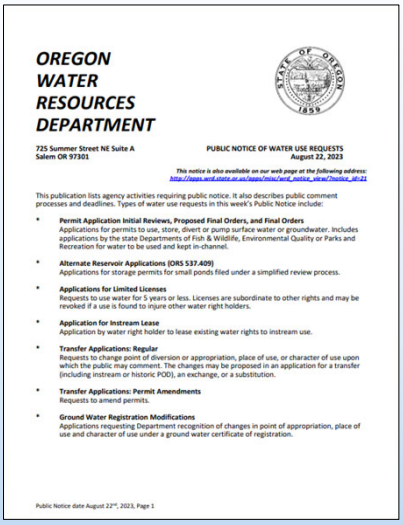
Findings of Fact

Proposed Final Order

- **Proposed Final Order Issued**
  - Sent by certified mail
  - Documents applicant's response to IR
  - Identifies any changes between IR and PFO
  - Triggers next step of process (PFO Public Notice)

Transfer Process (Standard)

7. PFO Public Notice



OREGON WATER RESOURCES DEPARTMENT

725 Summer Street NE Suite A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
August 22, 2023

This notice is also available on our web page at the following address:
http://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21

This publication lists agency activities requiring public notice. It also describes public comment processes and deadlines. Types of water use requests in this week's Public Notice include:

* **Permit Application Initial Reviews, Proposed Final Orders, and Final Orders**
  Applications for permits to use, store, divert or pump surface water or groundwater. Includes applications by the state Departments of Fish & Wildlife, Environmental Quality or Parks and Recreation for water to be used and kept in-channel.
* **Alternate Reservoir Applications (ORS 537.409)**
  Applications for storage permits for small ponds filed under a simplified review process.
* **Applications for Limited Licenses**
  Requests to use water for 5 years or less. Licenses are subordinate to other rights and may be revoked if a use is found to injure other water right holders.
* **Application for Instream Lease**
  Application by water right holder to lease existing water rights to instream use.
* **Transfer Applications: Regular**
  Requests to change point of diversion or appropriation, place of use, or character of use upon which the public may comment. The changes may be proposed in an application for a transfer (including instream or historic POD), an exchange, or a substitution.
* **Transfer Applications: Permit Amendments**
  Requests to amend permits.
* **Ground Water Registration Modifications**
  Applications requesting Department recognition of changes in point of appropriation, place of use and character of use under a ground water certificate of registration.

Public Notice date August 22nd, 2023, Page 1

PFO Public Notice

- **Public Notice of PFO published**
  - Department's Weekly Public Notice; and
  - Newspaper Notice, if required (changes requested through transfer injure more than 5 water rights)
    - Once per week for two consecutive weeks
    - Newspaper must have general circulation in area of transfer

Transfer Process (Standard)

8. Protest Period



OREGON WATER RESOURCES DEPARTMENT

Protest Period

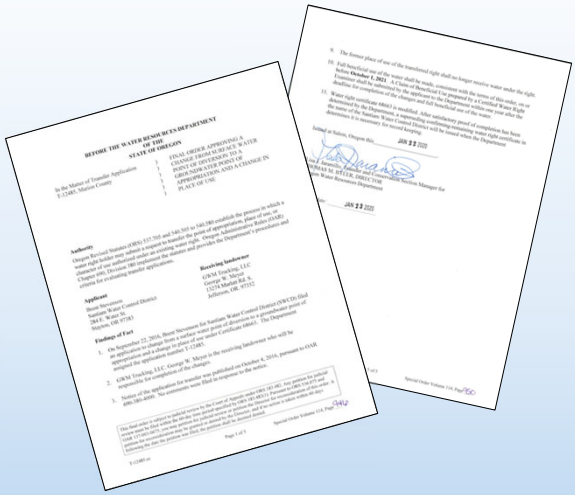
- **Protest Deadline is 30 days after:**
  - Date of Department's weekly notice
- **Protests must be:**
  - Submitted in writing
  - Received in Salem OWRD Office by 5:00pm on date of Protest Deadline
  - Include required Protest Fee (ORS 536.050)

OREGON WATER RESOURCES DEPARTMENT

Transfer Process (Standard)

9. Final Order

A Final Order becomes automatic, effective April 1, 2026.



Final Order (FO)

- **Final Order Issued**
  - Date of mailing starts 60-day clock for applicant or anyone else to:
    - Request reconsideration of the FO; or
    - Petition the Court for Judicial Review of FO

Transfer Approval Criteria

- Water use subject to transfer – ORS 540.505(4)
- Beneficial use in past 5 years
- Ready, willing, & able
- No enlargement
- No injury
- Any other requirements met

Water Use Subject to Transfer

- Right proposed for Transfer must be... a "**water use subject to transfer**"
  - Term is defined in ORS 540.505(4)

Evidence of Beneficial Use

- OAR 690-380-3000(12)
- Beneficial use in past 5 years?
- If not, need to rebut presumption of forfeiture [ORS 540.610(2)]





Evidence of Beneficial Use

- **Must** be notarized affidavit
- **Must** address entire portion of right being transferred
- **Must** include documentation supporting affiant's statements & clearly demonstrating use
- **Must** include basis of affiant's knowledge of use
- **Must** state specific use to which water was put
- **Must** describe delivery system used to apply water

Ready, Willing, and Able

- Must have system capable of:
  - Diverting & conveying full allowed rate & duty
  - Beneficially using entire amount of water allowed





No Enlargement

- OAR 690-380-0100(2) defines “Enlargement”
- Transfer cannot result in expansion of water right
  - Cannot use a greater rate or duty of water
  - Cannot irrigate more acres
  - Must dry up “FROM” lands
  - Cannot divert more water than is legally available at original diversion point or well

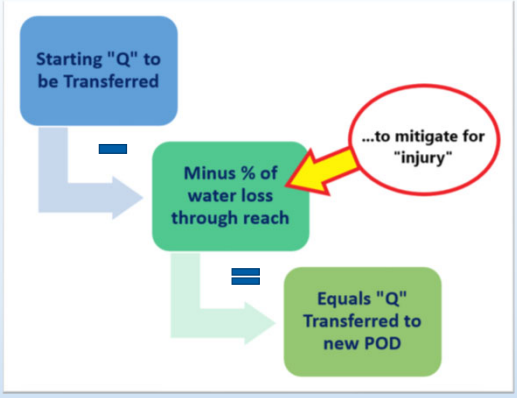
No Injury

- OAR 690-380-0100(3) defines “Injury”
  - A Transfer resulting in another, existing water right not receiving previously available water to which it is legally entitled.
- Transfer cannot result in injury

OREGON WATER RESOURCES DEPARTMENT

Evaluating Injury

- POD Transfers
  - Accounting for losing reaches / channel losses



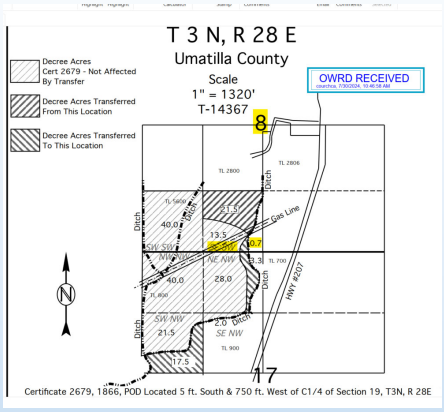
OREGON WATER RESOURCES DEPARTMENT

Common deficiencies observed

EXAMPLE

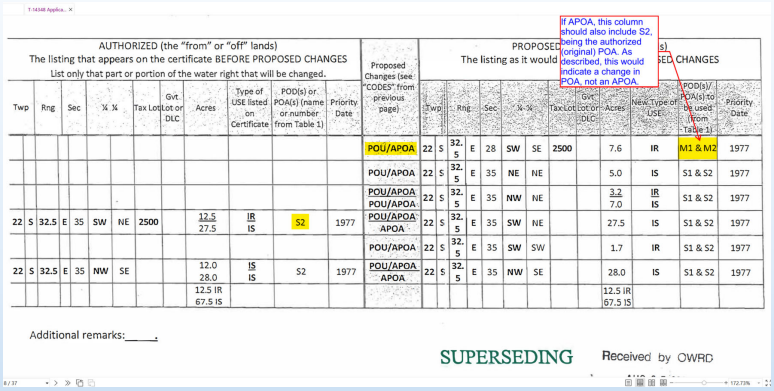
	POD #1 POD #2	1901	POU/POD												POD #5	1901
				2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
ation	POD 1	1866	POU	3	N	28	E	17	SW	NW	800		17.5	Irrigation	POD 1	1866
ation	POD 1	1866	POU	3	N	28	E	17	SE	SW	5600		0.7	Irrigation	POD 1	1866
ation	POD 1	1866	POU	3	N	28	E	17	NE	NW	800		3.3	Irrigation	POD 1	1866
				TOTAL ACRES:									21.5			

OWRD RECEIVED
courchca, 7/30/2024, 10:48:02 AM



OREGON WATER RESOURCES DEPARTMENT

Common deficiencies observed



If APOA, this column should also include S2, being the authorized (original) POA. As described, this would indicate a change in POA, not an APOA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED The listing as it would												
Twp	Rng	Sec	¼ ¼		Tax Lot	Gvt. Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼		Tax Lot	Gvt. Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used from Table 1)	Priority Date
											POU/APOA	22	S	32.5	E	28	SW	SE	2500		7.6	IR	M1 & M2	1977
											POU/APOA	22	S	32.5	E	35	NE	NE			5.0	IS	S1 & S2	1977
											POU/APOA POU/APOA	22	S	32.5	E	35	NW	NE			3.2 7.0	IR IS	S1 & S2	1977
22	S	32.5	E	35	SW	NE	2500		12.5 27.5	IR IS	S2	1977	POU/APOA APOA	22	S	32.5	E	35	SW	NE			27.5	IS	S1 & S2	1977
											POU/APOA	22	S	32.5	E	35	SW	SW			1.7	IR	S1 & S2	1977
22	S	32.5	E	35	NW	SE			12.0 28.0	IS IS	S2	1977	POU/APOA APOA	22	S	32.5	E	35	NW	SE			28.0	IS	S1 & S2	1977
									12.5 IR 67.5 IS													12.5 IR 67.5 IS			

Additional remarks:_____.

SUPERSEDING Received by OWRD

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OREGON WATER RESOURCES DEPARTMENT

Updates

- **HB 3342 – Process Improvement Bill**
  - Passing on credit card fees to the applicant
- **HB 2801**
  - Sunset date repealed when courts finalize adjudication and issue water rights decree

OREGON WATER RESOURCES DEPARTMENT

Contact Info

Corey Courchane, Allocation of Conserved Water Program Coordinator

Phone: 503-979-3917

Email: corey.a.courchane@water.oregon.gov

OREGON WATER RESOURCES DEPARTMENT

Questions?



DEPARTMENT PROGRAM INFORMATION

Static Water Level Measurement

Water Use Measurement and Reporting

Pump Test

Well ID Tag

Static Water Level (SWL) Measurement and Reporting Compliance

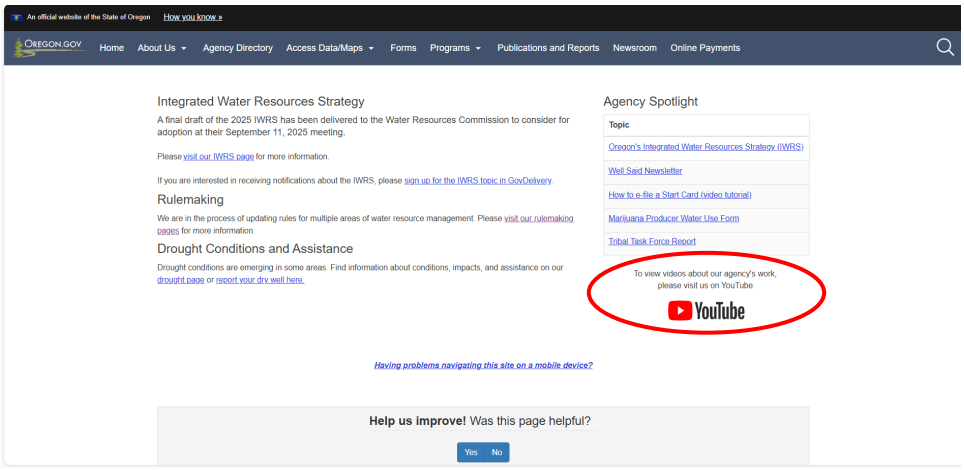
- OWRD is raising awareness about and seeking increased compliance with the requirement to measure and report SWLs
- CWREs and other qualified professionals can expect to see increased requests for measuring SWLs in spring 2026

Find more information online at
https://owrd.info/staticwaterlevel

Contact us: 971-720-0864 or
OWRD.WaterLevelReporting@water.oregon.gov

OREGON WATER RESOURCES DEPARTMENT

OWRD YouTube Channel



OREGON WATER RESOURCES DEPARTMENT

OREGON
WATER RESOURCES DEPARTMENT

Static Water Level Reporting Requirements

Since the late 1990s, most groundwater permits contain a condition requiring annual measurement and reporting of static water level (SWL) measurements. Compliance with conditions such as this is required for legal use of water.

What is a static water level?

A SWL is the depth from land surface to the water table in a well, when the water level is stable and there is no pumping influence.



Why is this requirement important?

When collected over time, SWLs can help us understand local groundwater conditions and trends, including where groundwater may be declining or available for allocation. This data helps the Oregon Water Resources Department (OWRD) and water users monitor and manage groundwater resources across the state. With approximately 3,600 points of appropriation required to measure and report their SWL, this data is critical to understanding groundwater level trends throughout the state.

What if I do not comply?

Failure to report may lead to enforcement, which can include restrictions on use, civil penalties (a fine), or cancellation of the permit.

Static Water Level Reporting Requirements – How to Comply

1. Review your water right for your specific requirements

Search for your water right in Water Rights Information System (WRIS) and open the permit document in the Processing History tab. Your water right outlines when to take the measurement, how many years to report, who is qualified to measure water levels, and what information should be submitted.

2. Hire a qualified professional to take the measurement

Each permit is different, but most require the measurement to be taken by a certified water rights examiner (CWRE), registered professional geologist, registered professional engineer, licensed well constructor, or licensed pump installer.

3. Submit the measurement to OWRD

Fill out the online form for each point of appropriation where a SWL measurement is required. Submit the measurement in the timeframe required in your water right.

Additional Resources

Find more information online at https://owrd.info/staticwaterlevel

Contact us: 971-720-0864 or OWRD.WaterLevelReporting@water.oregon.gov

OREGON WATER RESOURCES DEPARTMENT

Water Use Measurement and Reporting

Overview of Water Law

Under Oregon law, all water belongs to the public. With some exceptions, cities, irrigators, businesses, and other water users must obtain a permit or license from the Water Resources Department to use water.

Most water rights are obtained in a three-step process. The applicant first must apply to the Department for a permit to use water. Once a permit is granted, the applicant must construct a water system and begin using water. After water is used, the permit holder must submit specific information to the Department detailing how and where water has been applied. If water has been used according to the provisions of the permit, a water right certificate is issued.

Water Use Measurement and Reporting Requirements

Below, the Department has outlined its most common authorities related to water use measurement and reporting.

Measuring and Reporting Water Use

Currently, there are about 15,000 water rights that are required to measure and report water use. This is about 16 percent of the total number of water rights in the state. In 2017, the Department received water use data for approximately 12,000 water rights. Water right holders may be required to both measure and report water use as specified below:

- Pursuant to ORS 537.099, Oregon requires governmental entities such as irrigation districts, state or federal agencies, and municipal water providers to measure and report water use.
- Starting in the early 1990's, the Department began adding water measurement and/or reporting conditions to new permits, based on the size of the water right. Smaller water rights may have a condition stating that "water measurement may be required," while larger permits may have a condition that "water measurement and reporting is required."
- Water users in a Serious Water Management Problem Area (SWMPA) or in a Critical Groundwater Area may be required to measure and report water use. Currently, there is one established SWMPA in the Walla Walla sub-basin, and there are seven Critical Groundwater Areas.

Measuring Water Use – Water Distribution

In instances where water use measurement and reporting are not required as discussed above, the watermaster generally can require water *measurement* under ORS 540.310 for the purposes of water distribution and management. Under this provision, *there is no authorization to require reporting of water use*.

Measuring Water Use – 2000 Strategic Measurement Plan

In 2000, the Water Resources Commission developed a strategic plan for improving surface water measurement in areas with the greatest impact on streamflows with the greatest needs for fish. The Department developed a statewide inventory of 2,385 "significant surface water diversions" within 300 high priority watersheds across the state. Significant surface water diversions included: (1) water rights that are required by the Department to measure or report through a water right condition; and (2) significant diversions in high priority watersheds. As of December 2018, 1,084 of the significant diversions had measuring devices installed and 696 were inactive, leaving 611 diversions still needing measuring devices installed. In recent years, the Department has identified a need to revisit its 2000 Strategic Measurement Plan to better address high-priority water management and policy needs for both surface and groundwater.

Use of Data

Water measurement can help the Department to protect existing water right holders, facilitate planning for future water supplies, maximize the beneficial uses for both instream and out-of-stream users, and prevent time-consuming and costly conflicts over water use. Water measurement data are used in the following areas:

- Science: Water use data is utilized in basin groundwater studies to assist with characterizing the aquifers and in long-term management of aquifers, including critical groundwater areas. Additionally, this data is used to help refine the Department's surface water availability model, which is used to evaluate whether new water rights can be issued.
- Water Management and Distribution: Water measurement information aids watermasters in efficiently distributing and regulating water use for the protection of senior water rights, resolving disputes among water users, and ensuring use is within the limits of the water rights.
- Review of Water Right Transactions: Water use measurement data provide evidence of use for water right permit holders to prove up and obtain a water right certificate. Historical water use data assists in injury determinations for water right transfers, permit amendments, exchanges, and voluntary instream leases. Water use information supports water use efficiency projects and conservation projects.
- Management by Water Users: For water users, measurement information increases awareness of the amount of water they use and provides a basis for self-regulation. Measurement data also helps water users identify system inefficiencies, track stored water, reduce power costs, measure conservation benefits, develop improvements in their business operations, and plan for future needs. In addition, water use data provides evidence for a water right holder to prove up on a water right, rebut allegations of forfeiture for non-use, or demonstrate the validity of water rights to potential buyers. Governmental entities also use this information in developing agricultural and municipal water management and conservation plans.

Measurement Challenges

When analyzing water use measurement data supplied by the water right holder, the Department reviews the quality of the data and utilizes only data that it has a reasonable confidence in its accuracy. Accurate water use data is beneficial to water managers as well as water users; however, properly collecting water use data can be challenging. To ensure data are accurate, the correct device must be properly installed according to the engineering specifications and some devices must be periodically calibrated. Once installed, the device must be maintained in good working condition, which can be hampered by natural conditions such as sand, ice, debris, or algae. The water user must also read and report the data accurately, including correctly identifying the points of diversion/appropriation, and the associated water rights. The Department frequently works with water users to address these challenges and improve data accuracy.

The cost of measuring devices can also be a challenge for water users, with devices costing several hundred to several thousand dollars. The Legislature’s continued capitalization of the cost-share measurement program has allowed the Department to provide funding to assist water users with installing or replacing water measurement devices on surface water diversions, reducing users’ concerns about the cost of installing these devices.

Targeted Water Use Measurement Efforts

Oregon’s Integrated Water Resources Strategy provides a blueprint for meeting Oregon’s instream and out-of-stream water needs. The need for better data and water use measurement is highlighted throughout many actions of the Strategy.

Given that the State has limited resources to invest in collecting and analyzing data, the Department has sought to prioritize its data collection efforts in areas of highest need through targeted approaches.

Legislative Contact

Racquel Rancier, Senior Policy Coordinator, racquel.r.rancier@oregon.gov

Water Use Reporting Program - Frequently Asked Questions and Answers

1. **How do I keep track** of my water use?
   Using the totalizing feature of your flowmeter, record an initial reading for each well before water use begins, then record another reading for each well at the end of each month. For additional information regarding how to read a (totalizing) flow meter, see instructions for how to read totalizing flow meters at: http://www.oregon.gov/owrd/Forms/Pages/default.aspx, or call 971-345-7489 or your local watermaster.

2. **Do I report my meter readings?**
   No, meter readings need to be converted into a total monthly volume. Subtract the previous month's reading from the reading taken at the end of the current month to come up with the volume used during the previous month. Be sure you know what unit of measurement your meter reads in and if your meter has a multiplication factor; these will be displayed on the face of the meter.

3. **What if I forgot my User ID?**
   The User ID is listed on the "Reference" line of the reminder letter/email from the Department.

4. **When are the reports due?**
   Reports are due each year by December 31, for the Water Year just completed. A Water Year is the 12-month period October 1, for any given year through September 30, of the following year. The water year is named by the calendar year in which it ends and includes 9 of the 12 months. For example, the 2021 water year begins October 1, 2020, and ends September 30, 2021.

5. **Can I report monthly**, or by calendar year, instead of by Water Year?
   Yes, the online reporting system will allow you to enter data an unlimited number of times during the year. If reporting at the end of the calendar year, remember that the October-December amounts will be reported as part of the next Water Year. For example, October 2020 is the first month of the 2021 Water Year.

6. **What if I no longer own the property or the portion of the property where the source is located?**
   Please contact Water Use Reporting Program staff, owrd.waterusereporting@water.oregon.gov or 971-345-7489. If this is for a water right permit, an assignment needs to be done to change the water right and water use reporting from your name to the new owner. If this is for a water right certificate, an "Ownership Update for Certificated Rights Only" Form should be submitted so the Department has current contact information and so the water use reporting can be changed to the new owner. The assignment forms and the ownership update form can be found on the Department's website: http://www.oregon.gov/owrd/Forms/Pages/default.aspx.

7. **What is a Facility?**
   The "facility" is a point of diversion, a well, or a reservoir. A facility name should make sense to you; it may include a reference to a Well Log, Well Tag Number, or other descriptive name requested by the water right holder. To assign or update a facility name, email

owrd.waterusereporting@water.oregon.gov or call 971-345-7489, or fill the name in when you submit a paper reporting form.

8. **What is a Report ID?**
   Report IDs are unique numbers assigned to each point of diversion (POD), to each point of appropriation (POA), and each reservoir. When submitting a paper Water Use Recording and Reporting Form, the Report ID should be filled in at the top of the column of monthly entries.

9. **There is a Report ID on my list that I am not aware of, what should I do?**
   Each Report ID under your log in has been assigned to you for reporting. Look at your water rights, contact the Department at owrd.waterusereporting@water.oregon.gov or 971-345-7489 if you have questions.

10. **What if my diversion or well has not been developed, or was not used** for a few months, or for the entire water year?
    If it is a non-canceled water right that requires reporting, reporting is required. Report zeroes for any month(s) when water was not used, including if a well or other water diversion structure has not yet been constructed or developed.

11. **If a well or point of diversion is used for more than one water right**, do I need to figure out the amount used for each water right?
    *No, simply report the total amount used from the well/POD. If you are aware of water right(s) for a well/POD, that are not linked to the Report ID, please notify the Department at owrd.waterusereporting@water.oregon.gov or 971-345-7489.
    *there are a few exceptions to this.

12. **How do I change information I've submitted?**
    To correct data for the current year:
    - Log into your online account, select the relevant reporting point and click on the underlined year to return to the data entry screen. After making the correction(s), click "Submit"; or
    - Email (owrd.waterusereporting@water.oregon.gov), or mail, a reporting form, clearly marked revised or amended, to the Department, or call 971-345-7489.

    To correct data in a previous year's report:
    - Email (owrd.waterusereporting@water.oregon.gov), or mail, a reporting form, clearly marked revised or amended, to the Department, or call 971-345-7489.

13. **If I report online, do I need to send in the paper reporting form also?**
    No. If you report online, do not send the paper reporting form.

14. **Can I update my mailing address, phone number and email online** for water use reporting**?**
    Yes, you can update the contact information except the name and company name.

15. **How do I change the name or company name** for water use reporting?
    Contact the Department at owrd.waterusereporting@water.oregon.gov or 971-345-7489.

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900 www.wrd.state.or.us

How to Select and Install a Suitable Flow Measuring Device

Note: Installation of a measuring device is subject to inspection and approval by the Watermaster.

For Piped Diversions

Diversions of less than or equal to 0.01 cfs (about 4.5 gpm):

- Install a flow regulator or control valve (*commonly called a dole valve*) to allow water to flow at a pre-determined rate, or a flow meter, or other device approved by local Watermaster.

Flow Meter Specifications for total diversions of greater than 0.01 cfs:

- Meter type may be magnetic head, ultrasonic, vortex cone, velocity-propeller, shunt line or venturi.
- The meter must have an accuracy rating within plus or minus 2% of actual flow rate for the full range of flow rates allowed.
- The register face must show a cumulative "totalizer", and have a protective plate or cover.
- The meter must measure the instantaneous rate of flow, either displayed directly with a readout or a dial, or by calculating using the totalizer. To calculate the flow: 1) Record a totalizer reading; 2) Run the system for a set number of minutes; and 3) Record another totalizer reading.
  Calculation: (end reading minus beginning reading) divided by # of minutes = *x* measurement units/minute flow rate.
- The units of measure may be in acre-feet, cubic feet or gallons. Any multiplication factor must be clearly indicated on the face of the register.
- Totalizer must have sufficient capacity to record the maximum quantity of water authorized to be pumped over a period of 2 years without "rolling over" to show 0000000.
- Meter may be protected with a locked shelter, provided the Watermaster has access.

Flow Meter Installation:

- Match the meter to pipe size according to manufacturer's specifications.
- There must not be any turnouts or diversions between the source of water and the meter.
- Install the meter according to manufacturer's directions, which is typically in-line with a straight, horizontal length of pipe at least 5 pipe diameters upstream and downstream from any valve, elbow or other obstruction.
- Position the meter so that the pipe will be full at all times when water is being measured.
- Note the use of variable speed pump drives, which can pump a wide range of rates, may require a valve installed after the flow meter to obtain a full pipe of water.

For Ditch or Open Channel Diversions

- To measure only instantaneous flow: Use weirs, submerged orifice devices, Parshall flumes, long-throated or ramp flumes.
- To measure instantaneous flow and volume: Use a method for measurement of diversion discharge. Establish or maintain a rating curve with values for the full range from low to high discharge, conforming to U.S. Geological Survey methods for velocity-area measurements.

For Reservoirs

- Install a staff gage to measure the full range of storage volume. Establish a rating elevation-capacity table to relate water surface elevation to storage volume. In areas where the reservoir typically ices over during the winter, significant protection of the staff plate is required.

Contact your local Watermaster for more information, and to obtain approval of your measuring device. If you have any concerns, please contact the Watermaster prior to purchasing and installing your measurement device.

Last revised: 12/1/ 2016

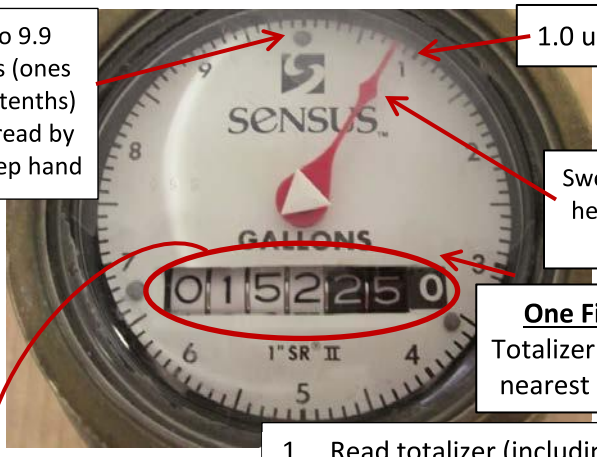
How to Read Totalizing Flow Meters

Reading a water meter is similar to reading the odometer in your car. Reading your meter can help you identify leaks, track pumping costs, and discover ways to conserve water. To determine water use for a period of time between two meter readings, subtract the earlier reading from the later reading. (*Example: July 31 reading minus June 30 reading = amount of water used in July.*) Below are examples of two common types of meters.

If your meter does not look like these examples, contact the manufacturer or the meter installer for information.

Example 1: Meter Face Shows Only Cumulative Volume—

Totalizer Has 1 or 2 Fixed 0s as Place-holders + Sweep Hand Shows Amounts Represented by Zero Place-holders

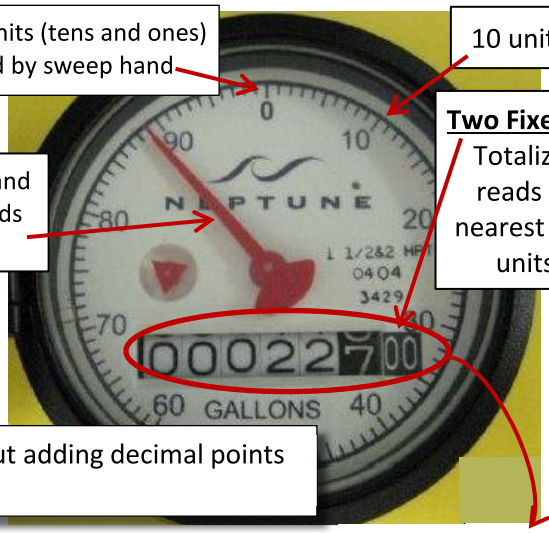


Up to 9.9 units (ones and tenths) are read by sweep hand

1.0 unit

Sweep hand here reads 0.8

One Fixed 0
Totalizer reads to nearest 10 units



Up to 99 units (tens and ones) are read by sweep hand

10 units

Two Fixed 0s
Totalizer reads to nearest 100 units

Sweep hand here reads 89

1. Read totalizer (including all fixed "0"s) without adding decimal points
2. Then add amount shown by sweep hand

0	1	5	2	2	5	0

Totalizer reading: 0,152,250
Sweep hand reading: + 0.8
Amount: = 152,250.8 G
Unit of measurement = Gallons (G)

0	0	0	2	2	6	0	0

Totalizer reading: 00,022,600 (not quite to 700)
Sweep hand reading: + 89
Amount: = 22,689 G
Unit of measurement = Gallons (G)

Example 2: Meter Face Shows Both Instantaneous Flow Rate and Cumulative Volume—

Sweep Hand Shows Instantaneous Rate, and "Odometer-like" Totalizer Shows Cumulative Volume



Instantaneous Flow Rate

Sweep hand shows instantaneous flow rate around the dial from 0 to 2500 gallons per minute (showing 700+ gpm in this example). If water is not flowing, the sweep hand will show "0". Note: This rate of flow is separate, and not to be added to the totalizer reading.

Cumulative Volume

Totalizer shows cumulative water volume.

Multiplier to be applied to totalizer reading (0.001 in this example, but it could be 10, 100, 1,000, etc.)

Measurement unit (acre feet in this example, but it could be gallons, cubic feet, etc.) Note: The totalizer unit of volume measurement may be different from the unit of instantaneous flow rate.

0	0	3	2	5	5

Water Volume (read the totalizer numbers from left to right, without any decimal points)
Totalizer Reading: 003255
Multiplier: X 0.001
Amount: = 3.255 AF
Unit of measurement = Acre Feet (AF)

OREGON WATER RESOURCES DEPARTMENT

Pump Tests

Overview

A pump test, also known as an aquifer test, is not really a test of the pump, but rather a test of the well and aquifer. It should not be confused with other testing types, such as well flow or step-drawdown tests. Permitted wells must be tested as a condition of certification.

Pump test information must be submitted on these forms, which can be obtained on the Department's website.

Pump Test Specifications

A Pump Test consists of three phases:

- The **pre-pumping** phase includes several depth-to-water measurements made prior to pumping the well to determine any natural fluctuations in water level.
- The **pumping** phase of the test is a minimum of four hours. The actual pumping phase of the test consists of pumping the well at a constant rate for period of four hours. As the well is pumped, the water level will drop. During pumping, the depth to water is measured and recorded at minimum specified intervals.
- The **post-pumping or recovery phase** of the test occurs after the pump is turned off. After pumping stops, depth-to-water measurements continue at minimum specified intervals as the water rises, or recovers, in the well.

For more detailed test specifications, see OAR 690-217. Forms and a detailed pump test program guide can be found on the Department's website at https://www.oregon.gov/OWRD/programs/GWWL/GW/Pages/PumpTestProgram.aspx.

Exemptions

In some cases there are exemptions to the pump test requirements.

See reverse side for details.

Qualifications to Conduct Pump Tests

Pump tests must be conducted by qualified individuals. The well owner may conduct the test, or may designate another person to do the test as long as that person meets certain qualifications.

The following persons are eligible to conduct these pump tests:

1. The owner of the well to be tested.
2. A full-time employee of the well owner who routinely works with and is familiar with wells and pumps.
3. Individuals whose primary occupation involves well pump installation, service or testing.
4. Individuals within the following professional groups, provided they have significant experience conducting pump or aquifer tests:
    - Registered Geologists or Engineering Geologists
    - Licensed Well Drillers
    - Certified Water Right Examiners
    - Registered Professional Engineers

Well owners who decide to conduct the pump test themselves should become thoroughly familiar with all the test requirements. These requirements are described in the Water Resources Department's administrative rules OAR 690-217. Some specialized equipment is needed to conduct pump tests.

Pump Test Exemptions

Multiple Well Exemptions:

You may qualify for an exemption from testing your well if you meet the following three criteria:

1. You own multiple wells producing water from the same aquifer;
2. One of the wells has been previously tested and the test approved; and
3. The wells are within 5 miles of the previously tested well.

Multiple well exemption requests must be submitted using the department's form which can be can be obtained on the Department's website.

Unreasonable Burden Exemptions:

In some cases, it may be extremely difficult or inconvenient to conduct a pump test that meets the Water Resources Department's requirements. In such cases, well owners may request an exemption.

Exemptions shall be granted for public water supply wells if pump testing will cause interruption of service to customers.

Unreasonable burden exemption requests must be submitted using the department's form which can be obtained on the Department's website.

Wells Not Requiring a Pump Test:

- A well with a diameter greater than 36 inches and a depth less than 30 feet.
- Excavations that produce water from horizontal screens embedded in a gravel pack (infiltration galleries) or vertical caissons that produce water from a radiating system of horizontal casings or screens (collection wells).
- Contact the Department, if any of these apply to your situation.

Additional Information

If you would like additional information about pump test requirements, contact our office to speak with a customer service representative.

Mail pump tests or requests for exemptions to the attention of the Certificate Support.

Submittals and inquiries can be sent to WRD_DL_pumptestsupport@oregon.gov

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301
(503) 986-0900
www.oregon.gov/owrd

Well ID Program
APPLICATION INSTRUCTIONS

Use a separate application for EACH well on the property. If the well already has an existing Well ID Number (L-xxxxx), you do not need to complete this application, unless there is no well ID physically on the well head. In that case you would note that you are requesting a replacement well ID. (Note: It will be a new number.)

I. OWNER INFORMATION

Print the current owner's name, mailing address (including city, state, and zip), and the address where the Well ID packet should be sent. If the property has closed in escrow, the packet may be sent directly to the buyer. The packet should be sent to the party who currently has access to the well.

II. WELL LOCATION INFORMATION

Provide the Township, Range, Section, Quarter / Quarter, County and Tax Lot number. This information may be obtained from property tax statements, legal description of the property, or from the Assessor's Office. The Assessor's Office may also refer to this as the "Map and Tax Lot Number". A list of County Assessors is enclosed for your use.

III. GENERAL WELL INFORMATION

Please provide as much information as you can: depth of well, diameter of well casing, year constructed, and use of well. If you know who owned the land when the well was drilled, or when the property was developed, please also include that information in the space provided. If you have a Well Constructor's Water Well Report (look on log for: first 4 letters of the county, and some numbers), please enter that. If not, you can search our online database for the Well Report on our website: www.oregon.gov/OWRD. On the home page under the Groundwater & Wells heading, click "Find a Well Report".

For well information you don't know, simply leave those fields blank.

The information given on the application will assist the Department in locating a well report, if one has not yet been identified. Note: If no well report is found, the application will become the first record of the well in our system.

Contact the Well Identification Program Specialist at 971-287-8218 or via email at Ladeena.K.Ashley@water.oregon.gov if you have questions.

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301
(503) 986-0900
www.oregon.gov/owrd

Application for
Well ID Number

Do not complete if the well already has a Well Identification Number.

I. OWNER INFORMATION

Current Owner Name *(please print)*: _____

Mailing Address: _____

City, State, Zip: _____

Mail Well ID to: ☐ SAME AS ABOVE ☐ In Care Of (C/O)

Name & Address: _____

City, State, Zip: _____

II. WELL LOCATION INFORMATION *(Please fill out as completely as possible)*

Township: _____ (North / South) Range: _____ (East / West) Section: _____ _____ 1/4 of the _____ 1/4

Tax Lot (usually last 3-5 numbers of Tax Map #): _____ County _____

GPS Coordinates: _____

Street Address of Well, City: _____

If the property had a different street address in the past: _____

III. GENERAL WELL INFORMATION *(Please fill out as completely as possible, AND attach copy of Well Report, if available)*

Use of Well (domestic, irrigation, commercial, industrial, monitoring): _____

Date Well Constructed (or property built): _____ Total Well Depth: _____ Casing Diameter: _____

Owner at time the well was constructed (if known):_____ Well Report # (if known): _____

Other Information: _____

SUBMITTED BY *(please print)*: _____

PHONE: _____ **EMAIL &/or FAX:** _____

To send the completed application, you may MAIL it to: Oregon Water Resources Dept. 725 Summer St NE, Suite A, Salem, Oregon 97301. Or EMAIL the completed PDF form to: Ladeena.K.Ashley@water.oregon.gov, or FAX it to: (503) 986-0902.

For Official Use Only by the Oregon Water Resources Department:

Received Date:	Well Report Number:	Well Identification #:
_____	_____	_____

Oregon County Assessor Offices

The County Assessor's Office can provide you with the Township, Range, Section, and Tax Lot (combined: map lot #). They can also provide you with a list of previous owners of the property where the well is located.

Baker County
(541) 523-8203
1995 3rd St, Ste 300
Baker City, OR 97814

Benton County
(541) 766-6855
4077 SW Research Way
Corvallis, Oregon 97333

Clackamas County
(503) 655-8671
150 Beavercreek Rd
Oregon City, OR 97045

Clatsop County
(503) 325-8522
820 Exchange St, Ste 210
Astoria, OR 97103

Columbia County
(503) 397-2240
230 Strand Street
St. Helens, OR 97051

Coos County
(541) 396-7900
250 N Baxter
Coquille, OR 97423

Crook County
(541) 447-4133
200 NE 2nd, Ste 200
Prineville, OR 97754

Curry County
(541) 247-3294
94235 Moore St, Ste 221
Gold Beach, OR 97444

Deschutes County
(541) 388-6508
1300 NW Wall St, Ste 200
Bend, OR 97701

Douglas County
(541) 440-4222
1036 SE Douglas
Roseburg, OR 97470

Gilliam County
(541) 384-3781
221 S Oregon St
Condon, OR 97823

Grant County
(541) 575-0107
201 S Humbolt
Canyon City, OR 97820

Harney County
(541) 573-8365
450 N Buena Vista #13
Burns, OR 97720

Hood River County
(541) 386-4522
601 State Street
Hood River, OR 97031

Jackson County
(541) 774-6059
10 S Oakdale Ave, #300
Medford, OR 97501

Jefferson County
(541) 475-2443
66 SE D Street, Ste D
Madras, OR 97741

Josephine County
(541) 474-5260
500 NW 6th St
Grants Pass, OR 97526

Klamath County
(541) 883-5111
305 Main Street
Klamath Falls, OR 97601

Lake County
(541) 947-6000
513 Center Street
Lakeview, OR 97630

Lane County
(541) 682-4321
125 E 8th Ave
Eugene, OR 97401

Lincoln County
(541) 265-4102
225 W Olive St, Rm 207
Newport, OR 97365

Linn County
(541) 967-3808
300 4th Ave SW
Albany, OR 97321

Malheur County
(541) 473-5117
251 B Street W
Vale, OR 97918

Marion County
(503) 588-5144
555 Court St NE, Ste 2233
PO Box 14500
Salem, OR 97301

Morrow County
(541) 676-5607
100 Court Street
PO Box 788
Heppner, OR 97836

Multnomah County
(503) 988-3326
501 SE Hawthorne Blvd,
Suite 175
Portland, OR 97214

Polk County
(503) 623-8391
850 Main Street
Dallas, OR 97338

Sherman County
(541) 565-3606
500 Court Street
PO Box 283
Moro, OR 97039

Tillamook County
(503) 842-3400
201 Laurel Ave
Tillamook, OR 97141

Umatilla County
(541) 276-7111
216 SE 4th St
Pendleton, OR 97801

Union County
(541) 963-1002
1001 4th St, Ste A & B
La Grande, OR 97850

Wallowa County
(541) 426-4543
101 S River St, Rm 104
Enterprise, OR 97828

Wasco County
(541) 506-2510
511 Washington St #208
The Dalles, OR 97058

Washington County
(503) 846-8741
Public Services Building
155 N 1st Ave, Ste130
Hillsboro, OR 97124

Wheeler County
(541) 763-4266
701 Adams St, Ste 203
PO Box 447
Fossil, OR 97830

Yamhill County
(503) 434-7521
535 NE 5th St, Rm 42
McMinnville, OR 97128

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301
(503) 986-0900
www.oregon.gov/owrd

Well ID Program
Frequently Asked Questions

All wells drilled, deepened, converted or altered after 1996 are required to have a well ID number attached to the well head. This Well ID Number is usually attached by the well constructor. If there is no ID number on the well, a landowner may apply for one using the Well ID application form, which is available from the Water Resources Department's website at www.oregon.gov/owrd.

Is there a fee to get a Well ID? No. It is free to apply for and receive a Well ID Number.

What is the legal basis for the program? Oregon Revised Statutes 537.788 - 537.793.

What is the purpose of the program? The purpose is to catalog each well with a unique Well ID Number. This number will link the well with a physical description of how the well was constructed (well report) in the Department's database.

What types of wells are bound by this program? All wells, including monitoring and water wells.

Do I need to apply for a new Well ID Number if my well already has one on it? No. Only one Well ID Number is required for the life of the well (unless label is unreadable).

Should I apply for a Well ID Number now or should I wait until the property changes ownership? You may apply for a Well ID Number at any time.

I share a well and the well is on the neighboring property. Do I apply for a Well ID Number when I sell my property? No. The owner of the property where the well is located is responsible to obtain a Well ID Number when their property changes ownership.

Who is responsible for initiating the process? The landowner who owns the property where the well is located may apply for the Well ID Number or the buyer may also apply for the Well ID Number.

Will this delay the property transfer if I am selling my property? No. It is not necessary to apply for or obtain a Well ID Number before closing the property transfer. The seller, buyer, or their agent may apply for the Well ID Number by completing an application.

What is a Well Report? A well report is a physical description of how your well was constructed. The Oregon Water Resources Department maintains a database of all wells constructed in the state since approximately 1960.

Does the Water Resources Department verify the well construction during this process? The Department does not review the well construction prior to the issuance of a Well ID Number. However, as part of the Department's Well Construction Program, new wells are routinely inspected during construction. If you have specific problems or concerns about your well, please contact the Department directly.

If you have questions concerning your well, contact the Water Resources Department: (503) 986-0900, or visit our website: www.oregon.gov/owrd. Our office is located at 725 Summer Street NE, Suite A, Salem, Oregon 97301-1266.

ODFW AND DEQ'S ROLES IN REVIEWING PROPOSED NEW USES OF WATER



ODFW's Interest in Water

- Many rules and statutes require engagement with ODFW regarding impacts to fish, wildlife, and habitats.
- ODFW's work is guided by state law outlined in ORS 496.012 (Wildlife Policy) and ORS 506.109 (Food Fish Policy).
  - It is the policy of the State of Oregon that wildlife and food fish shall be managed to prevent serious depletion of any indigenous species, including through the development and management of the lands and waters of this state in a manner that will enhance the production and public enjoyment of wildlife and food fish.
- ODFW's Water Program goal is to protect and restore water quantity and quality to support resilient fish and wildlife populations now and into the future.

ODFW's General Focus in Reviews

- Maintaining Biologically Necessary Flows and Suitable Water Quality
- Fish Screens and Fish Passage
  - Fish Egress for Off-Channel Reservoirs, when Applicable
- Protection of Riparian Areas
- In-water Work Timing
- Fish Stocking into Reservoirs
- Mitigation to Offset Impacts to Fish/Fishery Resources

Why ODFW Reviews Transfers

- ORS 540.525 requires ODFW to determine the need for fish screening*.
- ODFW flags potential injury to an Instream Water Right.
  - OWRD officially determines injury, not ODFW.
  - OWRD may consent to the change only upon a recommendation that the department do so from the agency (e.g., ODFW) that requested the instream water right.
  - Consent to injury can only occur if the "change will result in **net benefit to the resource consistent with the purposes of the instream water right**."

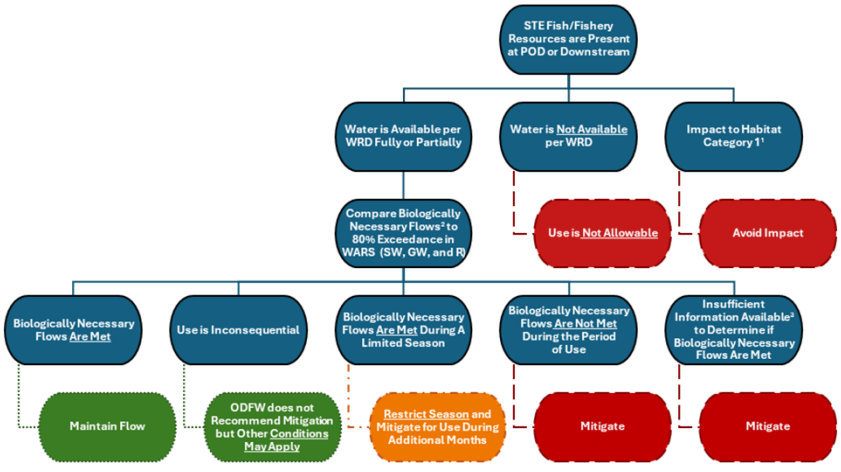
*Fish passage is addressed through ODFW's own authority under ORS 509.585 if a new point of diversion will be constructed, an existing point of diversion's capacity will be increased, or an existing point of diversion will be abandoned.

Why ODFW Reviews New Uses of Water

- **Division 33 (+ Limited Licenses)**: OWRD consults with ODFW on whether a proposed new water use (SW, GW, or R) would be detrimental to **sensitive, threatened, or endangered (STE) fish species**.
- **Division 310**: OWRD considers comments from ODFW regarding whether the proposed use will impair or be detrimental to the public interest regarding **sensitive, threatened, or endangered (STE) species, as well as fish or wildlife in general**.
- **Alternate Reservoirs**: ORS 537.409 *requires* the applicant to submit an application to OWRD that **does not pose a significant detrimental impact to existing fishery resources** as determined on the basis of information submitted by ODFW. (Submit to: wrd.altres@odfw.oregon.gov)

Note: ODFW reviews are generally returned to OWRD within 60 days and Alternate Reservoir applicants within 45 days, but often much quicker.

Overview of ODFW Review Process



[1] Per OAR 635-415, "Habitat Category 1" is irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species and is limited on either a physiographic province or site-specific basis. The mitigation goal for Category 1 habitat is no loss of either habitat quantity or quality through avoidance of impacts through alternatives to the proposed development action or no authorization of the proposed development action if impacts cannot be avoided.

[2] Reviews of Alternate Reservoirs also include an assessment of water quality impairment utilizing TMDL's developed by the Oregon Department of Environmental Quality.

[3] Based on parameters assessed, ODFW has determined there is no applicable Water Availability Basin for the POD.

ODFW's Fish and Wildlife Habitat Mitigation Policy (OAR 635-415)

- Provides consistent goals and standards to mitigate impacts to fish and wildlife habitat caused by land and **water development actions**
- Calls first for **avoidance of impacts**, if possible, then minimization of unavoidable impacts, …and finally, compensatory mitigation for any unavoidable impacts
- New uses of water impair Habitat Category 2 when instream needs are not met
  - Category 2: Essential and limited habitat
  - Mitigation Goal: In-kind, in-proximity mitigation, plus a net benefit

ODFW Water Program

General Mitigation Guidance

- **One-to-One Quantity |** Mitigation water must be equivalent to, or more than, the amount of water requested in the water right permit application.
- **Similar Water Quality |** Mitigation water must provide suitable replacement of similar or better water quality. For flow-related water quality parameters such as dissolved oxygen or temperature, diminished instream flow exacerbates these conditions. Ensuring the flow is not diminished as a result of the mitigation project will help abate further diminishments to water quality.
- **Timing |** Generally, mitigation should cover the months when the proposed use will impair or be detrimental to fish species.
- **Location |** Mitigation should be developed in close proximity to the impacted stream and is typically located at or above the impacted reach.
- **Valid & Reliable |** Basin-specific hydrologic conditions, any history of regulation, and past use determine the reliability of a water right. **Water rights used for mitigation must demonstrate 100% reliability at the full rate for the past 8 out of 10 years for the entirety of the period of impact.** This means that any water right that is regulated off on a frequent basis, or cannot be reliably used, will not be sufficient mitigation.

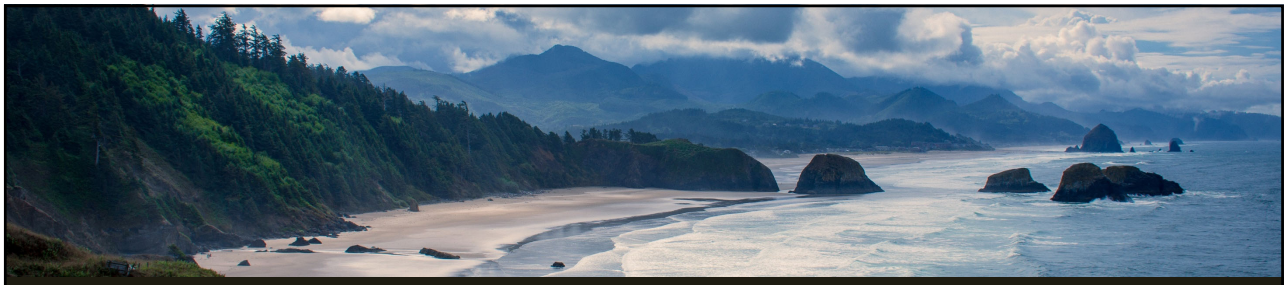
ODFW Water Program

Key Take Aways

- ODFW makes recommendations to OWRD regarding conditions or a mitigation obligation that would minimize impacts to fish/fishery resources, wildlife, and habitats, when applicable.
- ODFW does not make decisions regarding issuance or denial of permits.
- ODFW reviews are to be utilized in coordination with recommendations from ODEQ, as water quality and quantity are both vital components of fish habitat.
- The ODFW assessment considers biological flow needs for fish/fishery resources (and perhaps wildlife), including impacts to both water quantity and quality, that may result in a different outcome than OWRD's assessment of water availability for allocation purposes.
- In addition to existing Instream Water Rights in WARS, ODFW utilizes additional biological flow targets, if available.

Key Take Aways

- Estimates of water availability are often not available at the point of diversion (POD) or are too far away from the POD, so ODFW cannot determine if biologically necessary flows are available for fish/fishery resources. In these instances, ODFW assumes impairment and recommends the proposed use be mitigated.
- When assessing impacts to fish/fishery resources from proposed reservoirs, ODFW utilizes a higher standard (the **80% exceedance** value) than OWRD to determine if streamflow is sufficient to meet the life history needs of fish.
- For the Alternate Reservoir process, ODFW incorporates an assessment of water quality impairment utilizing TMDL's developed by ODEQ.
- For existing reservoirs under the Alternate Process, fish passage, if applicable, needs to be addressed prior to the application being submitted to OWRD.
- Entrapment of fish in off channel reservoirs that are within the floodplain is a fish passage concern.



DEQ's Role in Division 33 Water Right Reviews

DEQ Water Integration Team

Cole Hendrickson
Water Integration Team Coordinator
cole.hendrickson@deq.oregon.gov

State of Oregon
DEQ Department of Environmental Quality

Oregon DEQ, WQ, and WIT

- The Oregon Department of Environmental Quality (DEQ) is committed to advancing environmental protection and justice for all communities and ecosystems in Oregon, now and for future generations.
- DEQ's Water Quality Program's mission is to protect, restore and improve Oregon's water quality. This is achieved by implementing state and federal laws that protect Oregon's rivers, lakes, streams, ocean, estuaries, and groundwater. This protection keeps these waters safe for a multitude of beneficial uses, including domestic water supply, fish and aquatic life, water contact recreation, irrigation, and others.
- The Water Integration Team (WIT) at DEQ works with OWRD to uphold the Clean Water Act and carry out laws and policies associated with water right applications.

State of Oregon
DEQ Department of Environmental Quality

DEQ's Role in Water Right Reviews

- OWRD requests consultation pursuant to:
  - OAR 690-33 (Additional Public Interest Standards for New Appropriations)
  - OAR 690-310 (Water Rights Application Processing)
  - OAR 690-400 (State Water Resources Policy)
  - OAR 690-410 (Statewide Water Resource Management)
- DEQ is a member of the Interagency Review Team under OAR 690-033
- DEQ is asked to review water right applications in:
  - The Upper and Lower Columbia Basin, or
  - Areas of the state with sensitive, threatened, or endangered (ST&E) fish species presence
- DEQ provides recommendations to OWRD to protect and improve Oregon's water quality.
- DEQ's recommendations are utilized in coordination with ODFW recommendations regarding consistency with the Fish & Wildlife Mitigation Policy and impacts to ST&E fish species, their essential habitat, and whether the use will comply with existing state and federal water quality standards.

State of Oregon DEQ Department of Environmental Quality

DEQ's Tools in Water Right Reviews

- Water Availability (at 50% exceedance): Consumptive use to not exceed 20% of the natural stream flow, lowering water quality and impairing aquatic life
  - Presumptive Standard for Environmental Flow Protection
  - Percent of Natural Flow (POF): $[(consumptive\ use + proposed\ use) \div natural\ stream\ flow] \times 100$
- Total Maximum Daily Loads (TMDL) for flow related parameters (e.g., temperature) where additional reductions in streamflow would further impair water quality
- DEQ Integrated Report for water quality (WQ) standard exceedances for flow related parameters
- Additional WQ impacts that would result from the proposed use or development of the proposed use (e.g., riparian impacts; polluted return flows; runoff)

State of Oregon DEQ Department of Environmental Quality

Key Take Aways

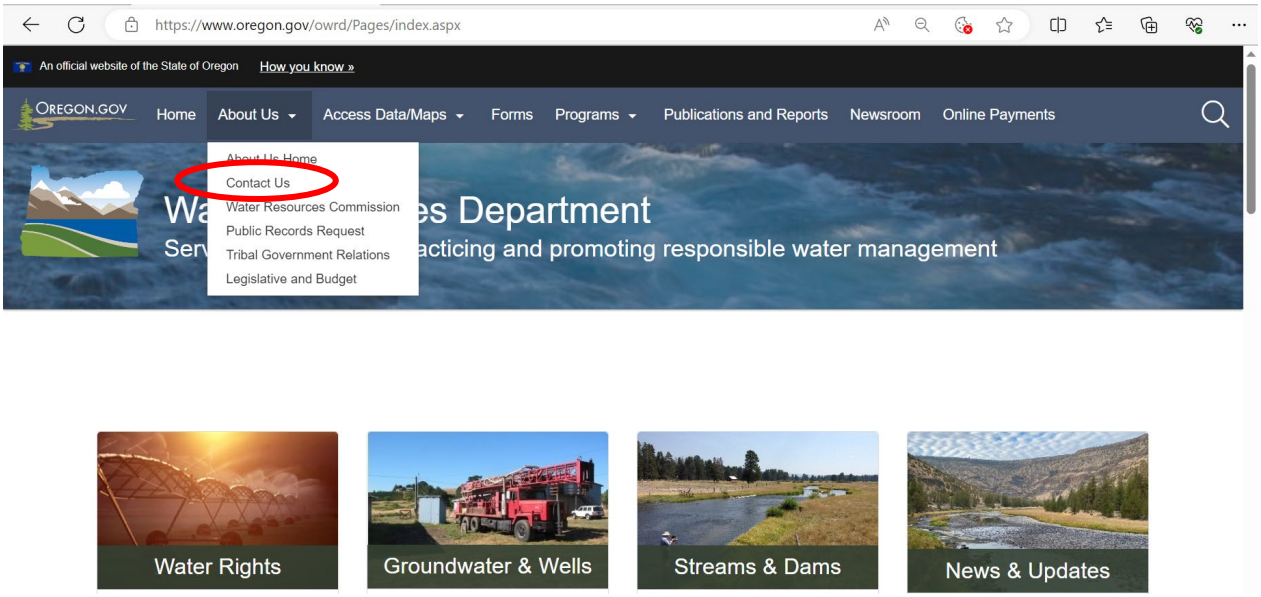
- DEQ uses the Presumptive Standard, TMDL's, and the Integrated Report in conjunction with the best available science and professional judgement
- DEQ is consulted by WRD for the applications, DEQ provides recommendations and conditions to avoid impacts to essential habitat for ST&E species through compliance with existing state and federal water quality standards, TMDLs, and Oregon's Antidegradation Policy (OAR 340-041-0004(1)).
- DEQ does not make final determinations regarding the issuance or denial of proposed uses of water

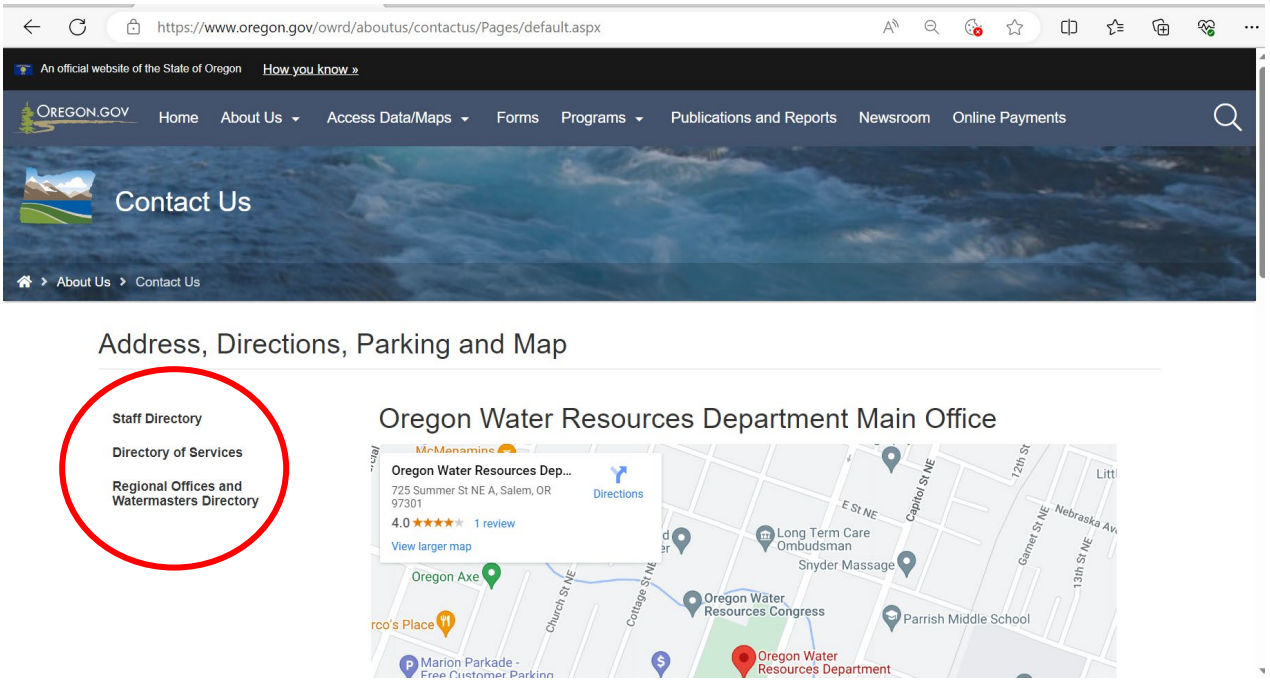
State of Oregon
DEQ Department of Environmental Quality

WATER RESOURCES CONTACT INFORMATION

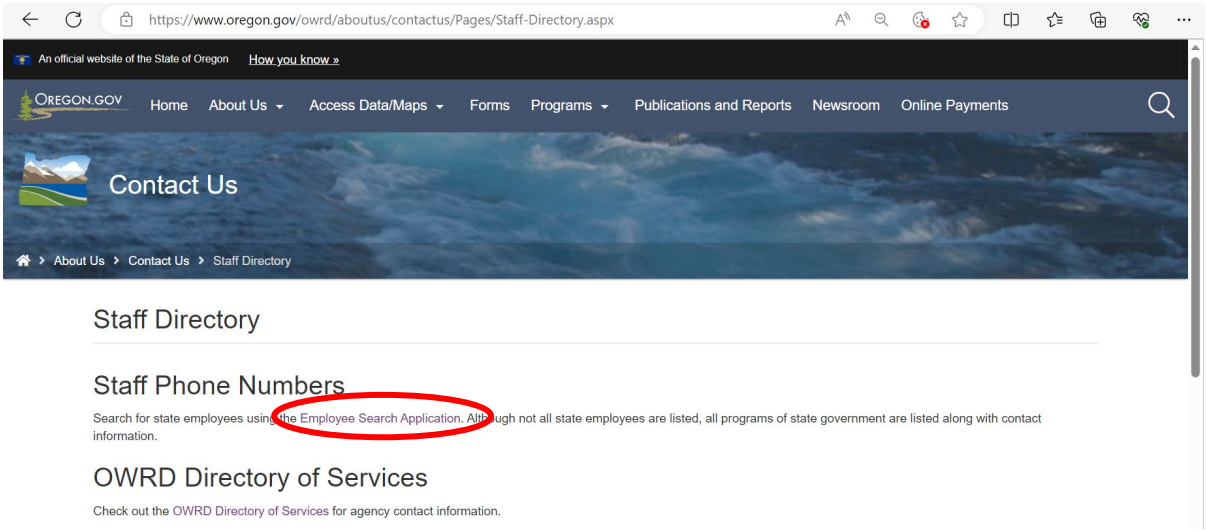
Oregon Water Resources Department Contact Information

- Staff Directories
- Directory of Services
- Regional Offices and Watermasters



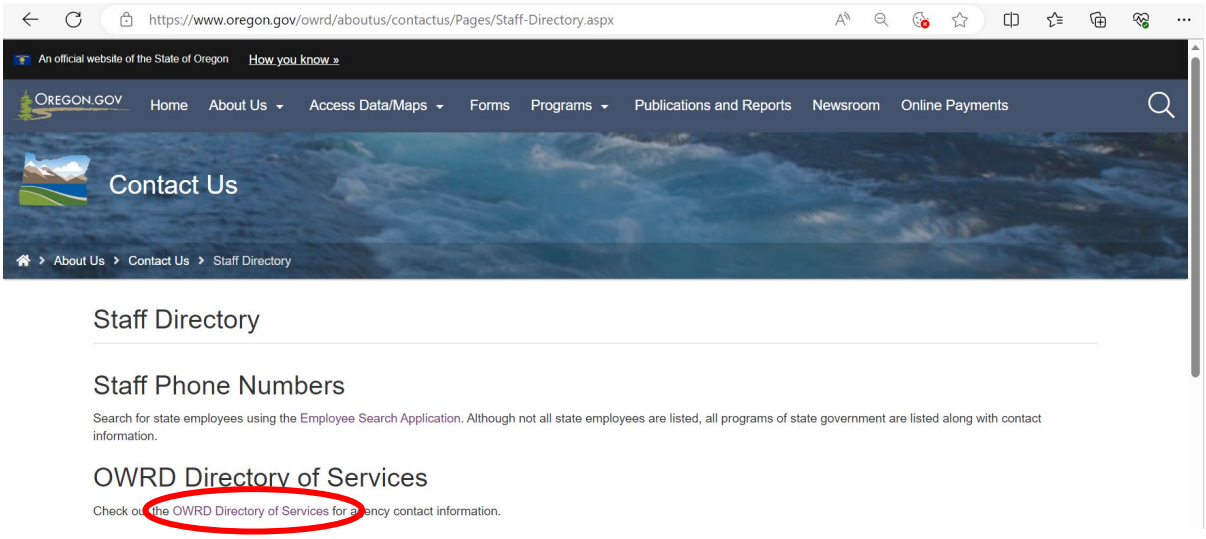


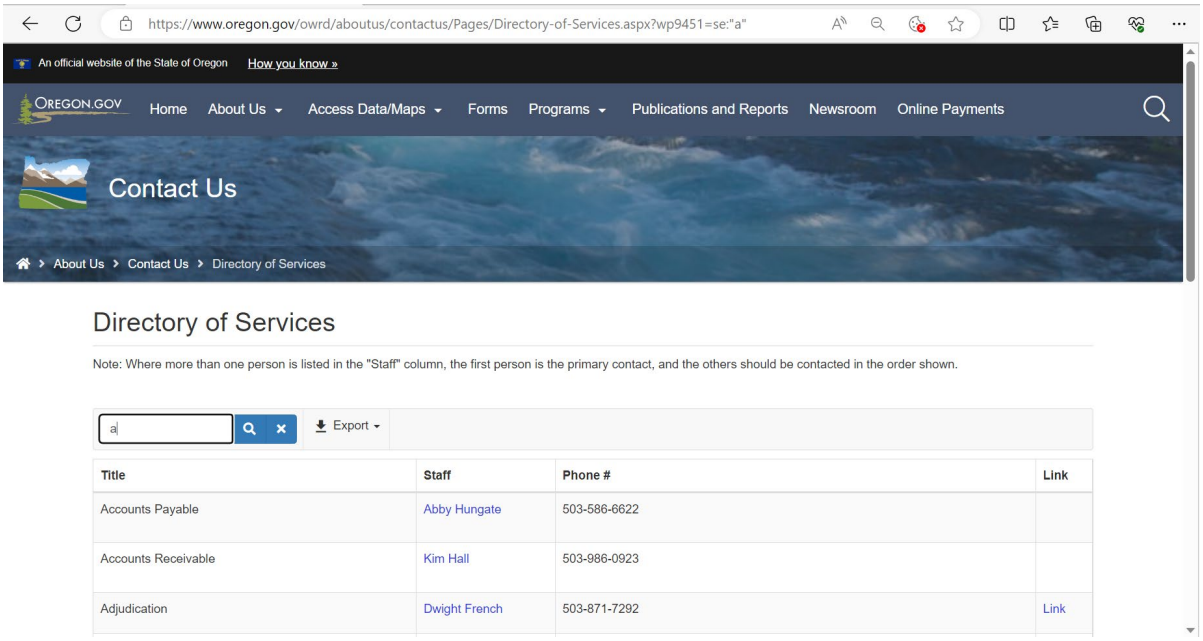
Staff Directory





Oregon Water Resources Department Directory of Services





Water Right Services Division (WRSD) PHONE LIST BY FIRST NAME

	WRSD	New Cell # or landline #
1	Adam Frederick	971-707-8400
2	Amanda Mather	971-718-7937
3	Angee Harris	503-986-0818
4	Arla Davis	503-979-3129
5	Brandon Self	971-990-9890
6	Codi Holmes	503-979-3184
7	Corey Courchane	503-979-3917
8	Corie Lovrien	503-986-0801
9	Dante Luongo	971-304-5006
10	Dave Jones	503-986-0935
11	Eliot Crafton	971-493-8610
12	Elyse Hennen	971-701-5485
13	Gerry Clark	503-979-9103
14	Jeffrey Pierceall	503-979-3213
15	Joan Smith	503-986-0892
16	Jonnine Skaug	503-979-3943
17	Katie Ratcliffe	971-338-8105
18	Kerri Cope	503 979-9544
19	Kerry Kavanagh	503-979-3208
20	Kim French	503- 979-9607
21	Lisa Jaramillo	503-871-1889
22	Lucinda Vranizan	971-375-2256
23	Martin Sanchez	971-375-6414
24	Mary Bjork	503-979-9895
25	Nick Reese	971-719-1058
26	Sarah Benham	503-979-3168
27	Sarah Henderson	503-979-9872
28	Scott Grew	503-986-0890
29	Stacy Phillips	503-979-9948
30	Tamera Smith	458-253-0597
31	Tonya Miller	503-979-9983
32	Will Davidson	503-507-2749
		9/1/2025

WATER RIGHTS CONTACT LIST

9/1/25

Nature of Question:		Contact:	
STATUS OF PROCESSING WATER RIGHTS *(Initial Review, Proposed Final Order or Final Order - IR, PFO, FO)*		Caseworker: CSG:	**[see below]** **503-986-0900 (Press 2)**
ALTERNATE PONDS (SMALL RESERVOIRS)		Caseworker: CSG:	**[see below]** **503-986-0900 (Press 2)**
WATER RIGHTS RESEARCH		CSG:	**503-986-0900 (Press 2)**
GENERAL WATER RIGHT QUESTIONS		CSG:	**503-986-0900 (Press 2)**
APPLICATION ACCEPTANCE		CSG:	**503-986-0900 (Press 2)**
PROTESTS / HEARINGS		Will Davidson:	**503-507-2749**
ASSIGNMENTS		Mary Bjork:	**503-979-9895**
DROUGHT		Caseworker:	**[see below]**
EXTENSIONS OF TIME		Jeffrey Pierceall:	**503-979-3213**
CERTIFICATES		Gerry Clark: Codi Holmes: Jonnine Skaug:	**503-979-9103** **503-979-3184** **503-979-3943**
CWRE (Certified Water Rights Examiner)		Gerry Clark:	**503-979-9103**
LIMITED LICENSE		Mary Bjork:	**503-979-9895**
COMPLIANCE W/DEVELOPMENT DEADLINES ON PERMITS		Codi Holmes: Jonnine Skaug:	**503-979-3184** **503-979-3943**
ADJUDICATIONS SURFACE WATER REGISTRATIONS		Jeffrey Pierceall:	**503-979-3213**
CLAIMS OF BENEFICIAL USE & FINAL PROOF SURVEYS		Gerry Clark:	**503-979-9103**
HYDROELECTRIC		Martin Sanchez:	**971-375-6414**
WEEKLY PUBLIC NOTICE		Dave Jones: Tonya Miller:	**503-986-0935** **503-979-9983**
REIMBURSEMENT AUTHORITY	Certificates Transfers Transfers	Kerry Kavanagh: Dante Luongo: Kim French:	**503-979-3208** **971-303-5006** **503-979-9607**
CERTIFICATE CANCELLATION	Non-Voluntary Voluntary	Will Davidson: Adam Frederick:	**503-507-2749** **971-707-8400**

WATER RIGHT APPLICATION CASEWORKERS:

Amanda Mather: 971-718-7937 **Nick Reece: 971-719-1058**

Lucinda Vranizan: 971-375-2256 **Brandon Self: 971-990-9890**

Transfers and Conservation Section – Contact List

Activity	1st Contact	Phone #	2nd Contact	Phone #
Allocation of Conserved Water	Corey Courchane	503-979-3917	Lisa Jaramillo	503-871-1889
Deschutes Groundwater Mitigation	Sarah Henderson	503-979-9872	Jeremy Giffin	541-306-4808
District Transfer	Adam Frederick	971-707-8400	Joan Smith	503-986-0892
Ground Water Registration Modification	Joan Smith	503-986-0892	Arla Davis Scott Grew	503-979-3129 503-986-0890
Instream Lease/Transfer	Sarah Henderson	503-979-9872	Stacy Phillips	503-979-9948
Permit Amendment	Arla Davis	503-979-3129	Joan Smith Scott Grew	503-986-0892 503-986-0890
Reimbursement Authority Transfer	Dante Luongo Kim French	971-304-5006 503-979-9607	Stacy Phillips	503-979-9948
Reclaimed Water Use Program	Kerri Cope	503-979-9544	Tamera Smith	458-253-0597
Split a Permit	Arla Davis	503-979-3129	Joan Smith Scott Grew	503-986-0892 503-986-0890
Transfer – Extensions of Time	Stacy Phillips	503-979-9948	Lisa Jaramillo	503-871-1889
Transfer – Protest & Appeal	Will Davidson	503-979-9160	Lisa Jaramillo	503-871-1889
Transfer – Permanent	Arla Davis Joan Smith Scott Grew Elyse Hennen	503-979-3129 503-986-0892 503-986-0890 971-701-5485	Dante Luongo Kim French	971-304-5006 503-979-9607
Temporary Transfer – including Drought Transfer	Scott Grew	503-986-0890	Arla Davis Joan Smith Elyse Hennen	503-979-3129 503-986-0892 971-701-5485
Water Management & Conservation Plans	Kerri Cope Tamera Smith	503-979-9544 458-253-0597	Lisa Jaramillo	503-871-1889

NOTE: If the 1st *and* 2nd contact person listed above are **not** available, then call anyone in the section.

Section Staff	Phone #	Section Staff	Phone #
Adam Frederick	971-707-8400	Kerri Cope	503-979-9544
Arla Davis	503-979-3129	Kim French	503-979-9607
Corey Courchane	503-979-3917	Lisa Jaramillo	503-871-1889
Dante Luongo	971-304-5006	Sarah Henderson	503-979-9872
Dave Jones	503-986-0935	Scott Grew	503-986-0890
Elyse Hennen	971-701-5485	Stacy Phillips	503-979-9948
Joan Smith	503-986-0892	Tamera Smith	458-253-0597
			September 2025

Watermaster Contact Information by District

District - Region	Watermaster	Mailing Address	Phone Number
1 - NW Region	Nikki Hendricks	c/o Port of Tillamook Bay 4000 Blimp Blvd Suite 400 Tillamook, OR 97141	503.457.8989
2 - NW Region	Lanaya Blakely	3040 N Delta Hwy Eugene, OR 97408	541.913.1154
3 - NC Region	Robert Wood	2705 E 2nd Street The Dalles, OR 97058	541.506.2652
4 - E Region	Eric Julsrud	Grant County Courthouse 201 S Humbolt, Suite 180 Canyon City, OR 97820	541.575.0119
5 - NC Region	Greg Silbernagel	116 SE Dorion Ave Pendleton, OR 97801	541.278.5456
6 - E Region	Shad Hattan	10507 N McAlister Road #6 La Grande, OR 97850	541.963.1031
7 - E Region	David Bates	401 NE First Street, Suite 11 Enterprise, OR 97828	541.398.8172
8 - E Region	Marcy Osborn	39155 Pocahontas Road Baker City, OR 97814	541.523.8224 Ext 231
9 - E Region	Jered Hoshaw	Malheur County Courthouse #4 251 B Street West Vale, OR 97918	541.473.5130
10 - E Region	Donald Swindlehurst	Harney County Courthouse 450 N Buena Vista #3 Burns, OR 97720	541.573.2591
11 - C Region	Jeremy Giffin	231 SW Scalehouse Loop, Suite 103 Bend, OR 97702	541.306.6885
12 - SC Region	Matt Anderson	513 Center Street Lakeview, OR 97630	541.947.6038

Watermaster Contact Information by District			
13 - SW Region	Shavon Haynes	10 S Oakdale, Room 309A Medford, OR 97501	541.774.6880
14 - SW Region	Scott Ceciliani	700 NW Dimmick Street Grants Pass, OR 97526	541.476.1288
15 - SW Region	Susan Douthit	Douglas County Courthouse, Room 306 Roseburg, OR 97470	541.440.4255
16 - NW Region	Greg Wacker	725 Summer Street NE, Suite A Salem, OR 97301	971.719.6262
17 - SC Region	Tom Skiles	3125 Crosby Ave Klamath Falls, OR 97603	971.375.5424
18 - NW Region	Jake Constans	1400 SW Walnut Street, MS-49 Hillsboro, OR 97123	503.846.7780
20 - NW Region	Amy Landvoigt	10722 SE Highway 212 Clackamas, OR 97015	503.312.1743
21 - NC Region	Ken Thiemann	PO Box 427 Condon, OR 97823	541.969.8799
22 - NW Region	Joel Plahn	725 Summer Street NE, Suite A Salem, OR 97301	503.508.2394
23 - NC Region	Luke Martin	116 SE Dorion Ave Pendleton, OR 97801	541.371.0818
24 - C Region	Bill Nashem	231 SW Scalehouse Loop, Suite 103 Bend, OR 97702	541.639.4109

Regional Manager Contact Information by Region

Region	Name	Address	Phone Number
C	Carolyn Sufit	231 SW Scalehouse Loop, Suite 103 Bend, OR 97702	541.591.2115
NC	Chris Kowitz	116 SE Dorion Ave Pendleton, OR 97801	541.278.5456
E	Jason Spriet	39155 Pocahontas Road Baker City, OR 97814	541.523.8224
SW	Justin Dillon	10 S Oakdale, Room 309A Medford, OR 97501	503.507.8108
NW	Mike McCord	725 Summer Street NE, Suite A Salem, OR 97301	503.559.9347
SC	Tom Skiles	3125 Crosby Ave Klamath Falls, OR 97603	971.375.5424

RESOURCES

- WRIS Code Key
- Quick Reference Guide to ORS and OAR
- How to Search for a Well Report (Well Log)
- Do Small Farms Need Water Rights?
- Exempt Water Uses in Oregon
- FAQ – Updated Rules for Allocation of New Groundwater Rights
- Fee Schedule
- CWRE Contact Information Updating Procedures

WRIS Codes

Oregon Water Resources Department

Use Codes

Mining (0)

- MI - Mining

Agriculture (1)

- AG - Agriculture
- CF - Supplemental Flood Harvesting
- CH - Harvesting of Cranberries
- CR - Cranberries
- DB - Dairy Barn
- FR - Frost Protection
- GH - Greenhouse
- MS - Mint Still
- NU - Nursery Uses
- TC - Temperature Control

Domestic (2)

- DI - Domestic Including Lawn & Garden
- DN - Domestic Expanded Including Non-Commercial Garden
- DO - Domestic
- DS - Domestic & Livestock
- GD - Group Domestic
- HC - Human Consumption
- HL - Human Consumption & Livestock
- RR - Restroom
- SC - School

Irrigation (3)

- CI - Irrigation of Cranberries
- I* - Irrigation, Livestock & Domestic
- IC - Primary & Supplemental Irrigation
- ID - Irrigation & Domestic
- IL - Irrigation & Livestock
- IR - Irrigation
- IS - Supplemental Irrigation
- NI - Non Irrigable
- PI - Practicably Irrigable

Use Codes (continued)

Miscellaneous (M)

- AH - Air Conditioning or Heating
- AS - Aesthetics
- FM - Forest Management
- FP - Fire Protection
- GR - Groundwater Recharge
- GS – Groundwater Aquifer Storage & Recovery
- MP - Multiple Purpose
- OT - Other
- PA - Pollution Abatement
- PM - Pond Maintenance
- RW - Road Construction
- ST - Storage

Wildlife (W)

- RH – Riparian Habitat Restoration Project
- WI - Wildlife

Application Characters

- AL - Aquifer Storage Recovery
- E - Enlargement
- G - Groundwater
- HE - Hydro Electric
- IS - Instream
- LL - Limited License
- MF - Minimum Flow (converted)
- P - Pond
- R - Reservoir
- RM - Reclaimed Municipal
- RW - Road Watering
- S - Surface
- U - Underground

Permit Characters

- AL - Aquifer Storage Recovery
- E - Enlargement
- G - Groundwater
- R - Reservoir
- S - Surface
- U - Underground

Status

- CN - Canceled
- DN - Denied
- EX - Expired
- MF - Misfiled
- NC - Non Canceled
- RJ - Rejected
- RSC - Rescinded
- SP - Suspended
- WD - Withdrawn

Transfer

- CM - Complete
- DN - Denied
- MF - Misfiled
- OD - Order
- PN - Pending
- RJ - Rejected
- RV - Reverted
- TM - Terminated
- WD - Withdrawn

Commercial (4)

- CM - Commercial Uses
- GC - General Construction or Maintenance
- GT - Geo-Thermal (Heating & Cooling)
- IM - Manufacturing
- LA - Laboratory
- LD - Log Deck Sprinkling
- SH - Shop
- SM - Sawmill

Recreation (5)

- CS - Campsite
- RC - Recreation
- SW - Swimming 0

Power (6)

- GE - Geo-Thermal (Energy Production)
- PW - Power Development
- RM - Ram

Fish (7)

- AQ - Aquaculture
- FI - Fish Culture
- FW - Fish & Wildlife

Livestock (8)

- LV - Livestock
- LW - Livestock & Wildlife

Municipal (9)

- MU - Municipal
- QM - Quasi-Municipal

Instream (I)

- F1 - Supporting Aquatic Life
- F3 - Anadromous & Resident Fish Habitat
- F4 – Multiple Instream Uses
- F5 - Instream Fishery Enhancement
- F7 - Flow Augmentation Fish Enhancement
- F9 - Instream Fire Protection
- PO – Pollution Abatement
- R4 – Riparian Habitat

Claim Characters

- GR - Groundwater Registrations
- KL - Klamath Adjudications
- PC - Power Claim
- SW - Surface Water Registrations

Transfer Characters

- A - Z Transfer

Meridian

- BM - Boise - Idaho
- MDM - Mount Diablo - Northern California
- WM - Willamette - Oregon & Washington

Transfer Type

- ACW - Allocate Conserved Water
- ALT - District Temporary Transfers
- AMN - Permit Amendment
- DLI - Drought Instream Lease
- DRO - Drought Transfer
- DST - Irrigation District Permit
- EXC - Exchange Transfer
- GRM - GR Modification
- GVT - Government Action POD
- HST - Historic Pod
- IL - Instream Lease
- ILP - Instream Lease - Pooled
- IS - Instream Transfer
- REG - Normal Division 15
- SAP - Split a Permit
- SLP - Split Season Lease - Pooled
- SSL - Split Season Lease
- SUB - Substitution Transfer
- TLI - Time Limited Instream Transfer
- TMP - Temporary Transfer

POD Source Type

- CN - Canal
- DR - Drain
- DT - Ditch
- LK - Lake
- PD - Pond
- RS - Reservoir
- SE - Sewage Effluent
- SM - Sump
- SP - Spring
- ST - Stream
- WE - Well
- WR - Winter Runoff
- WW - Waste Water

Quick Reference Guide

Oregon Revised Statute (ORS) & Oregon Administrative Rule (OAR)

Subject / Topic	**ORS Reference**	**OAR Reference** (Chapter 690)
Adjudications	539	
Allocations of Conserved Water	537.455 – 537.500	Div. 18
Alternate Permit Application for Qualifying Reservoirs *(Storing less than 9.2 af or dam is less than 10 ft. in height.)*	537.409	
Specific to General Industrial	537.130, 537.615 – 537.635	Div. 310
Appurtenancy	540.510	
Aquifer Storage and Recovery (ASR)	537.534	Div. 350
Artificial Recharge		
Assignments	537.220, 537.635	Div. 320
Assignment of Surface Water Registration	539.240(9)	690-028-0055
Basin Programs - General		690-500
Basin Programs - North Coast		690-501
Basin Programs - Willamette		690-502
Basin Programs - Sandy		690-503
Basin Programs - Hood River		690-504
Basin Programs - Deschutes		690-505
Basin Programs - John Day		690-506
Basin Programs - Umatilla		690-507
Basin Programs - Ggrande Ronde		690-508
Basin Programs - Powder		690-509
Basin Programs - Malheur		690-510
Basin Programs - Owyhee		690-511
Basin Programs - Malheur Lake		690-512
Basin Programs - Goose and Summer Lakes		690-513
Basin Programs - Rogue		690-515
Basin Programs - Umpqua		690-516
Basin Programs - South Coast		690-517
Basin Programs - Mid-Coast		690-518
Basin Programs - Columbia River		690-519
Basin Programs - Middle Snake river		690-520
Valuation of a Water Right		Div. 500 – Div. 520
Basin Program Exceptions	536.295	
Cancellation of Permit	537.440	Div. 320

Cancellation of Permit - Failure to Submit Proof of Completion or CBU	537.260(1)	
Cancellation of Water Right – Forfeited	540.631	Div. 17
Cancellation of Water Right – Voluntary	540.621	Div. 17
Certificates	537.250, 537.252	Div. 330
Claim of Beneficial Use	537.799	Div. 14
Clarification of Water Right	540.560	
Consent to Injury – Transfer Process	540.530	
Conserved Water, Allocations of	537.455	Div. 18
CWREs	537.797-537.798	Div. 14
Dam Safety		Div. 20
Dedicated Measurement Tube Requirement - Groundwater		690-215-0080
Definitions, Water Use Classifications		Div. 300 & Div. 500
Deschutes Basin Water Management		690-522
District Transfer - Permanent	540.572 – 540.580	Div. 385
District Transfer – Temporary	540.570	Div. 385
Diversion Works Installation Notice		690-250-0060
Drought Mitigation		Div. 19
Drought Permits		
Easements	537.139	
Exchange of Water Application (Transfer)	540.533	
Livestock Exemption (Surface Water)	537.141	
Exempt Uses – Ground Water	537.545	
Exempt Uses – Generally (SW & GW)	537.141	Div. 340
Extension of Time – Permit	537.230, 537.248 & 537.630	Div. 315
Extension of Time - Transfer	540.530	Div. 380
Fees	536.050	
Flowmeter Installation Requirement - Groundwater		690-215-0080
Following Stream Channel – POD Relocation	540.510(5)	
Forfeiture of Water Rights	540.610 – 540.670	
Forfeiture – Municipal Water Rights	540.610(2)(a)&(b)	
Forfeiture – Rebuttal of Presumption	540.610(2)	
Geothermal Wells	537.090	
Government Action – POD Change	540.510(6)	
Ground Water Interference with Surface Water		Div. 9
Ground Water Registration (GR)	537.605	
Groundwater Registration Modification	537.610(4)	Div. 382

Hydroelectric		
Incremental Perfection of a Municipal Water Right	537.260(4)	Div. 320 (see 0040)
Industrial, Specific to General	540.520(9)	
Instream Water Rights	537.332 – 537.360	Div. 77
Irrigation Seasons	537.385	
Klamath Adjudication		
Klamath River Compact	542.610	
Land Use Compatibility		
Limited Licenses	537.143, 537.144	Div. 340
Livestock Exemption (Surface Water)	ORS 537.141(2)	
Measurent Device Installation Requirement - Surface Water	540.310	
Measuring Device Installation Notices		690-250-0060
Minimum Perennial Streamflow Conversion	537.346	
Mitigation Credits for Projects in the Deschutes River Basin	537.746	Div. 521
Municipal Water Right, Incremental Perfection of	537.260(4)	Div. 320
Municipal POU Boundary	540.510(3)(a)	
Municipal - Who Qualifies?	540.510(3)(b)	
Partial Perfection of a Municipal Water Right	537.260(4)	Div. 320
New Applications for Water Use Permit	537.130, 537.615 – 537.635	Div. 310
Permits		Div. 320
Permit Amendments	537.211	Div. 380
Permit Amendments – District POU	537.252	Div. 380
Permit Extension of Time	537.230, 537.248 & 537.630	Div. 315
POA Revert		690-380-6010(6)
POD Change – Government Action	540.510(6)	
POD Relocation – Following Stream Channel	540.510(5)	
POD Revert		690-380-6010(6)
Protests		
Public Interest, Presumption of	537.153(2), 537.170(8)	
Public Ownership of Water	537.110	
Pump Tests	537.772	Div. 217
Pump Tests - Acceptable Techniques for Measurement of Water Level and Discharge		690-217-0045
Pump Tests - Collector Wells and Infiltration Galleries		690-217-0015(7)
Pump Tests - Exemptions (Unreasonable Burden)		690-217-0015(3)
Pump Tests - Exemptions (Public Water Supply Wells)		690-217-0015(3)
Pump Tests - Multiple Well Exemption		690-217-0020(3)

Pump Tests - Purpose		690-217-0015(9)
Pump Tests - Qualifications for Conducting Pump Tests		690-217-0050
Pump Tests - Required Prior to Cert Issuance (applications for permits received on or after December 20, 1988)		690-217-0020(1)
Pump Tests - Specifications (Non-Artesian Wells)		690-217-0025
Pump Tests - Specifications (Artesian Wells with Pumps)		690-217-0030
Pump Tests - Specifications (Artesian Wells without Pumps)		690-217-0035
Pump Tests - Sumps and Wells With Diameters Greater Than 36 Inches and Depths Less Than 30 Feet		690-217-0015(6)
Rainwater Collection - Exempt	ORS 537.141(h)	
Ready, Willing and Able - Forfeiture of a Water Right	ORS 540.610	
Ready, Willing and Able - Proving up on an IS GW Permit	ORS 537.630(9)	
Ready, Willing and Able - Proving up on an IS Surface Permit	ORS 537.230(7)	
Reasonable Diligence – SW Permit Extension of Time	537.230	Div. 315
Reclaimed Water	537.131, 537.132	
Regulation of Controlling Works of Wells/Groundwater	537.777	
Regulation of Wells/Groundwater	537.780	
Reservoir, Alternate Permit Process	537.409	
Reservoir, Exempt	537.405	
Reservoir Permits	537.400	
Reversion -POD/POA		690-380-6010(6)
Road Watering – Registration of Water Use for Maintenance and Construction	537.040	Div. 340
Scenic Waterway Designations	390.826 (See also: OAR 736-040-007(1)(2) for the Sandy SWW)	
Scenic Waterway Policies	390.835(9)(q)	
Specific to General Industrial	540.520(9)	
Statewide Water Resource Management	536.220, 536.300	Div. 410
STEP (Salmon Trout Enhancement Program)	537.142	
Substitution	540.524	Div. 380
Surface Water Registration - Program	539.240	
Surface Water Registration	537.610	
Surface Water Registration, assignment	539.240(9)	690-028-0055
Surface Water Registration, amendments	539.240(11)	690-028-0055
Surface Water, Withdrawn	538.110 – 538.300	

Time Limits - Surface Water Permits (Non-Muni) - 5 years	ORS 537.230(2)	
Time Limits - Surface Water Permits (Muni) - 20 years	ORS 537.230(3)	
Time Limits - Storage Permits (County, Muni, or District) - 10 years	ORS 537.248(1)	
Time Limits - Groundwater Permits (Non-Muni) - 5 years	ORS 537.630(2)	
Time Limits - Groundwater Permits (Muni) - 20 years	ORS 537.630(3)	
Temporary Transfer	540.523	380
Transfer of Water Right, Generally	540.505 – 540.585	380
Transfer – Consent to Injury	540.530	380
Transfer – Change in POU	ORS 540.510-542	380-2200
Transfer – Change in POD or POA		380-2110
Transfer – District Permanent	540.572 – 540.580	385
Transfer – District Temporary	540.570	385
Transfer – Exchange of Water	540.533	380
Transfer – Extension of Time	540.530	380
Transfer – Historic POD Change	540.532	380-2120
Transfer – SW to GW Change	540.531	380-2130
Transfer – Temporary	540.523	380
Valuation of a Water Right	537.390	
Waters of the State	537.110	
Water Management and Conservation Plans		86
Watermaster Duties	540.045	
Water Use Reporting – Governmental Entities	537.099	85-0010
Water Use Reporting – Methods for Measuring and Computing Water Use		85-0015
Serious Water Management Problem Areas		85-0020
Well Construction		Div. 200 – Div. 240
Well, Definition of	537.515(9)	
Wells, Geothermal	537.090	
Withdrawn Surface Water	538.110 – 538.300	

How to Use the Well Report Query

Before you begin, it is helpful to gather the following information:

1. Complete property address, with zip code.

2. Names of previous owners, especially around the time the home was built or placed on the property.
   Hint: *Well Reports are archival in nature and remain under the name of the landowner at the time. Check with the County Assessor's Office of a title company for the property history.*

3. The property Map Number, map tax lot number (i.e.: a series of numbers / letters like 3S102B000105) is actually the Township, Range, Section and Tax Lot in disguise.
   Hint: *The Map number above would translate to: Township 3 South, Range 1 West, Section 2. The North/South line (Township) cuts through Portland, and the East/West line (Range) is roughly 2 miles east of the I-5 corridor.*

4. The Lot and Block numbers, if applicable. (Report might not list the current property address.)

5. Any former address the property might have been known as (such as a Route and Box number.)

6. Double-check to see if the well has a Well Identification Number (stainless steel label) on the casing.

Now you're ready to search online for a Well Report. Type www.oregon.gov/owrd in the navigation pane. Hit "Enter" to default to OWRD's home page. Under Groundwater and Wells, click "Find a Well Report". Or, here is the direct link to the Query: https://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx. A picture of the query page is shown below.

Step-by-step directions:

1. If you found a Well ID on the well, simply enter the number in the Well Label field, and click "Search".

2. If there's no Well ID, then search by Township, Range, and Section (TRS) on the left. You can get the TRS by clicking "Search by Map", or look it up on the county assessor website. Then come back to the Query and enter it. (Sorry for the inconvenience, while the "Find TRS by Address" button is not available.)

3. Now move to the right side of the page. These fields give you several *options* of how to find records, but you do not need to try and fill it all in. LESS IS MORE.



4. If entering Owner Last Name or Company Name, enter the first 2-3 letters only. Some reports are hard to read, so information might appear differently than expected.

5. If you are looking for a domestic water well, choose “Water Well” on the “Type of Report” menu.

6. On “Records per Page”, add a “0” to the end of 10 to make it at least “100”, for easy scrolling through the results page.

7. Click “Search”. A list of Well Reports will appear. To sort data, click any of the column headings (blue text). It's best to sort by "Street Address of Well" first, and then look for address or Lot/Block.

8. To view a Well Report image, click on the Well Log number (first 4 letters of the county and some numbers) in the far-left column.

Hint: The street address and Tax Lot may not always be included on Well Reports, especially for older wells. Sometimes the PDF shows more information than what was entered in the database, so check the image if the address field is blank.

Again...LESS IS MORE… Try these tricks during your search:

- Un-check the Section box, OR also click surrounding sections; the report may be filed under a nearby section
- Take out the TRS and search by County and first 2-3 letters of the Owner Last Name or Company Name
- As a last resort, try entering only the County and Tax Lot (Tax Lots change and may not be listed at all)

Note: Wells constructed prior to 1955 may not have a Well Report on file with the Department.

Questions?
Contact the Well ID Program Specialist at 971-287-8218, or email at for more information and assistance in navigating the Well Report Query.

OREGON WATER RESOURCES DEPARTMENT

Oregon Water Resources Department 725 Summer Street NE, Suite A Salem Oregon 97301
(503) 986-0900 – www.oregon.gov/owrd

OREGON WATER RESOURCES DEPARTMENT

Do Small Farms Need Water Rights?

Water is essential for farms across Oregon. In Oregon, water used for commercial agriculture purposes usually requires a water right, with limited and specific exceptions. A water right clearly defines your 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.

Your domestic well is exempt and is designed to provide water to your household and up to a half-acre of land, primarily for maintaining a lawn or a small garden. Beginning January 1, 2026, you may use up to 3,000 gallons of groundwater per day to irrigate a commercial garden no larger than a half-acre. **It's important to understand that this does not increase the size of total irrigation allowed on the property to a combined total over a half-acre.**

There are many pathways to irrigate commercial crops

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

- ***Beginning January 1, 2026*** – Using up to 3,000 gallons of groundwater per day to irrigate a lawn or garden up to a half-acre.
- 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.

We're here to help

Oregon watermasters are responsible for enforcing water law across the state. They observe water use to determine if it is in compliance with Oregon requirements. Your local watermaster is available to help you 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.

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

Funding may be available to you

If you are looking for assistance building irrigation infrastructure, you may qualify for grants or loans.

- Visit The Oregon Department of Agriculture's New and Small Farms page at **https://www.oregon.gov/oda/agriculture/pages/newsmallfarms.aspx**.
- Visit The Oregon Department of Agriculture's Grants, Loans and Technical Assistance at **https://www.oregon.gov/oda/agriculture/Pages/Grants.aspx**.

OREGON WATER RESOURCES DEPARTMENT

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**.

Frequently Asked Questions

Updated Rules for Allocation of New Groundwater Rights

OREGON WATER RESOURCES DEPARTMENT

Who do these rules affect?

The updated rules impact anyone applying for new groundwater rights in Oregon following Commission adoption and filing with the Oregon Secretary of State's Office.

Under Oregon law, all water belongs to the public. With some exceptions, cities, irrigators, businesses, and other water users must obtain a permit or license from the Oregon Water Resources Department (OWRD) to use water from any source - whether it is underground (known as groundwater), or from lakes or streams (known as surface water). The updated rules detail how OWRD assesses groundwater availability for new groundwater water rights.

Who is not affected by these rules?

Applicants that had groundwater applications submitted to OWRD prior to the effective date of the rules will be evaluated using the rules in effect at the time of their application. Existing water rights holders and uses exempt from permitting under statute are not impacted by the rule update. Uses exempt under statute include self-served domestic supply, irrigation of noncommercial lawns or gardens up to a half-acre, stock watering, a single industrial or commercial use not exceeding 5,000 gallons per day, and fire control.

Why did OWRD update the rules?

Oregon's groundwater levels have dropped over time due to excessive pumping and a changing climate. These declines led to higher costs for groundwater users to pump water, more wells going dry across the state, additional impacts to already over-appropriated surface waters, and the worsening of water quality in some areas. Prior rules have been inadequate for addressing declining groundwater levels and the cumulative impacts to streams and surface water from groundwater pumping.

What do the new rules change?

The new rules guide one component of how OWRD grants new groundwater rights. The new rules are designed to promote sustainable groundwater use. This means that when evaluating a new use application, OWRD is looking to determine whether water is available for further appropriation, including:

- Determine if groundwater levels are reasonably stable.
- Prioritize existing water rights over new groundwater rights that will interfere with surface water rights.
- Confirm the target aquifer is capable of physically producing the requested new rate of use.

This is largely achieved through defining reasonably stable groundwater levels and expanding the evaluation of impacts to surface water; this will alter the criteria OWRD uses for evaluating new groundwater use applications.

What if OWRD doesn't have the data to determine if water is available for further appropriation in my area?

When applying for a new groundwater right, applicants may submit data and information that water is available in the area that they wish to develop for groundwater use. OWRD will take the submitted information along with existing agency data under consideration when evaluating the application.

What impact will the updated rules have?

The new rules will result in fewer permits being issued for new groundwater uses. This will protect existing wells from going dry and will better protect existing water users. Alternative tools such as conservation, mitigation strategies, and water reuse are expected to be required to meet new or expanded water demands, which may be more costly.

How did OWRD involve the public during the rulemaking process?

In fall 2022, OWRD held several outreach meetings around the state to gather public input on the current process for issuing new groundwater rights, including ideas for improving the process. A final report summarizing the effort and findings is available online.

In April 2023, OWRD convened a Rules Advisory Committee (RAC), which brought together 30 representatives from Tribes, local governments, water justice organizations, conservation groups, agricultural interests, consultants, climatologists, economists, and water rights experts to provide input on the draft rules. The RAC met eight times between April 2023 and January 2024. These meetings were open to the public with opportunities for public comment. Video recordings and meeting materials are available online. OWRD has provided informational presentations to other groups, including Tribes, local governments, water utility associations, and agricultural associations.

What are the economic impacts of these rules?

OWRD conducted a qualitative assessment of foreseeable economic impacts, noting uncertainties about future water availability. This information is available in the Fiscal and Economic Impact Statement section of the Notice of Proposed Rulemaking submitted to the Oregon Secretary of State. The RAC provided input on the potential economic and fiscal impacts of the rule changes.

How are groundwater and surface water connected?

Groundwater plays a crucial role in the water cycle. When it rains, the water seeps into the ground and refills the groundwater. This water then moves underground and often comes up as springs or goes straight into rivers or other surface water bodies. This movement of groundwater into rivers is called "baseflow." In many rivers in Oregon, baseflow is a big part of the total water in the river, especially summer-time flow in rivers that don't get water from reservoirs or melting snow. These connections in the water cycle are often called "hydraulic connections."

How does OWRD assess hydraulic connection?

A hydrogeologist determines hydraulic connections through data analysis, scientific observation, and professional judgment. Common site-specific data that informs a hydraulic connection finding includes the local hydrogeology as described in published reports, relative groundwater and surface water elevations, and stream periodicity (e.g., whether the stream is perennial, intermittent, or ephemeral).

How do the updated rules address basin-specific groundwater availability concerns?

The rules apply statewide and are supported by a robust statistical analysis of data from all Oregon counties and administrative basins. While these statewide rules establish a consistent method for assessing groundwater availability, each application will be reviewed based on a site-specific evaluation using local data.

What alternatives are available for securing new water rights for housing, cities, and farms?

There are several pathways to access water for health and safety, population growth, economic development, and housing. Some examples include:

- Efficiency and conservation measures to offset water needs.
- Transfer of water rights.
- Water sharing agreements.
- Market-based solutions.
- Designing for water reuse and reclamation.
- Aquifer storage and recovery.

On a larger scale, planning initiatives can help communities explore multifaceted solutions to their long-term water needs.

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301
503-986-0900
www.oregon.gov/OWRD

Fee Schedule

Effective July 1, 2025

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WATER USE PERMIT APPLICATIONS

(OAR Chapter 690, Division 310)

Please use our EASY Online Fee Estimator:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator/

1. Application for Groundwater or Surface Water

Surface Water Base $1,635.00
Groundwater Base $2,355.00

PLUS:
1st cubic foot per second (CFS) or fraction thereof.....$615.00
Each additional CFS or fraction thereof.....$615.00
Each additional use, point of diversion or well after the 1st.....$615.00
Permit Recording Fee..... See Page 3

If also proposing to appropriate stored water under the surface water application, add the following:

Each Acre Foot (AF) or fraction thereof up to 20 AF $62.00
Each additional AF or fraction thereof $2.10

2. Application to Store Water in a Reservoir (Standard Process)

To Store Water Base $1,635.00

PLUS:
Each Acre Foot (AF) or fraction thereof up to 20 AF $62.00
Each additional AF or fraction thereof.....$2.10
Each additional storage location after the 1st.....$240.00
Permit Recording Fee..... See Page 3

Note: An application for an Aquifer Storage and Recovery permit shall be accompanied by the same fee as described for an application to store water, as shown above.

3. Application to use Stored Water ONLY

Base $915.00

PLUS:
Each Acre Foot (AF) or fraction thereof up to 20 AF $62.00
Each additional AF or fraction thereof up to 600 AF.....$2.10
Each additional AF or fraction thereof after 600 AF $1.00
Permit Recording Fee..... See Page 3

ALTERNATE PERMIT APPLICATION FOR QUALIFYING RESERVOIRS

(Storing less than 9.2 acre-feet or dam less than 10 feet in height) ORS 537.409

Base $720.00

PLUS:
Each Acre Foot (AF) or fraction thereof $62.00
Permit Recording Fee ..... See below

WATER USE PERMIT RECORDING FEES

As of July 1, 2009, there is a permit recording fee required for all new permits, including permits issued under the Alternate Reservoir Process. These fees must be paid prior to permit issuance and may be paid earlier. A refund will be made if the fee is paid early but no permit is issued.

Standard permit recording fee.....$915.00

Additional fee if permit approval involves
mitigation for impacts to the proposed water source..... $1,185.00

WATER USE AUTHORIZATIONS

(OAR Chapter 690, Division 340)

1. **Limited License**
   Base 1st point of diversion.....$280.00

   Each additional point of diversion $30.00

   For a limited license requiring the use of water for
   Aquifer Storage & Recovery testing purposes $1,150.00

   For renewal of a limited license for Aquifer Storage & Recovery
   testing purposes $575.00

   For modification of a limited license for Aquifer Storage & Recovery
   testing purposes.....$575.00

   For a limited license filing requesting the use of water for
   Artificial Groundwater Recharge purposes $1,150.00

2. **Registration of Water Use for Road Maintenance and Construction**
   Initial application..... $340.00
   Renewal (each year).....$60.00

EMERGENCY DROUGHT APPLICATIONS

(OAR Chapter 690, Division 19)

1. **Emergency Water Use Permit**
   - Examination Fee.....$200.00
   - Recording Fee:
     - For the 1st CFS or fraction thereof $400.00
     - For each additional CFS or fraction thereafter $100.00

2. **Temporary Drought Transfer**
   - Examination Fee.....$100.00
   - Recording Fee:
     - For the 1st CFS or fraction thereof $100.00
     - For each additional CFS or fraction thereafter $50.00

3. **Option or Agreement**
   - Application Fee $200.00

4. **Temporary Substitution**
   - Application Fee $100.00

5. **Temporary Drought Instream Leases**
   - For a lease involving four or more landowners or four or more water rights..... $520.00
   - For all other leases.....$350.00
   - To renew a lease $130.00

TRANSFER OF WATER RIGHTS (CHANGES TO WATER RIGHTS)

(OAR Chapter 690, Divisions 380 and 385)

Please use our EASY Online Fee Estimator
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator/ or the worksheets in the application forms.
For additional assistance in calculating transfer fees, call (503) 986-0801 or (503) 986-0890.

1. Regular Transfers, Permit Amendments, and Water Right Exchanges

A type of change is any of the following: place of use, point of diversion/appropriation, or character of use.

Base: Minimum fee for one change to a single water right.....$2,040.00

PLUS:
Additional fee for transfers that change a well location, add a well, change from a surface water diversion to a well, or a substitution $720.00

Each additional point of appropriation (well) after the first $615.00

Each additional water right or permit (including supplemental water rights) $915.00

Each additional type of change requested $1,635.00

For a change in place of use or type of use or water exchange:
For each cubic foot per second (CFS) or fraction in addition to the 1st CFS $615.00

(Calculate CFS for primary rights only, not supplemental rights)

2. Temporary Transfers

Temporary transfers are allowed for a change in place of use, a change in point of diversion/ appropriation if necessary to convey water to the new temporary place of use, a change in character of use identified in a right to store water, and a change in character of use under some circumstances in the Deschutes Basin.

Base fee for change to one water right $1,425.00

PLUS:
Each additional water right or permit (including supplemental water rights) $465.00
Irrigation uses: Charge per acre of land irrigated (acres of primary irr. only).....$4.10
(or $1.10 if submitted in a Department approved digital format)
Non-Irrigation uses: Charge for each CFS or fraction beyond the 1st CFS $345.00

3. Permanent Irrigation District Transfers

Base fee for change to one water right $2,040.00

PLUS:
Each additional water right or permit (including supplemental rights)..... $915.00
For each cubic foot per second (CFS) or fraction in addition to the 1st CFS $615.00

(Calculate CFS for primary rights only, not supplemental rights)

4. Temporary Irrigation District Transfers

Base fee for change to one water right $1,425.00

PLUS:
Each additional water right or permit (including supplemental rights).....$465.00
Irrigation uses: Charge per acre of land irrigated (acres of primary irr. only) $4.10
(or $0.70 if submitted in a Department approved digital format)
Non-Irrigation uses: Charge for each CFS or fraction beyond the 1st CFS $345.00

5. Substitution of Primary Surface Water Right for Supplemental Groundwater Right

Base fee for first well substitution.....$1,485.00

PLUS:
Each additional well substitution $720.00

6. Waiver of Fees (OAR 690-380-3400)

The Director shall waive $100.00 or 50 percent of the application fee, whichever is greater, for that portion of a change to a water right permit under ORS 537.211(4) or a water right subject to transfer under ORS 540.520 or 540.523, that is:

(1) To establish an instream water right pursuant to ORS 537.348;
(2) Necessary to complete a project funded by the Oregon Watershed Enhancement Board under ORS 541.932; or
(3) Determined and endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.

GROUNDWATER REGISTRATION MODIFICATIONS
(OAR Chapter 690, Division 382)

Examination of an application to ONLY change the place of use under a groundwater certificate of registration $875.00

Examination of all other applications to modify a groundwater certificate of registration..... $1,250.00

NOTE: If the applicant for a modification to change the point of appropriation (well) abandons the original well identified in the claim according to well construction standards within one year of the Department's recognition of the modification, the applicant may request a refund of $100.00 of the fee paid under OAR 690-382-0400(18)(b).

INSTREAM LEASES
(OAR Chapter 690, Division 77)

To lease a water right instream:
For a lease involving four or more landowners or four or more water rights..... $915.00
For all other leases.....$615.00

To renew a lease $225.00

ALLOCATION OF CONSERVED WATER
(OAR Chapter 690, Division 18)

Examination of an application for an allocation of conserved water:
For the 1st water right involved in the allocation.....$2.040.00*

PLUS:
Each additional water right involved in the allocation $720.00
***Fee may be reduced under ORS 536.050(5)**

WATER MANAGEMENT AND CONSERVATION PLAN
(OAR Chapter 690, Division 86)

Examination of a water management and conservation plan:
For a plan submitted by an agricultural water supplier.....$1020.00

For a plan submitted by a municipal water supplier serving a population of 1,000 or less..... $1,830.00

For a plan submitted by a municipal water supplier serving a population of more than 1,000 .....$3,675.00

WELL CONSTRUCTION AND COMPLIANCE FEES

(OAR Chapter 690, Division 190, Division 205, & Division 240)

1. **Start Card Fee** (Notice of Beginning of Well Construction) $490.00

   Each Start Card submitted for the construction of a new well, deepening of an existing well, or conversion of a well is to be accompanied by a fee of $490.00. This includes both water supply and monitoring wells. (ORS 537.762)

2. **Geotechnical Hole Fee** (First Hole) $25.00
   Each additional hole in a 7-day period on the same project site.....$10.00

   A geotechnical hole is constructed to collect subsurface data, monitor movement of landslide features, or to stabilize or dewater landslide features.

   A geotechnical hole report shall be signed by an Oregon licensed Monitoring Well Constructor, an Oregon licensed Water Well Constructor, an Oregon Registered Geologist or an Oregon Professional Engineer and must be submitted to the Department if the geotechnical hole is (ORS 537.880-537.895):
   - Greater than 18 feet deep;
   - Within 50 feet of a water supply or monitoring well;
   - Used to make a determination of water quality; or
   - Constructed in an area of known or reasonably suspected contamination.

3. **Landowner Permit Fee $550.00**

   If a well is to be constructed, altered, abandoned or converted by a person on property owned by that person, by means of a well drilling machine, the person shall obtain a permit from the Commission before beginning work. (ORS 537.753)

4. **Well Construction Exam Study Packet Fee $30.00**

A Well Construction Exam Study Packet includes copies of Oregon Administrative Rules and Oregon Revised Statutes, with appendices, tables and figures, pertaining to the appropriation and use of groundwater, State of Oregon licensing requirements, well construction, and the preparation and filing of Start Cards and Well Reports. The fee is only charged if the applicant would like a printed copy of the study packet. The packet is also available online for free.
https://www.oregon.gov/owrd/programs/GWWL/WCC/resourcesforwellconstructors/Pages/Licensing-Examp-Information.aspx (ORS 537.750)

5. **Well Constructor License Fees**
   Exam Fee $25.00
   Initial License Fee $165.00

Renewal License Fee (licenses are valid for two years) $165.00
Late License Renewal Fee (includes $100.00 late fee).....$275.00

Any person advertising services to construct, alter, abandon or convert wells, offer to enter or enter into a contract with another person or public agency to construct, alter, abandon or convert a well for such other person, cause any well construction, alteration, abandonment or conversion to be performed under such a contract or operate well drilling machinery shall possess a water well constructor's license, in good standing, issued by the Department. (ORS 537.747)

6. **Exempt Use Well Fee $300.00**

The exempt use fee is paid to record new exempt use groundwater wells. The program is meant to improve the management of groundwater throughout the state. The fee is used to support the evaluation of groundwater supplies, conduct groundwater studies, and to carry out monitoring and processing of groundwater data. (ORS 537.545)

DAM SAFETY ANNUAL FEES

(OAR Chapter 690, Division 20)

The hazard rating is based on potential damage a dam can do to downstream infrastructure or people if it catastrophically failed. It is not a reflection on the condition or maintenance of the existing dam. The rating is determined by calculating or estimating the degree of flooding that would occur and whether homes, roads or business would be flooded, and if there is a potential for loss of life.

Low Hazard Rating Fee.....$190.00
Significant Hazard Rating Fee.....$360.00
High Hazard Rating Fee $1,235.00
Late Fee.....$220.00

OTHER FEES

Filing a protest:

- By a non-applicant $1,425.00
- By an applicant $720.00

To request standing in a contested case hearing $405.00

To participate in a contested case hearing (requires standing) $1,020.00

To request a basin program exception under ORS 536.295 ..... $1,170.00

Extension of time to develop a water use permit or transfer $1,170.00

To reinstate a permit that has been cancelled $915.00

Assignment or partial assignment of a water right application, permit or license under 537.220 or 537.635 ..... $180.00

Assignment ("Split-A-Permit") of a water right to one or more landowners and issuance of replacement water right permits ..... Actual cost of work

To submit a Claim of Beneficial Use for permits with a priority date of July 9, 1987 or later, or transfers submitted on July 9, 1987 or later $345.00

Blueprint or Computer-Generated Map ..... Actual cost of the work

To receive a copy of both a Proposed Final Order and Final Order on a pending water right application or permit extension $53.00

Certification of Copies (fee for each certificate) $21.00

Copying of documents by the Department:

- For the 1st page $4.10
- For each additional page $1.10

Copying of documents by the customer:

- Minimum charge $2.00
- Charge per page $0.10

Research and scanning of water rights:

- Minimum charge ..... (½ hour)
- Charge per hour ..... Actual cost of work

Adjudication Claim Fees ..... see ORS 539.081

Certified Water Right Examiner
Contact Information Updating Procedures

To Begin:
Navigate to the CWRE License Login web page at:

https://apps.wrd.state.or.us/apps/wr/cwre_address_update/login.aspx?ReturnUrl=/apps/wr/cwre_address_update

-OR-

Follow the link on the Resources for Water Right Examiners page titled “Update Contact Information” identified under “Other Resources”.

Once there, enter your user name and password (previously provided)
**Tip – the password is case sensitive

If you have properly entered your user name and password, your contact information will appear on the left side of the page.

Updating your contact information:
Review the “Our Records Indicate” fields.

If changes are necessary, make changes to any fields where the information is incorrect or incomplete in the “Changes” fields.

The amount of information you provide is your choice. For example, if you only want to include your work contact information, and do not want to provide home contact information, you do not need to include it.

If you want to change your password, this can be done on the “Changes” portion of this page.

Making your name available to the public:
On the update page, indicate “Y” or “N” for “Make available to the public”

If you choose to make your information available to the public, select the counties in which you are interested in working in from the “Available Counties” list.

To select a county, left click on the county or group of counties, and then left click on the arrow pointing right toward the “Selected Counties” table. The selected counties should move to the “Selected Counties” table.

To finalize your changes/entries, select the “Update” button and your new contact information will be displayed on the screen.