# 2026 CWRE Workshop Handbook



## Oregon Water Resources Department

**Presented By: Katie Ratcliffe**
**& Jeana Eastman**

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# Introduction & Agenda

1. Welcome & Introduction
2. WRSD Overview & Restructure
3. Water Law 101
3. Legislative Changes
5. *Morning break*
4. Rulemaking Changes
7. *Lunch – 12:00 pm*
5. Internal Improvements
9. Updates since Groundwater Allocation Rulemaking
10. *Afternoon break*
11. Guest Speaker – Field Services
12. Questions & Wrap-up

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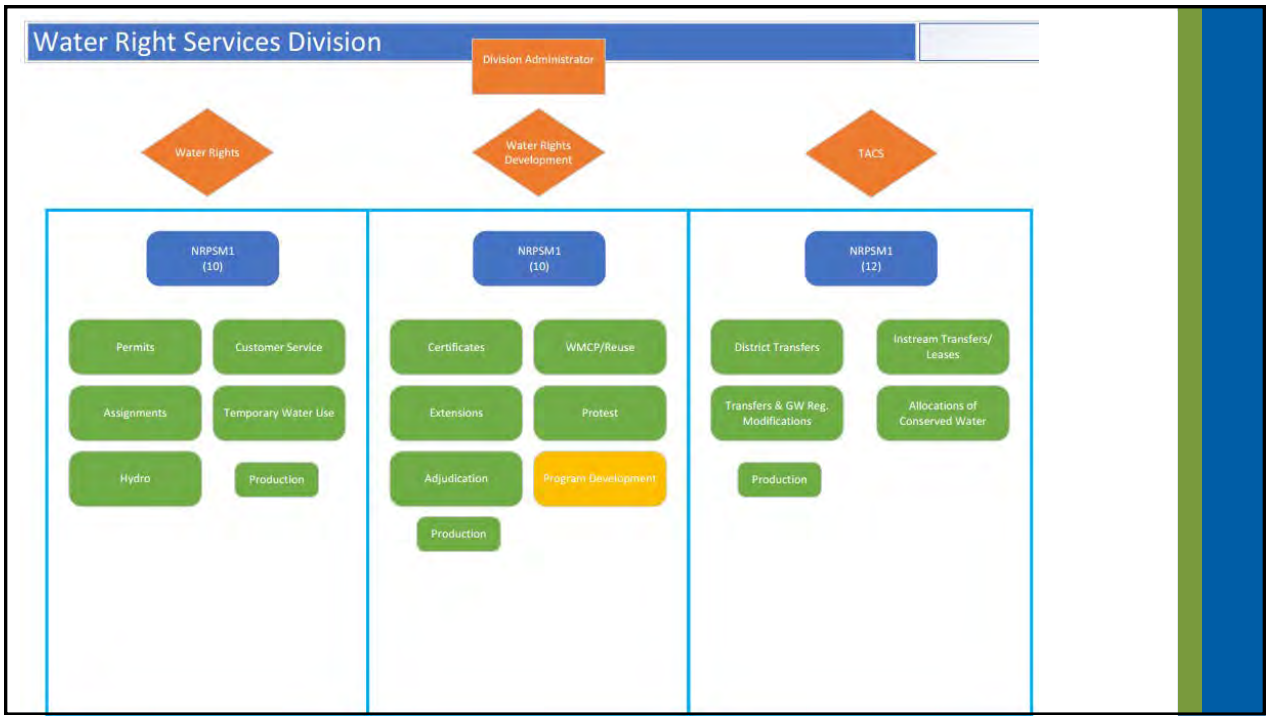

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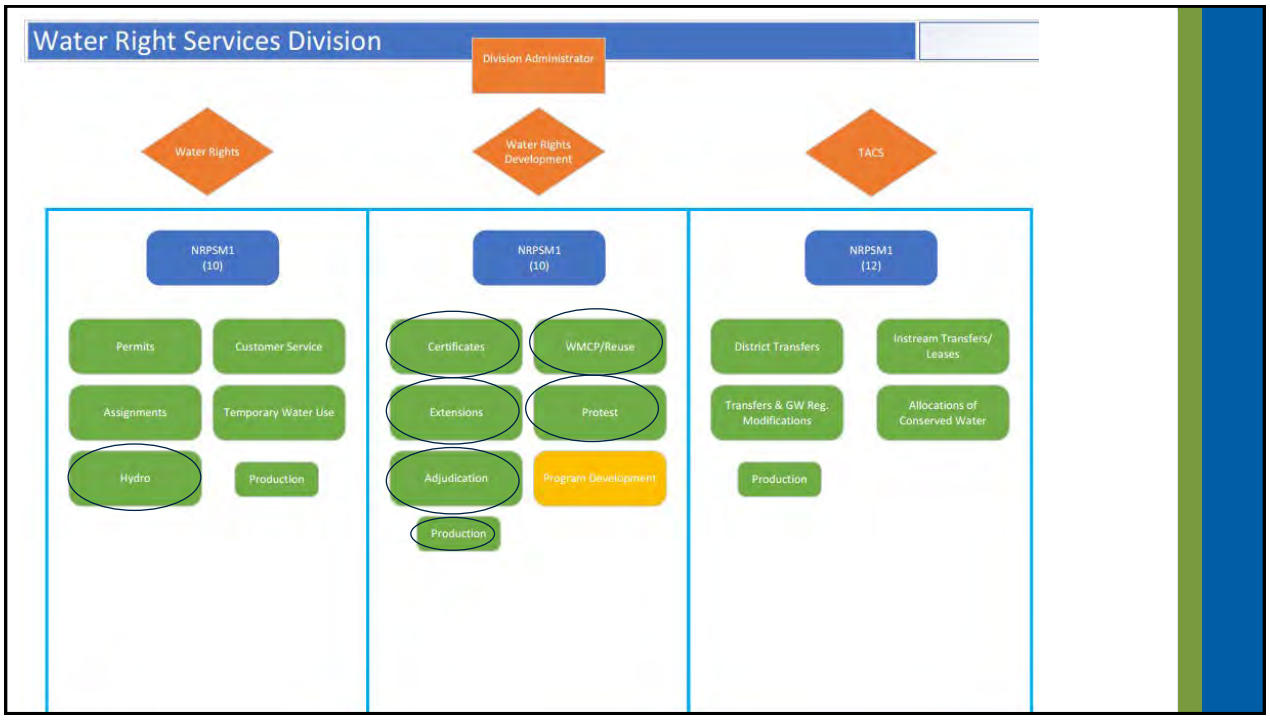
# WRSD Overview & Restructure

## About Us

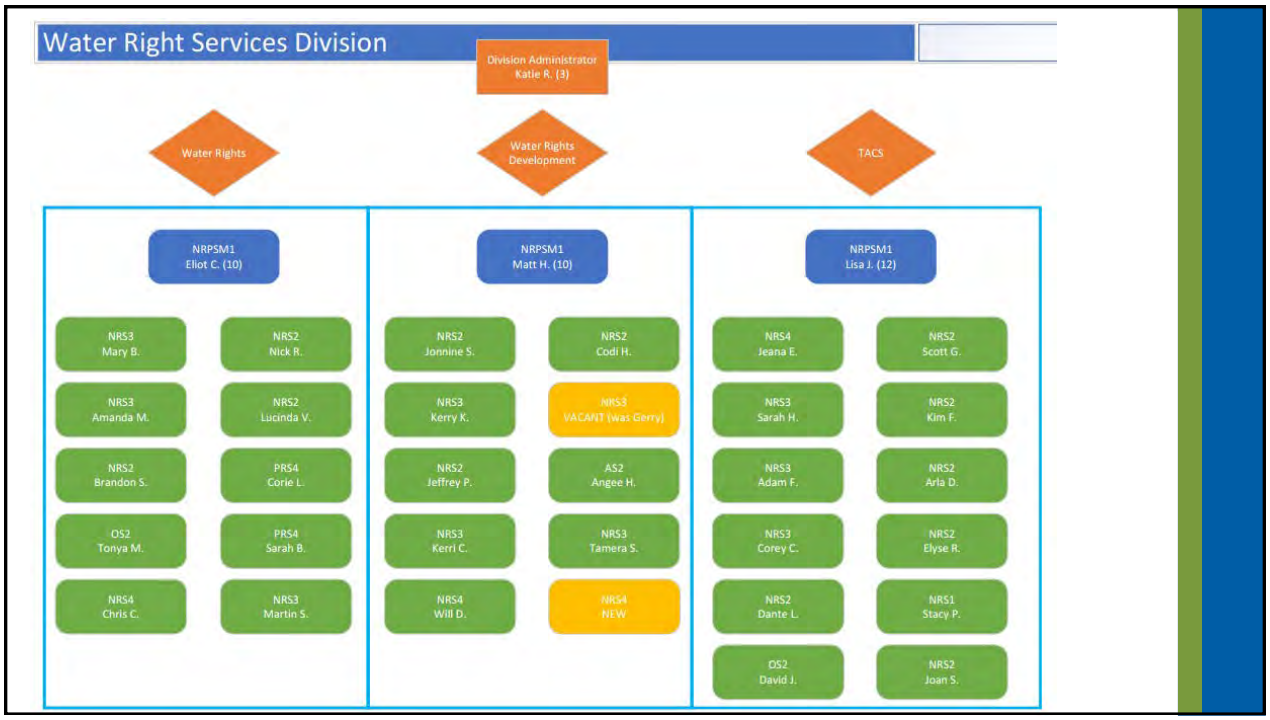
- WRSD supports the allocation of water for instream and out-of-stream purposes, supporting both the economy and a healthy environment by processing and evaluating all of the water right transactions for the state.
- Home of the “Life Cycle of a Water Right.”
- 3 section managers and 32 staff positions.
- Funded through water right transaction fees and general fund.
- We are regulatory experts who integrate the technical and on-the ground knowledge of agency scientists, engineers, and field staff. We benefit from the community engagement work of colleagues throughout the agency.

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**You will find a full size image of these diagrams on pp.57-58.

## Improving our Programs: The "4-Legged Stool"

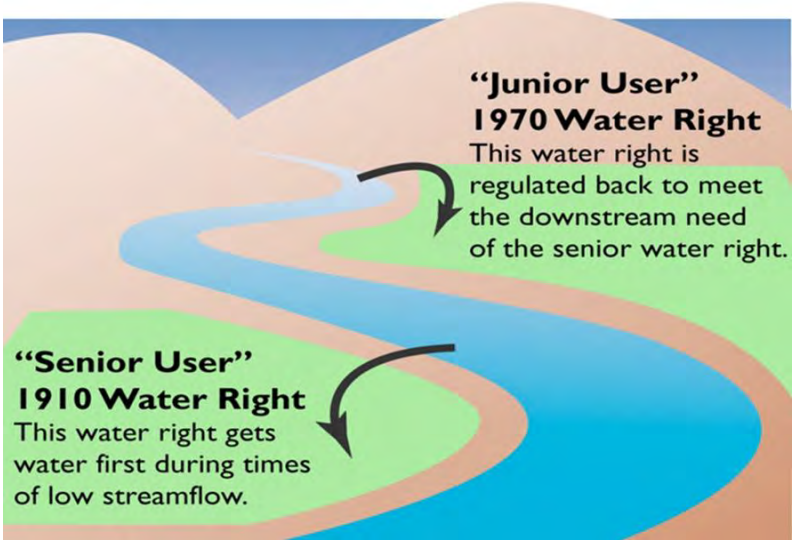
- Resources (budget)
- Legislation
- Rulemaking
- Internal Improvements



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# Water Law 101

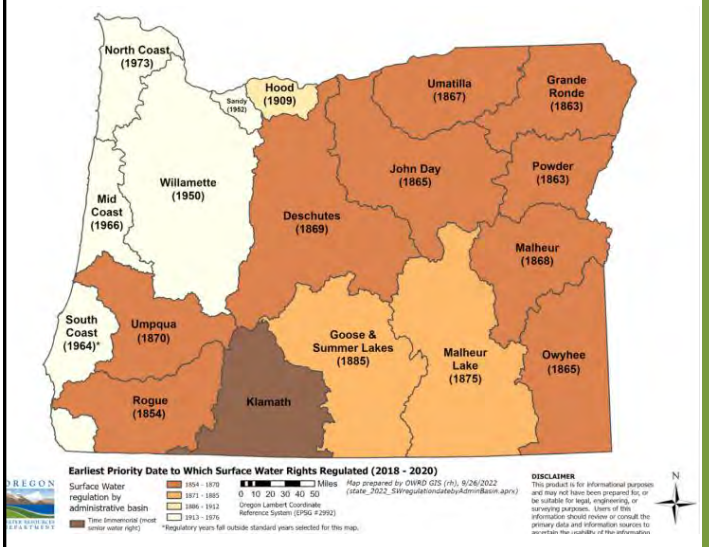
## 1909 Water Code: Prior Appropriation Doctrine





## Key Tenets of Oregon Water Law

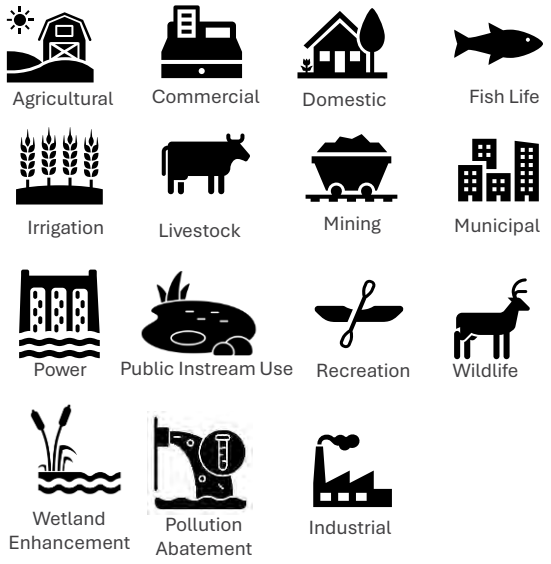
- **Public Resource**
- First in time, first in right (priority)
- Beneficial use without waste
- Appurtenance
- Water must be used




## Key Tenets of Oregon Water Law

- Public Resource
- **First in time, first in right (priority)**
- Beneficial use without waste
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- Water must be used

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## Key Tenets of Oregon Water Law

- Public Resource
- First in time, first in right (priority)
- **Beneficial use without waste**
- Appurtenance
- Water must be used

Water rights are attached to land, not people

## Key Tenets of Oregon Water Law

- Public Resource
- First in time, first in right (priority)
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- **Appurtenance**
- Water must be used

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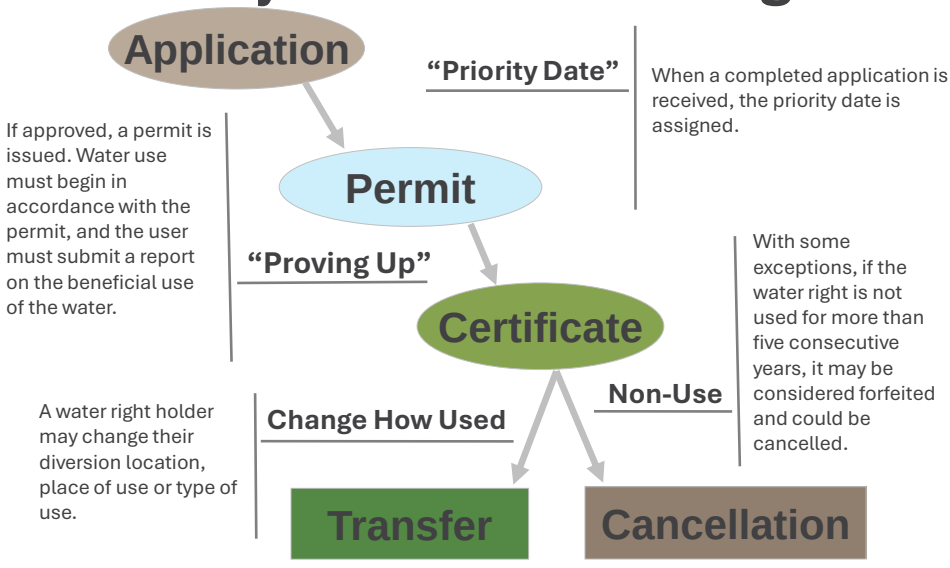
Water rights must be used within their terms and conditions at least once every five years

- Otherwise, subject to forfeiture and cancellation
- Exceptions may apply

## Key Tenets of Oregon Water Law

- Public Resource
- First in time, first in right (priority)
- Beneficial use without waste
- Appurtenance
- **Water must be used**

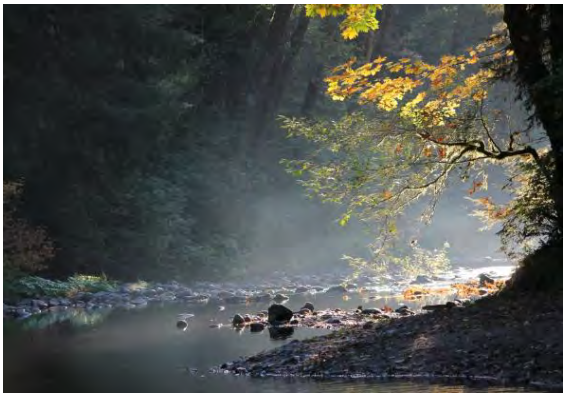
## The Life Cycle of a Water Right




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# Legislative Changes

## Legislative Changes



- 2025:
  - HB 3544
  - HB 3342
  - SB 1154
- 2026:
  - HB 4004
- 2027:
  - 2 OWRD Legislative Concepts (LCs)
  - The rest TBD

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## HB 3544 (2025) – Contested Cases

- Uniform Processes
- Standardized Schedule and Timelines
- Oral Testimony
- Accessible Hearing Locations
- Efficient Final Orders
- Settlement Opportunities
- Streamlined Standing and Intervention
- Consistent Protest and Party Status Requirements

## HB 3342 (2025)– Water Right Transactions

- Electronic documentation
- Shift public notice to OWRD weekly notice
- Credit/debit card processing
- Withdrawal of waters from appropriation technical fix
- Efficient review where water is restricted
- Phased application processing and fee payment
- Limits on extensions
- Allows for denial of POA change in GW restricted sources under certain circumstances.

## SB 1154 (2025) – Groundwater Quality

- Streamlines public interest review of groundwater applications to consolidate drinking water wells in a groundwater quality management area.
- Water wells abandoned and equivalent amount of water replaced by expanded group domestic use for a public water system.

## HB 4004 (2026) – Permit Extensions

- Additional extension pathway for certain permits

## 2027 Legislative Session

- **LC 378** – General Spending Authority
- **LC 379** – Deschutes Groundwater Mitigation Program
  - Extends program sunset date from 2029 to 2039
  - Requires consultation with Confederated Tribes of Warm Springs on any rulemaking activities related to the program.
  - Clarifies that injury review of mitigation projects must include CTWS Reserved Water Right.
- Anticipate other water-related bills from other folks

## BREAK



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# Rulemaking

## Scale of Rulemaking

- Nearly all WRSD programs impacted
- 18 rule divisions
  - Phase 1: 13 rule divisions (effective Apr. 1, 2026)
  - Phase 2: 5 rule divisions (effective Oct. 1, 2026)
- 10 Rulemaking Advisory Committee meetings
- 9 additional public presentations (hearings, GWAC, Commission)

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# RAC Roster (22 Members)

Jeremy Austin, Central Oregon LandWatch
Glenn Barrett, Water for Life
Anton Chiono, Confederated Tribes of the Umatilla Indian Reservation
Leah Cogan, GSI Water Solutions
J.R. Cook, Northeast Oregon Water Association
Genevieve Hubert, Deschutes River Conservancy
James Fraser, Trout Unlimited
Chris Hall, Water League
Keri Morin Handaly, Confederated Tribes of Grand Ronde
Ryan Krabill, Oregon Farm Bureau
Jessi Talbott, Central Oregon Irrigation District
Greg Kupillas, Oregon Groundwater Association
Mark Landauer, Special Districts Association
Karen Lewotsky, Oregon Environmental Council
Sarah Liljefelt, Oregon Cattlemen Association
Michael Martin, League of Oregon Cities
Austin Patch, Summit Water Resources
Lauren Poor, Portland General Electric
Kimberley Priestley, WaterWatch of Oregon
Branden Pursinger, Association of Oregon Counties
April Snell, Oregon Water Resources Congress
Jeff Stone, Oregon Association of Nurseries

# Intent of Rulemaking

- Clear, efficient, and consistent to better serve the public
- Modernize and streamline to maximize limited staff time for more timely decisions

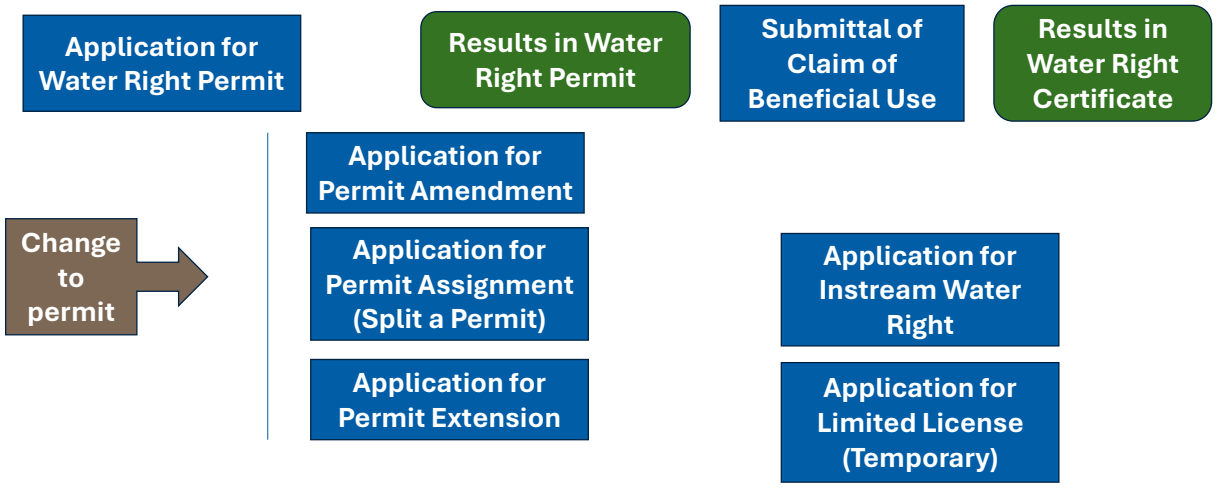
(1) Implement 2025 and other legislation
(2) Implement process and policy improvements
(3) “Housekeeping”

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# Presentation not All-Inclusive!

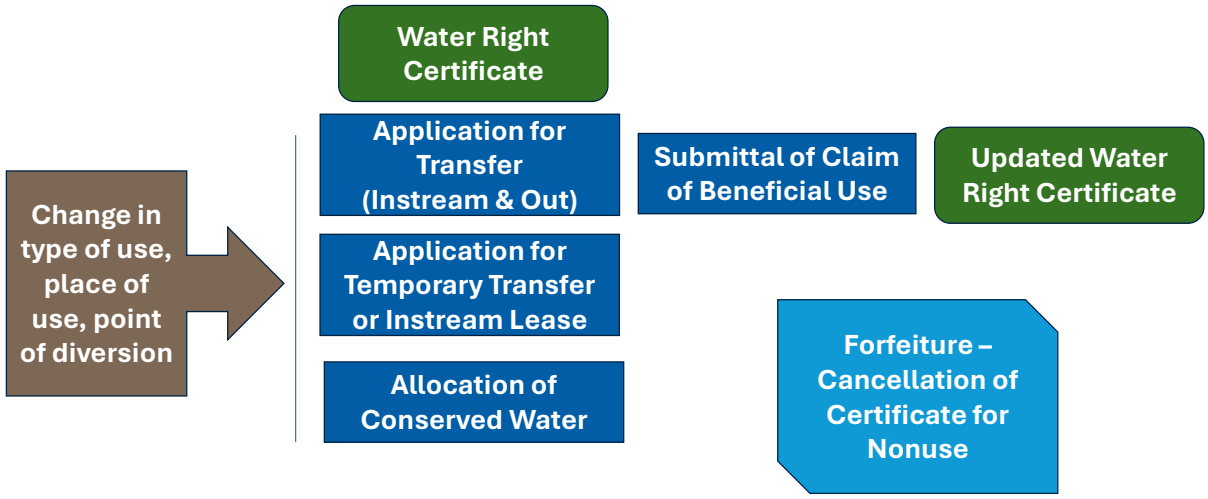
- Not covering all rule changes
  - Only highlighting changes of broadest interest to CWREs
- For more details, watch recorded presentations to the Commission, or visit https://www.oregon.gov/owrd/programs/policylawandrules/OARS/Pages/2025-Water-Rights-Rulemaking.aspx

# What are water right transactions, forfeiture, and contested cases?

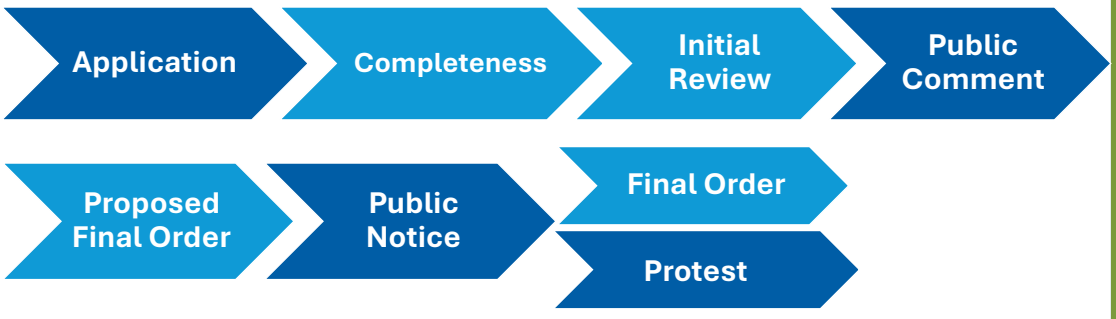



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## What are water right transactions, forfeiture, and contested cases?




## Typical Processing Steps for Permanent Transactions (not all types)




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## Common Themes

- Consistent terminology and processes
- Automatic final orders
- Uniform protest and contested case proceedings
- Electronic documentation and email addresses

## New or Revised Definitions

- Some Division 300 definitions updated for alignment across statutes and other rule divisions, and other housekeeping.
- Was **not** a comprehensive definitions update.

# New Mapping Standards

- New OAR Division 305 includes general standardized map criteria for water right transactions.
  - Format and scale of map, and features that must be identified
- Memorializes flexibility provided to municipal water use applicants for certain mapping criteria.

# New Mapping Standards

- Applicable to maps submitted on or after April 1, 2026, for divisions:
  - 14 (transfer application maps, COBUs)
  - 18 (ACW)
  - 310 (GW, SW, standard Res apps for permits)
  - 325 (SAP)
  - 340 (Limited License, Expedited Secondary)
  - 380 (transfers)
  - 382 (GR Modifications)
  - and for an application for a reservoir under ORS 537.409 (alternate reservoir)

# New Mapping Standards

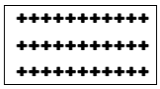
- New OAR Division 305 applies to CWRE-prepared maps submitted on or after April 1, 2026, for:
  - Claims of Beneficial Use
  - Standard Reservoir New Permit Applications
  - Permanent Transfers
  - Exchanges
  - Assignment to Split a Permit & Request for Replacement Permits - "Split a Permit"
  - Substitutions
- Check application-specific rules for additional criteria (e.g., 690-380-3100 for transfers, and 690-014-0170 for COBUs)

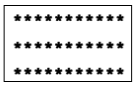
# New Mapping Standards

- April 1, **2029**, change: Any map required to be prepared by a CWRE must also include a shapefile or other approved digital file unless Dept. provides waiver.

# Common Map Deficiencies

- Hatching identifiers are too small to differentiate or lose clarity when map is scanned or copied, e.g., + and *





- Reference corner used to measure to the POD/POA is not on the map
- Missing labels for quarter-quarters and/or tax lots
  - May not be required in some cases, check rules (municipal use maps must identify but need not label QQs)

# Common Map Deficiencies

- For transfers, if more than one POD/POA, the map must indicate the POD/POA serving which portion of the POU
  - If all PODs/POAs are tied into one delivery system and serve all POU, make note of it on map
- For transfers, POU/USE change for right with multiple priority dates or uses, identify lands by each priority date and use separately
- General location of main canals, ditches, flumes, pipelines, pumps, etc. from POD/POA to POU

# Water Right Permit Applications

- Phased fee payment and continued processing
- Automatic Final Order
- Other Water Right Permit updates

# Phased Fee Payment and Continued Processing

**For applications received prior to April 1, 2026:**

**All fees** required at submission

↓

Initial Review

↓

**14-day period to request "stop-processing" and receive partial refund**

↓

Proposed Final Order

↓

Final Order

**For applications received on or after April 1, 2026:**

**Partial fees** required at submission

↓

Initial Review

↓

**90-day period to request "continued processing" and pay remaining fees**

↓

Proposed Final Order

↓

Final Order

*Note: This process does not apply to Alternate Reservoirs (alt-res), Expedited Secondaries (E-2), or Drought permits*

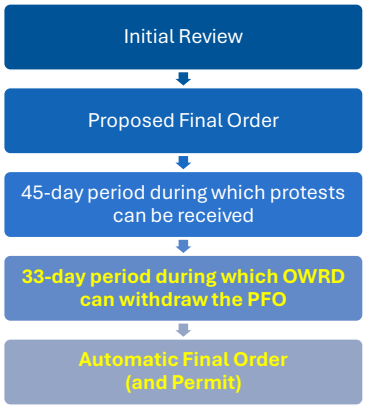
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# Automatic Final Orders

**For PFOs issued prior to Jan. 1, 2026:**




**For PFOs issued on or after Jan. 1, 2026:**




*Note: This process does not apply to Alternate Reservoirs (alt-res), Expedited Secondaries (E-2), or Drought permits*

# Other Water Right Permit Updates

- Restricted sources list used to screen new applications
  - https://www.oregon.gov/owrd/WRDFormsPDF/536_415%20Restrictions.pdf
- Completed Land Use form required at intake (no “receipts”)
- Non-municipal permits for which a PFO is issued on or after April 1, 2026, will now have **SEVEN** years (up from five) to complete construction and beneficially apply water
- Administrative hold limits based on purpose of hold

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# Administrative Holds (690-310-0270)

(2) If the applicant requests an administrative hold on processing of the application, the Department may extend the 180-day period set forth in section (1) of this rule for a reasonable period of time. The cumulative length of extensions requested through administrative holds shall not exceed 180 days except upon a finding by the Director that the applicant has shown that a longer extension is reasonable and necessary for the applicant to:

(a) Bring a well into compliance with current minimum well construction standards, and the extension does not exceed two years;

(b) Engage in collaborative conversations with interested parties that provided public comment under OAR 690-310-0090(4), and the extension does not exceed two years;

# Administrative Holds (690-310-0270)

(c) Explore mitigation under OAR 690, division 33 for impacts to sensitive, threatened, or endangered fish species, or mitigation under OAR 690-310-0260 for impacts to a scenic waterway, including submitting a mitigation proposal to the Department, and the extension does not exceed two years;

(d) Exhaust the administrative appeal process for a land use approval, and the extension does not exceed two years; or

(e) Collect Annual High Water Level data sufficient to evaluate Reasonably Stable Groundwater Levels, as those terms are defined in OAR 690-008, and the extension does not exceed seven years, except that the administrative hold shall expire if the applicant fails to submit the first static water level measurement to the Department within three years of approval of the administrative hold.

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# Extensions of Time (EOT)

- 2025 and 2026 legislation changed availability of EOT
- Municipal water use permits: No change
- Quasi-municipal*: max 1 more EOT, up to 20 years
- Group domestic/group domestic expanded*: max 1 more EOT, up to10 yrs
- "Other than" permits (e.g., IR, NU, etc.): see next slide

- *EOT application submitted on or after 4/1/26

# Extensions of Time (EOT)

- "Other than" permits:
  - **PFO on permit application issued prior to April 1, 2026**: up to two-year extension if good cause is shown and pre-use fish conditions were met
  - **PFO on permit application issued April 1, 2026, or later:** extensions are not allowed*; development window now 7 yrs
- ***** if development is delayed because of other local, state, or federal permit processes or appeals, a one-time extension of up to **SEVEN** years may be granted

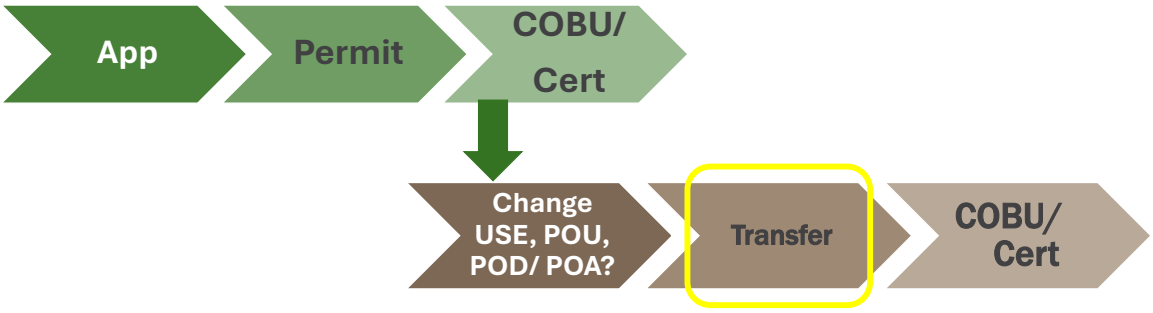
# Certificates

- **New** claims of beneficial use for groundwater permits with priority dates on or after December 20, 1988, must come in the door with either a pump test or pump test exemption request.
- Applies to claims submitted April 1, 2026, and onwards. Does not resolve ~1,000 pending claims without PT or PT exemption request.

# Forfeiture

- Modified rules and definitions to align with statute
- Made hearing process subject to HB 3544 (automatic FOs and default hearing schedule)
- Removed the site inspection requirement as the only basis for a watermaster to provide an affidavit of inability to use water right
- Removed requirement for staff to complete affidavits where cancellation is initiated based on evidence of nonuse gathered by Department
- Allowed allegations of forfeiture raised in transfer protests to be addressed in transfer hearings

# Transfers within the Water Right Cycle




# Transfer Review Criteria

- If the water right is **subject to transfer**, meaning a water use established by:
  - An adjudication under ORS chapter 539 as evidenced by court decree;
  - A water right certificate; or
  - A water use permit or transfer application with an order approving the change that has a COBU approved by Dept. but a certificate has not yet been issued.

## Transfer Review Criteria cont'd

- If the right is **subject to forfeiture under ORS 540.610 or is cancelled**;
- If the water user is **ready, willing and able** to use the full amount of water allowed under the right;
- If the transfer would **result in injury**, meaning a proposed transfer or permit amendment would result in another, existing water right not receiving previously available water to which it is legally entitled;

## Transfer Review Criteria cont'd

- If the transfer would result in **enlargement**, meaning an expansion of a water right and includes, but is not limited to:
  - Using a greater rate or duty of water per acre than currently allowed under a right;
  - Increasing the acreage irrigated under a right;
  - Failing to keep the original place of use from receiving water from the same source; or
  - Diverting more water at the new point of diversion or appropriation than is legally available to that right at the original point of diversion or appropriation.

# Transfer Review Criteria cont'd

- If all other requirements set forth in applicable laws for water right transfers are met. For example:
  - the application is complete;
  - the Report of Ownership is submitted and accurate;
  - Dept requests for additional information or revision.

# Permanent Transfer Process

**Transfers received prior to April 1, 2026:**

- OWRD PN at submission, 30-day comment period
- Initial Review ("Draft Preliminary Determination"), no comment period
- Proposed Final Order ("Preliminary Determination"), 30-day protest period (newspaper notice if criteria met)
- If PFO issued before 1/1/26, then Final Order issued; OR If PFO on or after 1/1/26, then Auto FO 33 days after protest deadline (if no protest filed/OWRD doesn't withdraw PFO)

**Transfers received on or after April 1, 2026:**

- Initial Review, 30 days to request "continued processing" and provide any req'd info or request up to 60 add'l days. If not, file closed.
- After applicant requests to continue and provides all info, OWRD PN, 30-day comment period
- Proposed Final Order (newspaper notice only if would injure 6+ water rights)
- Auto FO 33 days after protest deadline (if no protest filed/OWRD doesn't withdraw PFO)

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# Transfers – Rule Changes

- Terminology change – DPD is IR, PD is PFO
- Newspaper notice – only if more than 5 water rights injured
  - PFO Protest deadline tied to OWRD Public Notice date
- Timely, affirmative response with all requested information within specified timeframe – or else file is closed automatically and cannot be reopened/revived
- Automatic final order – any process with PFO issued (permanent, SW to GW, Substitution, etc.)
  - Any Remaining Right Certificate will also automatically be final 33 days after the end of the protest period

# Transfers – Rule Changes (cont'd)

SW POD change to appropriate GW ("SW to GW")

*NOTE: slide has changed

- After the change to appropriate GW was made, if the water user desires to return to last authorized SW POD, and if a new transfer is received for that change within 5 years of approval order of SW to GW, the return to SW POD presumed to not cause injury and will be approved
- Beyond 5 years of approval order of SW to GW, return to SW POD will be evaluated like a standard permanent transfer, including an injury determination
- If the GW POD change was not made, the water user shall contact OWRD to return to the last authorized SW POD

## Transfers – Rule Changes (cont'd)

- Substitution – Supplemental GW Permit/Cert used in place of a Primary SW Cert
  - An approved Substitution must be terminated before any change in POD/POA, POU, or USE can be approved under a new Transfer Application
- Consent to Injury – Dept finds transfer will injure WR, applicant pursues consent to injury from injured WR holder
  - process of consent occurs between IR & PFO stages, instead of after PFO

## Transfers – Rule Changes (cont'd)

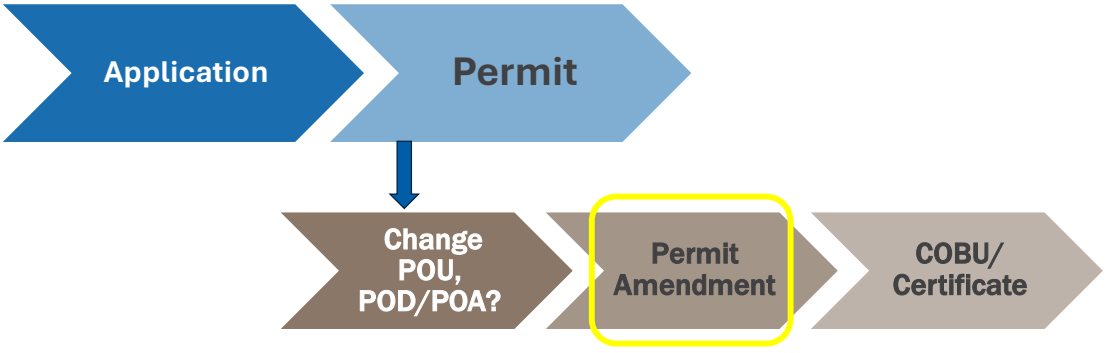
- Historic POD Transfers
  - Only change SW POD locations, not for GW POA
  - Cannot be used to change location of an on-channel dam under a storage right
  - Clarified that any validated claim of injury resulting from use of the Historic POD includes injury to ISWRs, instream leases and transfers, and rights resulting from an Allocation of Conserved Water approval
- POU Changes – if POU is tied to specific acreage (e.g., IR, NU, etc.) the FROM lands must move to a new POU, can no longer pick up any portion of POU & put back down in same spot

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# Transfers – Rule Changes (cont'd)

- New Temporary Transfer Renewal Provisions/App Form
  - Must be within 5 years of last approval
  - Renewal proposes exact same changes as prior Temp App
- ORS 540.586, New criteria for denial of POA changes for restricted GW sources, unless POA is:
  - In a CGWA, in same aquifer as existing POA, and in same portion of CWGA as existing POA; *or*
  - Has GW bank established mitigating effects of use; *or*
  - Related to recovery of stored GW under AR or ASR

# Permit Amendments within the Water Right Cycle



## Permit Amendments

- New Permit Amendment rules – OAR 690-380-7000 through –7300
  - Codified existing practices under ORS, aligned process with other transfer rules for consistency
- PA applicant(s) must:
  - Be all the permit holders of record; or
  - Obtain an assignment of the permit; or
  - Obtain consent from all permit holders of record to make changes to the permit

## Permit Amendments

- C-date in permit or extension order cannot be 120 days or less from PA application received date or application may be returned or extension may be needed
- If C-date expires while PA is pending, extension application required within 90 days of notification by OWRD or PA may be denied

## Permit Amendments – POU Change Requirements

- A place of use change between authorized land and land on which water is to be used must be contiguous (sharing a common boundary); *or*
- Only separated from the land to which a water right is appurtenant by roads, utility corridors, irrigation ditches or publicly owned rights of way; *or*
- If the land is not contiguous, the place of use change furthers mitigation or conservation efforts to benefit a species listed as sensitive, threatened or endangered under Oregon law or the federal Endangered Species Act

## Assignment to "Split a Permit"

- Full or Partial Assignment of a Water Right Permit and Request for Issuance of Replacement Permits
- Completion date in permit or extension of time cannot be expired when SAP application accepted by Dept
- Permit must be for irrigation, nursery, temperature control, stock watering, or agricultural.
- New rules clarified Dept. can approve SAP even if C-date expires while app is pending, an extension is not required for this alone

## Groundwater Registration Modifications

- Groundwater Registration (GR) - a claim of groundwater use that occurred prior to 1955
- GR Modifications - application to change to the registration
  - point of appropriation, place of use, and/or character of use
- Protest Period was 30 days and **changed to 45 days**
- Same process as permanent transfers – IR, PFO, Auto-FO

## Instream Transfers & Leases

- Clarified that OWRD may only protect water instream for stream reaches located within Oregon's borders
- District or water purveyor maintains record of written authorization from each district user involved in instream lease, provides info to Dept. on request
- New Instream Lease Renewal process
  - Application submitted within 5 years from date of expiration set in the last final order approving the lease
  - Term of prior IS Lease is expired or is about to expire
  - Cannot propose any changes to the instream use or quantity of water protected
  - The term of a renewed IS Lease is still limited to no more than 5 years.

# Allocation of Conserved Water

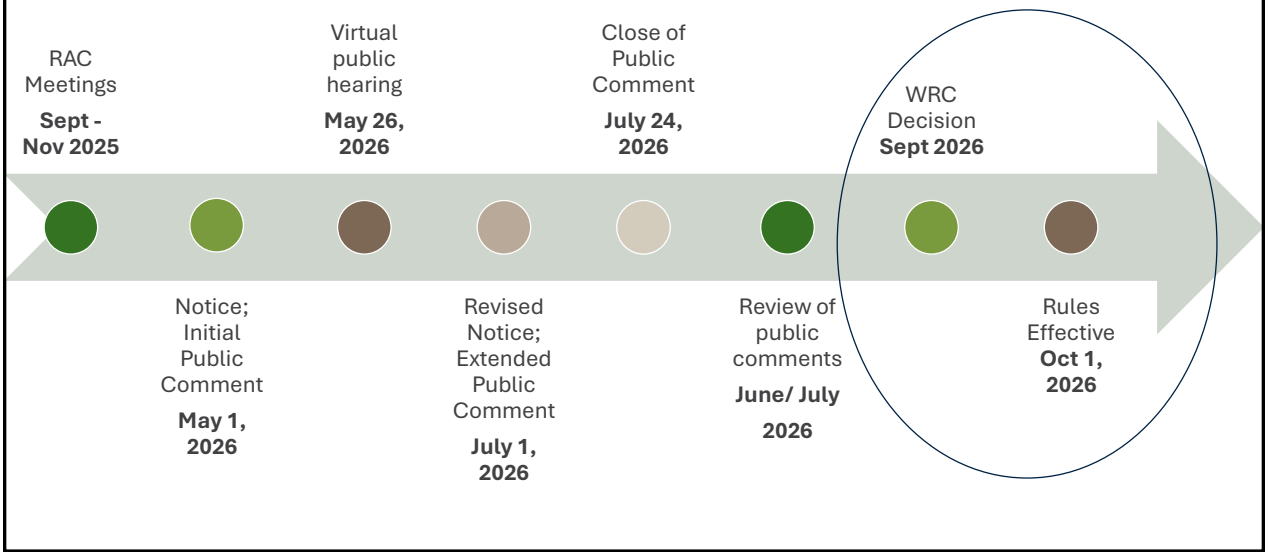
- Amended to align with legislation
  - HB 3342 & HB 3544, 2025 Oregon Laws
- Amended processing steps for consistency with other OARs – now receives an IR, PN/comment period follows IR instead of being noticed upon acceptance
- Clarified existing ACW processes
  - POD changes must divert same source of water
  - Water use measurement and reporting required
- PFO protest period was 60 days and **changed to 45 days**
- Clarified / reorganized rules
  - Better reflects different processing steps associated with conserved water projects

# TACS - Odds and Ends

- SW to GW transfers and permit amendments - June 2026, Dept. formalized policy to allow concurrent changes, such as place of use and/or character of use

- Specific to General Industrial Use on WR Cert – No Transfer Req'd if meets certain criteria, including:
  - Can't exceed original rate, POU doesn't change, and the location proposed for general industrial use was owned by the permittee when the permit was issued;
  - New rules require more specificity on water use measurement data, system capacity info, max rate and annual volume used, and dates/timeframe of data

# "Phase 2" Rulemaking Timeline




# Phase 2 Rulemaking Need

(1) Standardize issuance of orders and notices for select hydroelectric power generation processes (Div 52, 53, 54)

(2) Reorganize, repeal, clarify, and align with statute and rule
- Proof of appropriation/claims of beneficial use (Div 330)
- Miscellaneous provisions (Div 320)

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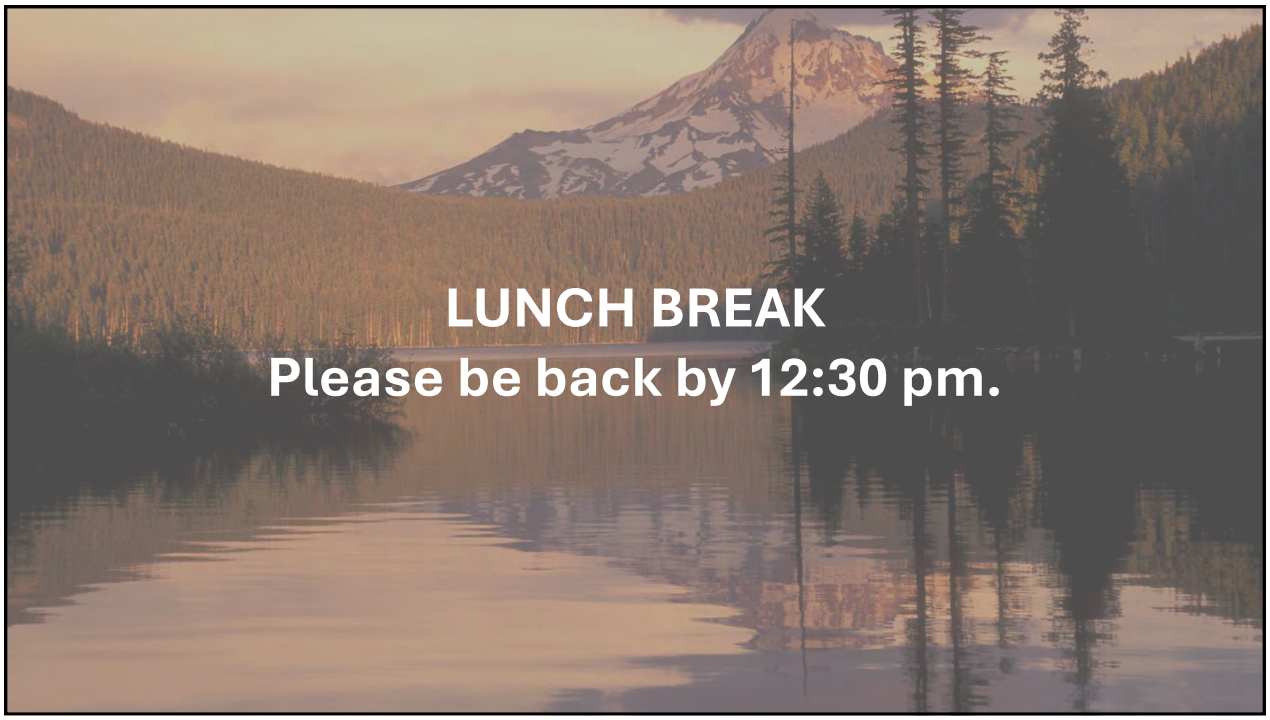
## Division 320 – Miscellaneous Water Right Provisions (formerly Water Right Permits)

| Housekeeping | |
|---|---|
| Modify | Title to reflect rules remaining after proposed changes |
| Repeal | Rules related to proof of appropriation/ claims of beneficial use b/c they belong in Div 330 |
| Repeal | Lapsed rule relating to extension of time limits |
| Repeal | Rule duplicative of Temperature Control rule in Div 330 |

## Division 330 – Proof of Appropriation to Perfect a Water Right (formerly Water Right Certificates)

| Housekeeping | |
|---|---|
| Modify | Title to reflect rules remaining after proposed changes |
| Repeal | Rule duplicative of Primary & Supplemental Rights rule in Div 320 |
| **Rules Moved from Division 320** | |
| Update; Adopt | **Cancellation of Permit**<br>• cite to statute (ORS 536.260; 537.410-537.450) |
| Update; Adopt | **Final Proof Survey: Claims of Beneficial Use for Applications Filed After July 9, 1987**<br>• update/correct title<br>• align w/ Div 14 (CWRE/COBU) |
| Update; Adopt | **Incremental Perfection of a Municipal Water Right**<br>• add applicability date (Oct 1, 2026)<br>• align w/ Div 14 (CWRE/COBU); remove secondary map requirement<br>• add max rate diverted under permit<br>• update extensions rule reference |

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# Internal Improvements

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# Internal Improvements

- Finalized new guidance documents to promote increased consistency.
- Established a prioritized ranking of different transfer application types to provide staff with clear direction for prioritizing their work.
- Improved automated notification processes for certain federally recognized tribes.
- Improved query/report capabilities for Transfer processes; additional upgrades for functionality and improved data tracking points are in process and ongoing.
- Identified unnecessary process loops and touchpoints on Transfer Applications, streamlined steps.

# Modernization

- 2,338 transfer applications from 1923-1969 transferred to State Archives.
- All 642 Surface Water Registration files scanned and uploaded to WRIS.
- Staff increasingly maintain digital-only* files; faster public records response and file research.
- Digitized certain claims of beneficial use review and production processes to reduce the risk of error and speed up certificate issuance.

*except for ORS 536.040(3) materials

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## Modernization

- New internal coordination and reporting tools for temporary transfers.
- Transitioned several aspects of transfer application processing to fully electronic formats resulting in faster turn-around times.
- Created new automated email to applicant/agent sent 15 days after Transfer Initial Review issued as a reminder to respond to IR

## Resource Allocation

- Dedicated 1 FTE equivalent to pump test processing.
- Established end of 2026 goal of no pump tests older than 30 days.
- Dedicated large portion of temporary funding to increase contested case referrals/engage in settlement discussions.

## Better Coordination

- Produced restricted water sources list to better communicate with applicants and streamline application intake.
- Streamlined the extensions and permit cancellation processes when an extension fails to demonstrate that construction started within the authorized timeframe.
- Established bi-weekly team meetings focused on reducing the number of (and eventually eliminating) transfer applications pending for 3 years or more.

## Results so far

- Processed over 500 assignments since 6/1/24 to update ownership information.
- Issued ~1,500 processing documents (IRs, PFO, FOs, and Automatic FOs) for new water right applications since June 2024, including 526 for groundwater applications.
- Cleared backlog of permit extension applications (19) that would have been directly affected if the PFO was not issued by the effective date of new legislation.
- Reduced backlog of pump test reviews by 41% since 10/1/25 to enable COBUs to go to certificate.
- Reduced protest backlog by 57% since July 1, 2025 (221 to 95).

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## Results so far - Transfers

- 24% reduction in pending applications, from 508 in July 2024 to 387 in August 2026
- 18% reduction in applications pending for three or more years, from 108 in January 2025 to 89 in August 2026
- 26% reduction in applications pending in Reimbursement Authority expedited process, from 84 in July 2024 to 62 in August 2026
- 11% increase in Final Orders issued between reporting years of 2025 and 2026
- Exceeding the 75% KPM goal by issuing Final Orders within 120 days or less on 92% of temporary transfers filed between January 2025 and August 2026

# Updates since Groundwater Allocation Rulemaking

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# 2024 Groundwater Allocation Rules

- Apply to new groundwater use applications received 9/17/24 onwards.
- Water uses statutorily exempt from permitting not impacted.
- Prior rules inadequate for addressing declining groundwater levels and the cumulative impacts to surface water from groundwater pumping.
- Changed how OWRD evaluates if water is available for proposed use.

# 2024 Groundwater Allocation Rules

OAR 690-300-0010

(56) "Water is Available," when used in OAR 690-310-0080, 690-310-0110, 690-310-0130, and 690-410-0070 means:

***

(c) The proposed groundwater source exhibits Reasonably Stable Groundwater Levels, as defined in OAR 690-008-0001; and

(d) The total requested rate of groundwater allocation is obtainable by the expected yield of the well(s) proposed in the application given best available information; and *[see next slide]*

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# 2024 Groundwater Allocation Rules

(e) The proposed groundwater use does not have the Potential for Substantial Interference (OAR 690-009-0020(5)) with a surface water source that:

(A) is already over-appropriated during any period of the year; or

(B) is administratively or statutorily withdrawn; or

(C) is restrictively classified in an applicable basin program rule; or

(D) is the source for one or more existing surface water rights that have been regulated off due to insufficient supply to satisfy senior surface water rights; or

(E) is subject to a rotation agreement among existing surface water right holders to address limited surface water supplies; or

(F) has a minimum perennial streamflow or instream water right that is unmet during any period of the year.

# 2024 Groundwater Allocation Rules

- Administrative holds modified in 2025-2026 rulemaking (see OAR 690-310-0270):

(2) If the applicant requests an administrative hold on processing of the application, the Department may extend the 180-day period set forth in section (1) of this rule for a reasonable period of time. The cumulative length of extensions requested through administrative holds shall not exceed 180 days except upon a finding by the Director that the applicant has shown that a longer extension is reasonable and necessary for the applicant to:

***

(e) Collect Annual High Water Level data sufficient to evaluate Reasonably Stable Groundwater Levels, as those terms are defined in OAR 690-008, and the extension does not exceed seven years, except that the administrative hold shall expire if the applicant fails to submit the first static water level measurement to the Department within three years of approval of the administrative hold.

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# 2024 Groundwater Allocation Rules

- Trends:
  - As of 8/18/26, 48 new groundwater right permit applications and 14 limited license applications submitted under new rules.
  - Fewer groundwater applications submitted since rule adoption.
  - Reviews more likely to find potential for substantial interference.
  - Applicants not able to overcome PSI by reducing requested rate or pursuing split-season allocation.
- More information: https://www.oregon.gov/owrd/programs/GWWL/GW/Pages/Groundwater-Rulemaking.aspx

# BREAK



OREGON WATER RESOURCES DEPARTMENT

# 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.

****The password is case sensitive***

If you have properly entered your username 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.*

**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.**

If you still are struggling to log in after following these directions, please reach out to Angee Harris at angelee.m.harris@water.oregon.gov or 503.986.0818 M-F 8am to 5pm.

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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 AUTHORIZATIONS ..... 3
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GROUNDWATER REGISTRATION MODIFICATIONS ..... 7
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ALLOCATION OF CONSERVED WATER ..... 7
WATER MANAGEMENT AND CONSERVATION PLAN ..... 7
WELL CONSTRUCTION AND COMPLIANCE FEES ..... 8
DAM SAFETY ANNUAL FEES ..... 9
OTHER FEES ..... 10

## 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

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## 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

## 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:

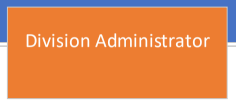
- Minimum charge ..... $2.00
- Charge per page ..... $0.10

Research and scanning of water rights:

- Minimum charge ..... (½ hour)
- Charge per hour ..... Actual cost of work

Adjudication Claim Fees ..... see ORS 539.081

# Water Right Services Division



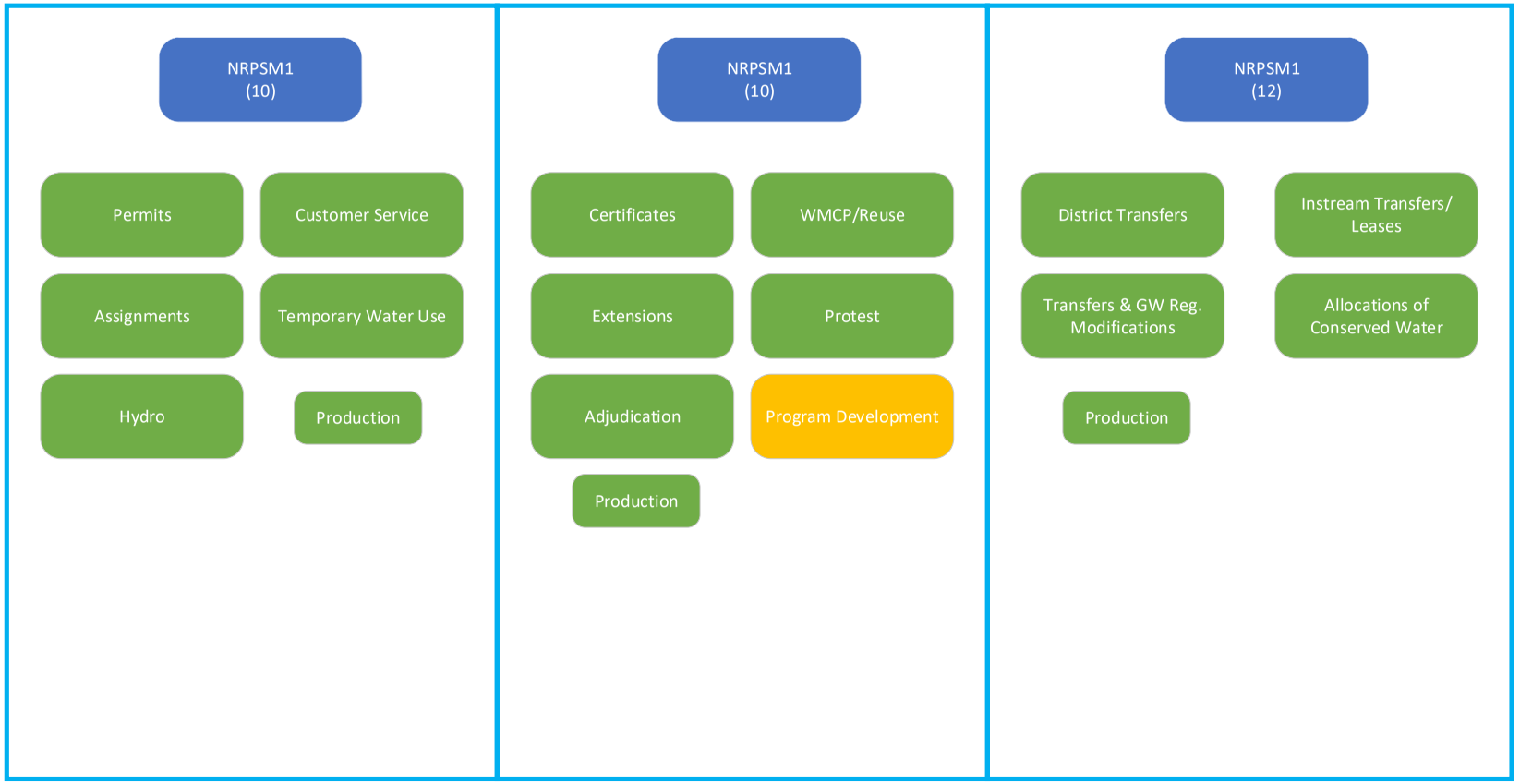












# Water Right Services Division

Division Administrator
Katie R. (3)

## Water Rights

NRPSM1
Eliot C. (10)

| | |
|---|---|
| NRS3<br>Mary B. | NRS2<br>Nick R. |
| NRS3<br>Amanda M. | NRS2<br>Lucinda V. |
| NRS2<br>Brandon S. | PRS4<br>Corie L. |
| OS2<br>Tonya M. | PRS4<br>Sarah B. |
| NRS4<br>Chris C. | NRS3<br>Martin S. |

## Water Rights Development

NRPSM1
Matt H. (10)

| | |
|---|---|
| NRS2<br>Jonnine S. | NRS2<br>Codi H. |
| NRS3<br>Kerry K. | NRS3<br>VACANT (was Gerry) |
| NRS2<br>Jeffrey P. | AS2<br>Angee H. |
| NRS3<br>Kerri C. | NRS3<br>Tamera S. |
| NRS4<br>Will D. | NRS4<br>NEW |

## TACS

NRPSM1
Lisa J. (12)

| | |
|---|---|
| NRS4<br>Jeana E. | NRS2<br>Scott G. |
| NRS3<br>Sarah H. | NRS2<br>Kim F. |
| NRS3<br>Adam F. | NRS2<br>Arla D. |
| NRS3<br>Corey C. | NRS2<br>Elyse R. |
| NRS2<br>Dante L. | NRS1<br>Stacy P. |
| OS2<br>David J. | NRS2<br>Joan S. |

# 2027-2029 Agency Request Budget and Legislation

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

*General Fund = GF, Lottery Revenue Bond = LRB, Other Funds = OF, IWRS = Integrated Water Resources Strategy, FTE= Full-Time Equivalent*

## OWRD Legislation

**LC 378 - General spending authority**
To provide clarity on OWRD's authority to expend funds, this concept adds the authority for OWRD to enter into grant agreements, contracts, and make direct payments of funds for the purposes appropriated by the Legislature.

**LC 379 - Deschutes Groundwater Mitigation Program**
This concept extends the program sunset date from 2029 to 2039 to allow more time for existing permits to develop their mitigation requirements and to provide more time for program improvement. This concept also proposes to add requirements for formal consultation with the Confederated Tribes of Warm Springs on any rulemaking activities related to the program and clarifies injury and program review and reporting requirements to include assessments of impacts on the Confederated Tribes of the Warm Springs' Reserved Right in the settlement agreement.

## OWRD Agency Request Policy Option Packages

**Package 101 - Conservation Reserve Program GF Carryforward - $40k GF -** This package reappropriates $40,000 of unspent 2025-27 GF to be expended in 2027-29 biennium to continue facilitating enrollment in the Harney Valley Conservation Reserve Enhancement Program (HV CREP). HV CREP is a voluntary program operated through the USDA Farm Service Agency (FSA) in partnership with OWRD. The program seeks to improve groundwater conditions in the Harney Basin by incentivizing landowners to voluntarily cancel groundwater rights within the Greater Harney Valley Groundwater Area of Concern. The program is intended to provide payments to landowners who volunteer to permanently cancel groundwater rights. Reducing groundwater use in the basin is a high priority for OWRD and HV CREP has a major role in achieving that goal and slowing groundwater declines in the basin. *IWRS Actions 3A, 10D, 11E, 13B, and 13C*

**Package 102 - Feasibility Study Grant GF Carryforward - $472k GF -** This package reappropriates $472,505 in unspent 2025-27 GF allocated for Feasibility Study Grants for expenditure into the 2027-29 biennium to continue offering grants to determine the feasibility of water conservation, reuse, and storage projects to address water supply needs. These funds were not spent in the 2025-27 biennium because there was insufficient time to solicit and award grants and for grantees to fully expend the resources. The Department anticipates interest in these funds for grant applicants in the 2027-2029 biennium. *IWRS Action 13C*

**Package 103 - DOJ Legal Expenses GF Carryforward - $1m GF -** This package reappropriates $1m in unspent 2025-27 GF allocated for Department of Justice (DOJ) expenditures for expenditure into the 2027-29 biennium. There is a longer-term need to adjust the OWRD's budget given the sustained increased costs that have continued to exceed the base budget over multiple biennia, with no signs of costs decreasing. Reappropriating unspent funds for future expenditures will allow the Department to continue making progress on key initiatives that require DOJ resources, including water right protest backlog reduction, the Harney Basin groundwater management and regulation, permit condition enforcement, and the Klamath Basin adjudication. The final amount requested may change depending on expenditures made through the rest of the biennium.

**OWRD Agency Request Policy Option Packages**

**Package 104 - Water Projects Recapitalization - $21m LRB –** This package requests $20 million LBR, plus debt service and cost of issuance, to the Water Projects Grants and Loans program to be awarded as grants to address instream and out-of-stream water supply needs and produce economic, environmental, and community benefits. Water Projects Grants and Loans funding program provides direct investment in water supply solutions and often serves as match for federal programs. *IWRS Action 13C*

**Package 105 - Agency Structure Alignment –** This package reconciles changes made to the agency structure in 2025-27 to better position the agency to help Oregonians better meet current and future instream and out of stream needs. In addition to codifying structure changes, this package also repurposes five vacant positions to create 4 new positions to support IT and data, fiscal responsibility, and workplace safety and modifies position funding splits to better align position related work with appropriate revenue sources. This is a budget neutral package.

**Package 106 - Scenic Waterways Position Restoration –** This package restores 0.61 FTE (across eight positions) reduced in Package 070 to maintain Scenic Waterway services beyond the 2025-27 biennium by reducing an existing vacant position to cover the shortfall created by the lost revenue. OWRD has eight positions that support and are partially funded by the State Scenic Waterways program administered by the Oregon Parks and Recreation Department (OPRD). OPRD does not have Scenic Waterway funds available to support the Scenic Waterway Work at OWRD beyond the 2025-27 biennium. This is a budget neutral package. *IWRS Actions 10F, 11B and 13B*

**REDUCTIONS**

**Package 070 – Scenic Waterways Revenue Shortfall – $208,093 OF; (0.61 FTE / 8 positions) –** This package eliminates 0.61 FTE (across 8 positions) Scenic Waterway funded positions necessary to adjust Current Service Level to available revenues, if package 106, or another funding solution, is not approved.

# Frequently Asked Questions: Water Right Process Changes

## Why are water right processes changing?

There have been clear calls to action to improve the water rights transactions processes from water law experts (Amos et al. 2024), through customer feedback, in recent passage of bipartisan water right process improvement legislation in 2025 (House Bill 3342; House Bill 3544; Senate Bill 1154), by legislators in a signing letter from Governor Kotek on the Department's 2025-2027 budget, and by the agency itself. Updating statutes, rules, and processes is necessary for the Department to best serve Oregonians while continuing to steward Oregon's water resources for instream and out to stream uses now and for future generations.

In addition to implementing 2025 legislation, the Department undertook rulemaking efforts to implement pre-2025 legislation and other policy and process improvements relating to water rights transactions to modernize and streamline processes to be more clear, efficient, and consistent to maximize limited staff time for more timely decisions and to better serve the public.

## Which water right transactions are impacted by these changes and who is impacted?

A summary of process changes enacted by both legislation and rule are available here. Department forms and documents have also been updated to reflect these process changes as they will apply to each specific application. The updated Oregon Administrative Rule divisions will be available on the Secretary of State's website on April 1, 2026; see relevant divisions listed below.

The Water Resources Commission recently adopted rules changes for the following Chapter 690 Divisions: 2 (Protests and Contested Cases), 14 (Certified Water Rights Examiners), 17 (Cancellation of Perfected Water Rights), 18 (Allocation of Conserved Water), 77 (Instream Water Rights), 300 (Definitions), 305 (new - General Map Criteria), 310 (Water Right Application Processing), 315 (Water Right Permit Extensions), 325 (Assignment for a Water Right Permit Split and Request for Issuance of Replacement Permits), 340 (Water Use Authorization), 380 (Water Right Transfers), and 382 (Groundwater Registration Modifications).

## What application forms should I use?

The Department has updated all application forms to implement process changes effective April 1, 2026. Those forms can be found and downloaded on the OWRD forms webpage. Anything submitted to the Department on or after April 1, 2026, will need to use these updated forms.

## How will the Department communicate application updates and decisions with me?

Unless requested otherwise by the applicant, the Department will send documents and notifications associated with applications by email. These emails may come from an automated system (wrd_automated_email@water.oregon.gov). Consider adding this email address to your safe sender list to ensure you always receive these communications. Notice of completed initial reviews and proposed final orders will also be published in the Department's weekly public notice (sign up here).

The Department will continue to send Proposed Final Orders by certified mail and any permits and certificates that may be issued by standard mail.

## How can I stay up to date on documents issued and decisions made related to water right transactions?

**Sign up for OWRD's weekly public notice.** This free digital publication lists water right decisions and reviews completed by OWRD, applications received, and public comment opportunities. Sign up here.

### Is the start and close of the public comment period measured from the date of the weekly public notice or the date of the newspaper notice?

Public comment periods will always be based on the date of the Department's weekly public notice. Weekly public notice is published each Tuesday.

### In the past, some documents from the Department have been called Draft Preliminary Determinations or Preliminary Determinations. Why are these documents now called Initial Reviews and Proposed Final Orders? Does this change any requirements or actions needed on my part?

The Department has standardized document names across most water right transaction processes for consistency and to reduce potential confusion. Name changes associated with these documents do not add new requirements, actions, or processes on the part of the applicant.

### How do I know if my permit application is requesting water from a source or a use that the Department is no longer allocating water for?

The Department has published a list of areas that the source of water is: 1) designated as a critical groundwater area under ORS 537.730 (groundwater only), 2) subject to restrictions on allowed groundwater uses by classification under ORS 536.340 (groundwater only), or 3) withdrawn from appropriation under ORS 538 or by rule or order of the Water Resources Commission under ORS 536.410. See the published list on the "Apply for a Water Use Permit" webpage.

Applicants and their consultants should review this list prior to applying for a new permit. If an application proposes use from one of these areas, the application may be returned to the applicant along with a letter identifying the reason the application is being returned. A portion of the application fees may not be refunded.

For groundwater applications, these provisions do not apply for applications related to the recovery of groundwater under an artificial recharge or aquifer storage and recovery project, or if the application is requesting an exception for a water use not classified in the basin program under ORS 536.295.

### How do I ensure that my application continues to be processed after I receive my initial review?

For water right permits, once an Initial Review is issued, the applicant has 90 days to provide written notification requesting the Department to continue processing the application AND pay any remaining fees due. The initial review will include all deadlines for response. A courtesy automated email will be sent to the applicant after 60 days have passed if the Department has not yet received a response and payment.

For permanent transfers, once an initial review is issued, the applicant has 30 days to provide written notification requesting the Department continue processing the application and provide all remaining information needed. If requested within the 30-day time period for responding to the initial review, the applicant may be granted up to 60 extra days if the Department determines that the applicant is making reasonable efforts to provide the remaining information required. The initial review will include all deadlines for response. An automated email will be sent to the applicant after 15 days have passed if the Department has not yet received a response.

If the requirements to continue processing the application are met within the deadline, the initial review will be published in the Department's weekly public notice.

If the requirements to continue processing the application are NOT met within the deadline, the application file will be closed, and no further work will be done. **You will need to re-apply to restart the process.**

### Where can I find information about how to protest a department decision?

All proposed final orders will contain relevant information related to protest filing requirements and timelines. Promptly review proposed final orders and any supporting documents as soon as you or your consultant receives them.

## How do I know if any of these new provisions apply to my application, protest, or standing/party status request?

All initial reviews and proposed final order will contain relevant information and deadlines for requesting the Department continue processing an application, paying remaining fees, providing remaining information, filing a protest and requesting party status.

Anyone who protested a proposed final order for an affected process that has not yet been referred to the Office of Administrative Hearings before January 1, 2026, or submitted a request for standing for an affected process and has not yet filed a request for party status as of January 1, 2026, will need to comply with the updated protest and standing statement requirements. OWRD will notify parties directly in April 2026. No action is needed until you receive that notice.

## I would like to request party status on a department decision. How will I know if a protest was filed?

Monitor the Water Rights Information System (WRIS). WRIS shows Department-issued documents as well as information about application processing. When a timely protest has been filed, the Department updates the "Processing History" section of the application's WRIS page. The Department aims to update WRIS to reflect the filing of timely protests within seven business days after the close of the protest period. Visit WRIS here.

## What reconsideration options exist for an unprotested Proposed Final Order (PFOs) that becomes final?

Final orders resulting from unprotested PFOs cannot be appealed. The protest period is the appropriate time to challenge a Department decision.

## Am I eligible for a water right permit extension?

2025 and 2026 legislation made significant changes to permit extension availability. All non-municipal permits for which a proposed final order is issued on the permit application on or after April 1, 2026, will now have seven years (up from five) to complete construction and beneficially apply water.

After that seven-year period, options for securing an extension are as follows:

- **Municipal extensions**: no changes to the existing extensions allowances
- **Quasi-municipal**: one-time extension up to 20 years
- **Group domestic and group domestic expanded**: one-time extension up to 10 years
- **All other permits**: one-time extension up to seven years, if development was delayed by other local, state or federal permitting processes or appeals related to the project and if application for extension is submitted prior to expiration of a permit or existing extension (effective June 5, 2026). This may be granted in addition to the two-year extension for pending permits below.

For other than municipal, quasi-municipal, and group domestic permits with a PFO issued on the permit application prior to April 1, 2026, an extension of up to two-years may be granted if good cause is shown and all pre-use fish conditions have been met.

## Are these changes all the changes to the process that I can expect?

The Department will soon launch the Phase 2 Water Rights Transaction related rulemaking to (1) provide standardization related to issuance of orders and notice as it pertains to hydroelectric with other minor updates and (2) reorganize, repeal, clean up, and align with statute the rules in Divisions 320 and 330. Visit the 2025-26 Water Rights Rulemaking page for more information on that process.

# Updates to Water Rights, Forfeiture and Contested Case Rules: Summary of Changes

## Background and scope of rulemaking

The Water Resources Commission has adopted rules to modernize the water rights, forfeiture, and contested case processes to be more efficient, transparent and predictable. In addition to implementing legislative changes, these rules make other policy and process improvements, including clarifying ambiguous processes that contribute to uncertainty, and added time and cost.

**This document provides a high-level summary of the rule changes; it is not intended to be an exhaustive summary of all changes.**

## Summary of Rule Changes by Division

Review each Oregon Administrative Rule division to see updated rules.

### Division 2 - Protests and contested cases

**2025 Legislation**: uniform process for water rights transactions and forfeiture including: protests, party status requests, and contested cases; automatic final orders; sending of electronic documents; establishing a default hearing schedules and completion in 180-days; and preference for oral testimony and remote hearings.

**Policy/process:** uniform process for all applicable contested cases: requires accurate contact information, defaults to electronic service upon referral (with exceptions), clarifies information that must be included (with exceptions); adds option to consolidate or bifurcate hearings prior to referral; limits admissions, interrogatories, hours of staff time for discovery before converting to public records request, establishes deadlines for subpoena, and limits site visits; and identifies items for pre-referral notice to encourage settlement discussions.

**Rule clarity/cleanup and consistency with statute**: clarifies interface and consistency with APA.

**Applicability:** apply to some, or all contested cases held by the Department, except for water rights adjudications held under ORS Chapter 539. Due to Or Laws 2025 ch 575, some provisions apply earlier than rule adoption. See rule 690-002-005 and Or Laws 2025, ch 575 for details.

### Division 14 - Certified water right examiners and preparation of claims of beneficial use

**2025 Legislation:** electronic documents (by allowing digital seal and signature of Certified Water Right Examiners (CWREs) for any document they prepare).

**Policy/process:** requires pump test or pump test exemption request for each well to be submitted before or with claims of beneficial use to align with pump test rules; removes redundant and outdated rule language pertaining to when a transfer application map must be prepared by CWRE; standardizes mapping criteria across transaction types (links to Division 305) while allowing for additional mapping requirements specific to claims.

**Applicability:** applies to claims of beneficial use, maps, and other documents submitted by CWREs on or after April 1, 2026.

### Division 17 – Cancellation of perfected water rights

**2025 Legislation:** automatic final orders and uniform contested case, party status, and protests (links to Division 2).

**Policy/process:** clarifies process when forfeiture is raised as part of a transfer protest (links to Division 380); and clarifies the information that must be in Department notices or public affidavits.

**Rule cleanup/clarity and consistency with statute:** aligns with statute the process for initiating cancellation, statutory exceptions related to "ready/willing/able" and drought, information a watermaster needs for affidavits submitted pursuant to ORS 540.660, and reasons for rebuttals to forfeiture; removes rules-only requirement for Department staff to submit affidavits under ORS 540.631.

**Applicability:** provisions linked to Division 2 have the same applicability as Division 2. All other rule changes apply to affidavits received and cancellation proceedings initiated on or after April 1, 2026. OWRD will evaluate affidavits received prior to April 1, 2026, under the rules in effect when the affidavits were received.

### Division 18 – Allocation of conserved water

**2025 Legislation:** uniform contested case, party status, protests, and automatic final orders (links to Division 2); protest period changed from 30 days to 45 days; electronic documents including email addresses; replaces newspaper notice with weekly public notice; phased application processing (initial review, PFO); and amending timing of when public comment period occurs.

**Policy/process:** standardizes mapping criteria across transaction types (links to Division 305) while allowing for additional mapping requirements specific to this transaction type; aligns processes with other transfer processes, including same source criteria for injury; and specifies measurement and reporting requirements.

**Rule cleanup/clarity:** aligns and reorganizes rules; clarifies processing steps for approval, completion, testing phase, and finalization of a conservation project (note some alignment is necessary for 2025 legislation); and clarifies that if conserved water allocated to the state is necessary to support instream flow purposes it will be converted to an instream water right; otherwise, if not necessary, it reverts to the public for appropriation by the next user in priority.

**Applicability:** provisions linked to Division 2 have the same applicability as Division 2. All other rule changes apply to applications submitted on or after April 1, 2026.

### Division 077 – Instream water rights

**2025 Legislation:** electronic documents and email addresses; phased application processing; return of applications in withdrawn areas (new water rights); uniform requirements for protest, party status requests, and contested cases, and automatic final orders (links to Division 2); alignment with statute for orders issued without hearing; and standardizes processing steps and document naming for transfers.

**Policy/process:**

- Clarifies that the Department issues instream water rights only within Oregon's borders
- Refines mapping requirements
- Updates various definitions and aligns "enlargement" and "injury" with other rules
- Repeals forfeiture of instream water rights rules
- Clarifies existing rule on when a withdrawal applies to new instream water right applications
- Clarifies allowed timelines for administrative holds
- Removes requirements to post notice in certain offices
- Clarifies which rights can be transferred or leased instream, including storage rights
- Instream leases: allows a district to keep written authorization on file; allows copies of contracts for consent from federal government; removes requirement to post lease application notice in watermaster office; clarifies requirements for leasing a storage right; streamlines process for renewals
- Precedence of future uses of multipurpose projects: aligns with water right processing steps for efficiency and clarity purposes; changes public hearing to public comment period; and incorporates decision into a proposed final order

**Consistency with statute:** align/remove new and repealed language; removes estimated annual natural flow (EANF) from consideration of limit for instream transfers, leases, or allocations of conserved water; aligns language and workflows for minimum perennial streamflow conversions; implements 2023 legislation for split season leasing; and clarifies measurement and reporting requirements.

**Rule cleanup/clarity:** creates consistency for mailing notices with the APA; modifies definitions for consistency

across rule divisions, removes unnecessary or unused definitions, and adds missing definitions; update statutory and rule references.

**Applicability:** provisions linked to Division 2 have the same applicability as Division 2. The provisions related to returning water right applications for sources that are withdrawn from further appropriation apply to new and pending instream water right applications where a PFO has not been issued prior to April 1, 2026, and the source water was closed prior to application submission. All other rule changes are effective April 1 or apply to applications submitted on or after April 1, 2026.

### Division 300 - Definitions

**2025 Legislation:** updates the statutory authority in the definition of "contested case"; and standardizes the definition of "protest" with the definition in Division 2.

**Rule cleanup/clarity and consistency with statute:** aligns "water use subject to transfer" definition with statutory definition; modifies definition of "stockwater use" and "proposed certificate" for clarity; deletes definitions and provisions that are not used elsewhere in the rules or are no longer relevant to any pending applications; and updates references and renumbers rules due to deletions.

**Applicability:** provisions in these rules are effective April 1, 2026.

### Division 305 – NEW DIVISION - General Map Criteria

**Policy/process:** establishes standardized criteria for maps submitted to the Department for water right transactions to reduce confusion and increase efficiencies by consolidating standard requirements in one section. Certain transaction-specific requirements are still included in the applicable rule division.

**Applicability:** provisions in these rules apply to maps submitted on or after April 1, 2026.

### Division 310 – Water right application processing

**2025 Legislation:** allows for groundwater permit issuance in a groundwater quality area to consolidate drinking water wells (exempt from water availability review); phased application processing; electronic documentation and email addresses; return of applications for sources that are closed to further appropriation; automatic final orders, and uniform contested cases, protests, and requests for party status (links to Division 2).

**Policy/process:** standardizes mapping criteria across transaction types (links to Division 305) while allowing for additional mapping requirements specific to this transaction type; requires notice to landowner if someone else applies for a water right on their property; requires proof of signatory authority for representatives of certain entities; removes required application information that the Department can get elsewhere; removes requirements for certain entities to post the Department's weekly public notice; and provides clear parameters and time frames for when and how long an administrative hold may be issued.

**Rule cleanup/clarity and consistency with statute:** clarifies notice requirements of the APA; removes language linked to authorities no longer in statute; updates rule and statutory references and makes grammatical fixes; removes ability to accept land use receipts and to approve without land use information, which is inconsistent with OAR 690, Division 5 rules; updates rules to conform with other rule amendments.

**Applicability:** provisions linked to Division 2 have the same applicability as Division 2. The provisions related to returning applications for sources that are withdrawn from further appropriation apply to new and pending applications where a PFO has not been issued prior to April 1, 2026, and the source water was closed prior to application submission; except for groundwater applications for recovery of groundwater under an artificial recharge or aquifer storage and recovery project or requesting a basin program rule exception. All other rule changes apply to applications submitted on or after April 1, 2026.

### Division 315 – Water rights permit extensions

**2026 Legislation:** adds narrow allowance for other than municipal, quasi-municipal, and group domestic permits to apply for a one-time extension not exceeding seven years, if development was delayed by other local, state or federal permitting processes or appeals related to the project and if application for extension is submitted prior to

expiration of a permit or existing extension. This may be granted in addition to the two-year extension for pending permits below.

**2025 Legislation:** implements 20-year and 10-year extension limits for quasi-municipal and group domestic permits, respectively, and two-year limits for all other pending permits; repeals extension process for new permits (excluding municipal, quasi-municipal and group domestic) that receive proposed final orders on the permit application on or after April 1, 2026 (new statutes provides seven years for development with no extension instead of five); electronic documentation and email addresses; and uniform protests and contested cases, and automatic final orders (links to Division 2).

**Policy/process:** eliminates the requirement to impose checkpoint conditions because of the new limitations on the length of extensions but retains Department authority to condition an extension order to periodically document the continued need for the permit; conforms existing agency policy of denying extension applications when water use began prior to pre-use fish-related permit conditions being met; and adds information about how the proposed final order on the extension application may initiate cancellation proceedings if an extension is denied and requirements for cancellation are met.

**Consistency with statute:** aligns process with existing internal guidance and statute related to counties, municipalities or districts constructing new storage projects that may apply for extensions; aligns definition of "undeveloped portion" with the definitions in ORS 537.230(1) and ORS 537.630(1); conforms with APA notice requirements; and clarifies per statute that the permit holder has 90 days after completion date to either submit a claim of beneficial use or an extension application.

**Rule cleanup/clarity:** updates rules to conform with other rule amendments; removes the outdated reference to a 2006 implementation evaluation; reorganizes the location of the begin-construction requirement.

**Applicability:** The new rules apply to municipal, quasi-municipal, group domestic, and group domestic expanded use permit extension of time applications submitted on or after April 1, 2026, and to extension applications for all other uses unless a PFO was issued on the extension application prior to April 1, 2026. Provisions associated with 2026 legislation are effective June 5, 2026. The provisions linked to Division 2 have the same applicability as Division 2.

### Division 325 – Assignment of a water right permit and request for issuance of replacement permits

**2025 Legislation:** electronic documents and email addresses; automatic final orders, and uniform contested case and protests (links to Division 2).

**Policy/process:** clarifies application requirements; creates consistency with divisions 380 and 382 in renaming a technical review to initial review (2025 legislation); standardizes mapping criteria across transaction types (links to Division 305) while allowing for additional mapping requirements specific to this transaction type; and allows for acceptance of digital seal of CWREs.

**Rule cleanup/clarity and consistency with statute:** aligns consistency on mailing of notices with the APA; clarifies that applications can only be accepted if the completion date is unexpired, however approval of the application is not contingent upon the completion date being unexpired; clarifies that permit means water right permit; clarifies function of the rule; improves description of completion date; and aligns definition of injury.

**Applicability:** The provisions linked to Division 2 have the same applicability as Division 2. All other rule changes apply to applications submitted on or after April 1, 2026.

### Division 340 – Water use authorizations (limited to limited licenses and expedited stored water)

**2025 Legislation:** electronic documents.

**Policy/process:** standardizes mapping criteria across transaction types (links to Division 305) while allowing for additional mapping requirements specific to these transaction types; and in response to recent court ruling on expedited use of stored water, provides clarity on when a public comment has raised a public interest issue that merits the standard process.

**Rule cleanup/clarity and consistency with statute**: removes circular and conflicting references.

**Applicability:** provisions in these rules apply to applications submitted on or after April 1, 2026.

## Division 380 – Water right transfers

**2025 Legislation:** electronic documents and email addresses; weekly public notice and change in newspaper notice; phased application processes; and uniform protest, party status and contested case procedures, and automatic final orders (links to Division 2); standardizes document naming with water rights documents; and Department may deny a change in point of appropriation in certain circumstances for transfers and permit amendments (ORS 537.211(5) and ORS 540.586).

**Policy/Process:**

- Adopts new rules governing permit amendments as no rules currently exist, mirrors requirements for regular transfers, except as otherwise provided by statute
- Temporary transfers: removes character of use to store water which is inconsistent with statute; adopts new rule to allow temporary transfer renewals; delegates authority to the Department (instead of Commission) to issue a final order after a contested case hearing even when exceptions to the Administrative Law Judge's proposed order are timely filed
- Historical POD changes: clarifies claim of injury process, applicant is required to provide proof of notification to affected water right holders per statute, criteria for approval including adding enlargement, that instream water rights are considered affected rights, and timely comments are part of injury and enlargement analysis; clarifies process applies to surface water only and does not apply to changing the location of a dam
- Substitutions: clarifies that substitution must be terminated before a new change can occur
- Specific-to-General Industrial: specifies information necessary to demonstrate the quantity of water diverted for the original industrial use and allows Department to ask for additional information
- Clarifies that the Department may condition transfers and permit amendments to prevent injury and enlargement resulting from the proposed changes
- Standardizes mapping criteria across transaction types (links to Division 305) while allowing for additional mapping requirements specific to transaction types in Division 380
- Describes the mechanism for the transfer holder or receiving landowner to inform the Department that the approved change in point of diversion or appropriation was not completed and to request reversion back to the last authorized location
- Clarifies process when forfeiture is asserted as part of a transfer protest (links to Division 17)
- Clarifies that place of use transfer must involve a physical change that alters where the water right is located consistent with enlargement provisions
- Clarifies notification process for an applicant of layering issues and how they may be resolved
- Updates application requirements to include information to assist with fish screen and passage evaluation, to clarify information needed to assess evidence of use, and clarify when ownership information is required
- Clarifies when more than one water right or landowner can be included in a single transfer application
- Clarifies when a waiver of fees shall be granted
- Clarifies process for consent to injury
- For point of diversion changes, clarifies ability to condition a transfer approval order to require a proper fish screen if requested by ODFW
- For water right clarifications under ORS 540.560, delegates authority to Department to issue a final order after a contested case hearing even when exceptions to the Administrative Law Judge's proposed order are timely filed
- Removes ability to presume that a transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Department otherwise, because this is inconsistent with OAR 690, Division 5 rules

**Rule cleanup/clarity and consistency with statute:** removes obsolete applicability language; addresses rule language consistency; removes redundant definitions; and updates rule references.

**Applicability:** provisions linked to Division 2 have the same applicability as Division 2. All other rule changes apply

to applications submitted on or after April 1, 2026.

### Division 382 – Groundwater registration modifications

**Consistency with 2025 Legislation:** electronic documents and email addresses; increases fee ($1,900 - 70% of max for a POU change only and $2,730 - 100% of max for all other changes/combination of changes); replaces newspaper notice with weekly public notice; 45-day protest period; and uniform protest, party status, and contested case process, automatic final orders (links to Division 2); consistent document terminology; and Department may deny a change in point of appropriation in certain circumstances (ORS 537.610(5)).

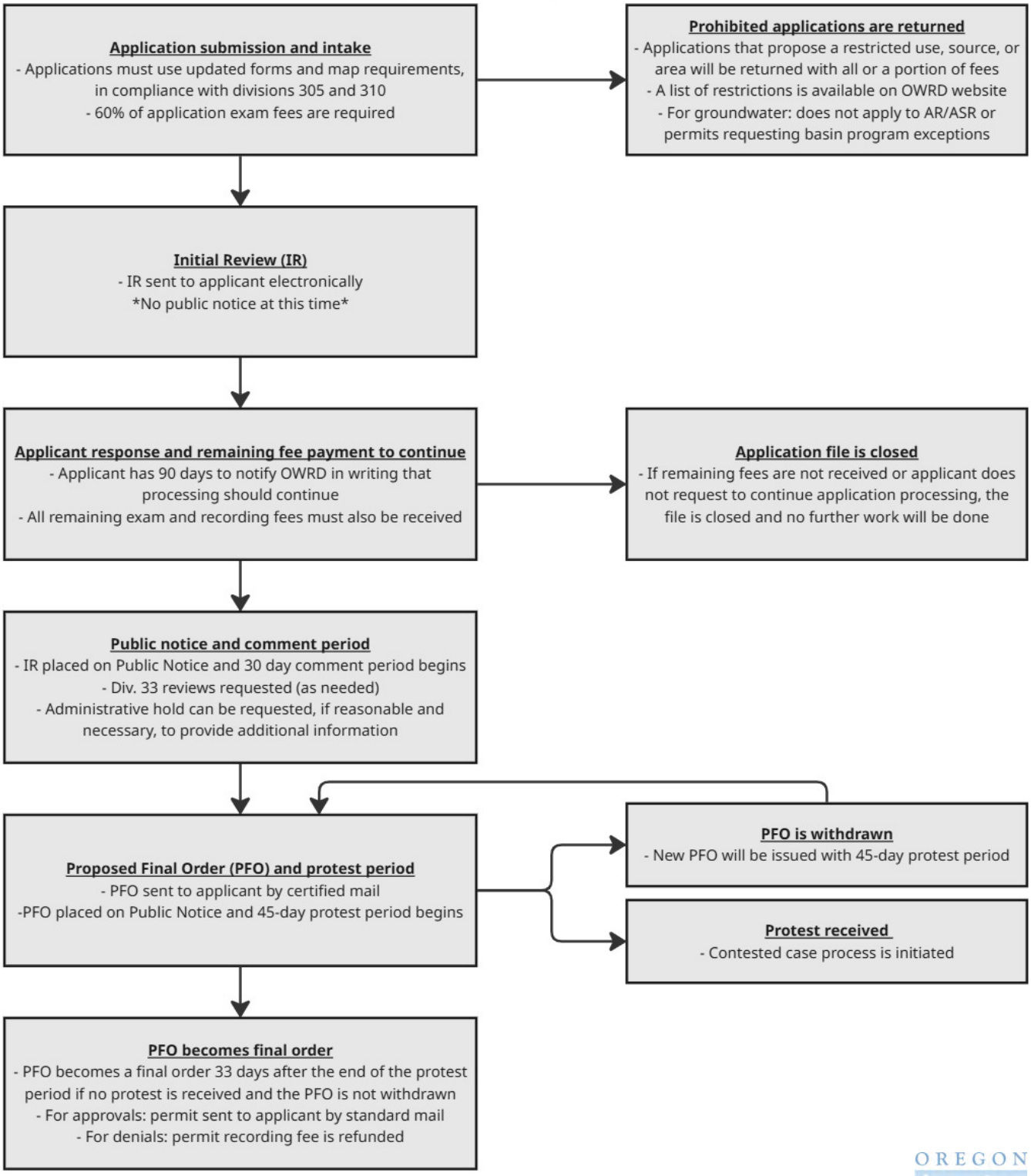
**Policy/process:** standardizes mapping criteria across transaction types (links to Division 305) while allowing for additional mapping requirements specific to this transaction type; clarifies notification process to an applicant of layering issues and how they may be resolved; aligns processes with Division 380 pertaining to transfers and permit amendments.

**Rule cleanup/clarity:** removes redundant definitions and language; aligns with statute terminology regarding tentative priority date and certificate of registration; and cleans up rule references and structure.

**Applicability:** provisions linked to Division 2 have the same applicability as Division 2. All other rule changes apply to applications submitted on or after April 1, 2026.

# Figure 1. Water Right Permits

## Standard application processing flow




OREGON WATER RESOURCES DEPARTMENT

# Water Right Permits: Standard application processing flow

## Application submission and intake

- Applications must use updated forms and map requirements, in compliance with divisions 305 and 310
- 60% of application exam fees are required
- If the application proposes a restricted use, source, or area the application will be returned along with all or a portion of fees (a list of restrictions is available on OWRD website)
    - For groundwater: Does not apply to artificial recharge or aquifer storage and recovery projects or permits requesting basin program exceptions

## Initial Review (IR)

- If the application is accepted the Department will continue to the Initial Review (IR)
- IR is sent to applicant electronically
- No public notice at this time

## Applicant response and remaining fee payment to continue

- Applicant has 90 days to notify OWRD in writing that processing should continue
- All remaining exam and recording fees must also be received
- If remaining fees are not received or applicant does not request to continue application processing, the file is closed and no further work will be done

## Public notice and comment period

- If the Department receives all information and fees necessary to continue processing the application IR placed on Public Notice and 30-day comment period begins
- Division 33 reviews requested (as needed)
- Administrative hold can be requested, if reasonable and necessary, to provide additional information

## Proposed Final Order (PFO) and protest period

- PFO sent to applicant by certified mail
- PFO placed on Public Notice and 45-day protest period begins
- If the PFO is withdrawn a new PFO will be issued with 45-day protest period

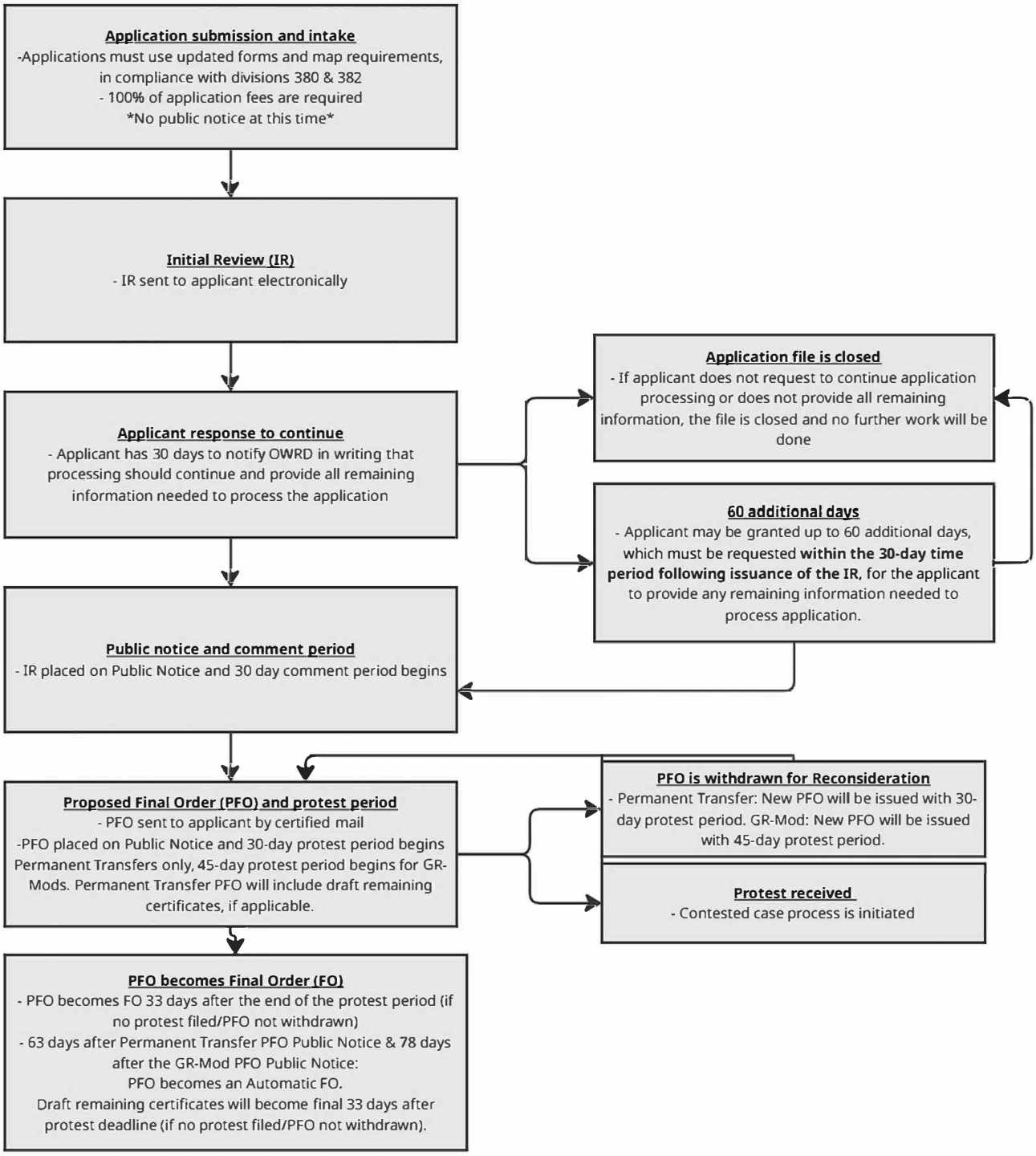
- If a protest is received the contested case process is initiated

## PFO becomes final order

- If no protest is received and the PFO is not withdrawn, the PFO becomes a final order 33 days after the end of the protest period
- If approved, the permit is sent to applicant by standard mail
- If denied, the permit recording fee is refunded

# Figure 2. Permanent Transfers and Groundwater Registration Modifications

Standard application processing flow




OREGON WATER RESOURCES DEPARTMENT

# Permanent Transfers and Groundwater Registration Modifications: Standard application processing flow

## Application submission and intake

- Applications must use updated forms and map requirements, in compliance with divisions 380 & 382
- 100% of application fees are required
- No public notice at this time

## Initial Review (IR)

- If the application is accepted the Department will continue to the Initial Review (IR)
- IR is sent to applicant electronically

## Applicant response to continue

- Applicant has 30 days to notify OWRD in writing that processing should continue and provide all remaining information needed to process the application
- If applicant does not request to continue application processing or does not provide all remaining information, the file is closed and no further work will be done
- If the applicant requests an extension within the 30-day time period following issuance of the IR, the applicant may be granted up to 60 additional days to provide any remaining information needed to process application.

## Public notice and comment period

- If the Department receives all information necessary to continue processing the application IR placed on Public Notice and 30-day comment period begins

## Proposed Final Order (PFO) and protest period

- PFO sent to applicant by certified mail
- PFO placed on Public Notice and 30-day protest period begins Permanent Transfers only or 45-day protest period begins for GR-Mods. Permanent Transfer PFO will include draft remaining certificates, if applicable.
- If the PFO is withdrawn a new PFO will be issued with new protest period
- If a protest is received the contested case process is initiated

## PFO becomes final order (FO)

- If no protest is received and the PFO is not withdrawn, the PFO becomes a final order 33 days after the end of the protest period
    - 63 days after Permanent Transfer PFO Public Notice & 78 days after the GR-Mod PFO Public Notice PFO becomes an Automatic FO.
    - Draft remaining certificates will become final 33 days after protest deadline

# State Drought Declaration Process and Emergency Tools

## State Drought Declaration Process

Drought declarations for an area under Oregon Revised Statutes (ORS) Chapter 536 typically go through a three-part process before securing a state drought declaration from the Governor. Note this is distinct from an emergency declaration process under ORS Chapter 401. Contact Oregon Emergency Management for questions about that process. This handout focuses on ORS 536 and Oregon Administrative Rules (OAR) A 690-019 drought declarations.

1. A county or Tribe submits a request for a state drought declaration to the Drought Readiness Council, which is co-chaired by the Office of Emergency Management and Oregon Water Resources Department.

2. The Water Availability Committee, chaired by the Water Resources Department, evaluates information on water supply conditions and subsequently provides an update on conditions to Oregon's Drought Readiness Council. The Drought Readiness Council then assesses the impact of drought conditions and makes recommendations to the Governor's Office on whether to declare drought in an area.

3. The Governor makes the final decision on whether to issue an Executive Order declaring a drought emergency.

The primary benefits of a state drought declaration from the Governor are that it creates greater awareness of drought conditions, facilitates coordination between state agencies, and allows OWRD to provide existing water right holders with access to emergency water management tools. These tools are outlined below. The Governor or the Oregon Water Resources Commission can also direct state agencies and political subdivisions to implement a water conservation plan or water curtailment plan.

## OWRD Emergency Drought Tools for Water Right Holders

A state drought declaration allows the Water Resources Department to offer certain tools to water right holders in a drought-declared county or Tribal area of declaration. These tools have an expedited review process, reduced fee schedule, and are intended to be short-term emergency authorizations, not permanent solutions to deal with water supply challenges.

**Temporary Emergency Water Use Permit**

An approved emergency water use drought permit allows a water user to temporarily replace water not available under an existing water right. The most common drought permit allows the use of groundwater as an alternative to an existing surface water right. A well-prepared application generally takes approximately 10 business days to process. Emergency water use permits are issued through an expedited process and are valid for one year or the term of the drought declaration, whichever is shorter. For more information see OAR 690-019-0040.

**Temporary Transfer**
A water user can apply to change the type of use, place of use, or the location of the diversion under an existing water right. A temporary drought transfer takes place under an expedited process and is in effect for the duration of the drought declaration or up to one year, whichever is shorter. For more information see OAR 690-019-0055.

**Temporary Instream Lease**
Once approved, a water user can convert all or a portion of a water right to an instream use for a period of one year or the term of the drought declaration, whichever is shorter. For more information see OAR 690-019-0058.

**Temporary Substitution**
Any person holding both a primary right originating from a surface water source and a supplemental right from a groundwater source may apply to temporarily use the supplemental right instead. For more information see OAR 690-019-0059.

**Temporary Exchange of Water**
The Water Resources Commission can approve a temporary exchange of existing rights, such as using stored water instead of a direct-flow surface-water right. For more information see OAR 690-019-0030 (1)(c) and ORS 540.533.

## OWRD Drought Emergency Tools that Require Advance Planning

The following tools are best utilized through proactive planning prior to the issuance of a drought declaration as they may have statutory timeline requirements. Once in place however, they can be utilized to mitigate some water use needs during a drought season. See contacts below for more information.

**Special Option Agreements**
A water-right holder can enter into an agreement that authorizes the use of water at locations, from points of diversion, and for uses other than those described in the water right. Interested parties must first work through the scoping of the need and propose it to the watermaster before ultimately submitting it to the Department for analysis and review. Once approved by the Water Resources Commission, these agreements would be usable the moment a drought declaration under ORS 536 is signed by the Governor and do not require approval each season. Typically, if no changes have been made, the agreement remains in place until terminated by the parties and provides additional water-supply options in times of drought. For more information on the process see OAR 690-019-0080.

**Human Consumption or Stock Water Use Preference**
The Water Resources Commission has authority to grant a temporary preference to water rights for human consumption and/or stock watering uses. The preference is given over other uses regardless of the priority date (seniority) of water rights associated with the other uses. In order for the preference to go into effect, the Water Resources Commission must approve temporary rules. For more information, see OAR 690-019-0070.

## Additional information

**Long-term Drought Planning**
The best planning for drought is proactive solutions and preparedness that improve resiliency to drought. Water right holders seeking longer-term solutions should first contact their watermaster to help identify options: Find your watermaster at owrd.info/watermaster.

**Drought Exception to Forfeiture**

Pursuant to ORS 540.610(4), when counting years of non-use to determine whether a water right has been forfeited due to non-use for five successive years, an ORS 536 declared drought year is not included in the accounting as long as the water right holder has a facility capable of handling the entire rate and duty and is ready, willing, and able to make full use of the water right. This drought "exemption" does not apply to the evaluation of transfers.

**For More Information**

The Water Resources Department maintains a drought website that provides the status of current water conditions and state drought declarations, as well as information on what you can do to use water wisely. Visit our drought website at drought.oregon.gov.

Water Resources Department staff are available to answer questions about emergency applications, the state declaration process, and water supply conditions. For general drought questions in your area, refer to your watermaster. You can use the "Locate my local watermaster" link on our homepage. For other more specific asks see the below table.

| Subject | Subject Matter Expert | Contact Information |
|---|---|---|
| Emergency Water Use Permits | Corie Lovrien, Sarah Benham | wrd_dl_customerservice@water.oregon.gov, 503-986-0900 |
| Instream Leases | Sarah Henderson | wrd_dl_instreamlease@water.oregon.gov |
| Transfers, Substitutions & Exchanges | Arla Davis, Scott Grew, Elyse Hennen, Joan Smith | wrd_dl_transfer@water.oregon.gov |
| Special Options & Preferences, Statewide Drought | Jake Johnstone | jake.d.johnstone@water.oregon.gov |
| Water Availability Committee & Drought Readiness Council | Cameron Greenwood | cameron.a.greenwood@water.oregon.gov |
| Media Inquiries | Jason Cox | wrd_dl_mediainquires@water.oregon.gov |
| Tribal Liaison | Laura Hartt | laura.a.hartt@water.oregon.gov |

Several federal agencies offer loans or grants to assist with drought-related emergencies. Programs for farming and ranching operations are administered by the U.S. Department of Agriculture through the Farm Service Agency, Rural Development, and the Natural Resources Conservation Service. The U.S. Small Business Administration provides loans to businesses, including non-profit organizations. The U.S. Bureau of Reclamation offers grants for planning and implementing water management projects. The following is a short summary of various federal financial programs. More information is available at: https://www.disasterassistance.gov/

## USDA Farm Service Agency

The Farm Service Agency provides assistance for natural disaster losses resulting from drought, flood, fire, freeze, tornadoes, pest infestation, and other calamities. The following programs are summarized on FSA's Drought Assistance website. To find your local FSA office, visit farmers.gov. Learn about USDA Disaster Assistance programs on the Disaster Assistance Discovery Tool at www.farmers.gov/recover/disaster-tool.

Documentation

**It's critical to keep accurate records to document all losses following this devastating weather event.** Livestock producers are advised to document beginning livestock numbers by taking time and date-stamped video or pictures prior to after the loss. Other common documentation options include purchase records, production records, vaccination records, bank or other loan documents, or third-party certification.

### ➲ Emergency Farm Loans

The Farm Service Agency provides emergency loans up to $500,000 to help producers located in a county declared by the President or designated by the Secretary of Agriculture as a primary disaster area or quarantine area. All counties contiguous to the designated area are also eligible for emergency loans. Applications must be received within eight months of the county's drought disaster declaration. Emergency loan funds may be used to:

- Restore or replace essential property
- Pay all or part of production costs associated with the disaster year
- Pay essential family living expenses
- Reorganize the farming operation
- Refinance certain debts, excluding real estate

Factsheet: www.fsa.usda.gov/Assets/USDA-FSA-public/usdafiles/FactSheets/2019/emergency-loan-program.pdf

### ➲ Emergency Conservation Program (ECP)

The Emergency Conservation Program (ECP) provides funding and assistance to farmers and ranchers to repair farmlands damaged by natural disasters and helps put in place methods for water conservation during severe drought. The FSA County Committee inspects the damage to determine eligibility. Farmers and ranchers should check with their local FSA office regarding sign-up periods, which are set by the FSA County Committee.

Website: https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/emergency-conservation-program-ecp-fact_sheet.pdf

## Emergency Forest Restoration Program (EFRP)

The Emergency Forest Restoration Program (EFRP) can assist landowners and forest stewards with financial and technical assistance to restore damaged farmland or forests.

Fact sheet: www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/emergency_forest_restoration_program-fact_sheet.pdf

## Livestock Forage Disaster Program (LFP)

The Livestock Forage Disaster Program (LFP) provides compensation to eligible livestock producers who have suffered grazing losses due to drought or fire. LFP payments for drought are equal to 60 percent of the monthly feed cost for up to five months.

Fact sheet: www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/livestock_forage_program_lfp-fact_sheet.pdf

## Livestock Indemnity Program (LIP)

The Livestock Indemnity Program provides benefits to livestock producers for livestock deaths in excess of normal mortality caused by adverse weather. LIP payments are equal to 75 percent of the market value of the applicable livestock. To be eligible, the notice of loss must be submitted within 30 calendar days of when the loss of livestock is apparent to the producer and applications for payment must be submitted within 60 calendar days after the end of the calendar year in which the loss of livestock occurred.

Fact Sheet: www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/livestock_indemnity_program_lip-fact_sheet.pdf

## Noninsured Crop Disaster Assistance Program (NAP)

This program provides financial assistance to eligible producers affected by drought, flood, hurricane, or other natural disasters and covers non-insurable crop losses. Eligible crops include commercial crops and other agricultural commodities produced for food (including livestock feed) or fiber for which the catastrophic level of crop insurance is unavailable. Also eligible for NAP coverage are controlled-environment crops (mushrooms and floriculture), specialty crops (honey and maple sap), and value loss crops (aquaculture, Christmas trees, ginseng, ornamental nursery, and turf grass sod).

Fact Sheet: www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/noninsured_crop_disaster_assistance_program-nap-fact_sheet.pdf

## Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program

The ELAP program provides payments to help compensate for losses due to disease, adverse weather, or other conditions, such as blizzards and wildfires, as determined by the Secretary of Agriculture. For losses within the program year, January 1- December 31, a notice of loss must be filed within 30 days of when the livestock loss is apparent, and an application for payment must be received by January 30 after the program year in which the loss occurred.

Livestock Factsheet: www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/elap-livestock-fact-sheet.pdf
Honeybee Factsheet: www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/elap-honeybee-fact-sheet.pdf

### CRP Haying and Grazing - Emergency and Non-Emergency Use

Livestock producers suffering the impacts of drought can also request Emergency Haying and Grazing on Conservation Reserve Program (CRP) acres.

Factsheet: www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/crp_haying_grazing_factsheet.pdf

### Tree Assistance Program (TAP)

The Tree Assistance Program offers financial assistance to qualifying orchardists and nursery tree growers to replant or rehabilitate eligible trees, bushes and vines damaged by natural disasters. For losses in calendar year 2019 and in subsequent years, the loss must be reported within 90 days of the disaster event or within 90 days of when the loss became apparent.

Factsheet: www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/tree_assistance_program-tap-fact_sheet.pdf

## USDA Rural Development

USDA Rural Development's main office is located in Portland, with local offices in Central Point, La Grande, Pendleton, Tangent, Redmond, and Roseburg. USDA Rural Development offers loans, grants, and loan guarantees to support essential services such as housing, economic development, health care, first responder services and equipment, and water, electric and communications infrastructure.

### Emergency Community Water Assistance Grants

To help rural communities who have experienced a significant decline in quantity or quality of water, due to an emergency event (ex. drought, earthquake, hurricane, or tornado), to obtain adequate quantities of clean drinking water. Most state and local governmental entities, nonprofit organizations, and federally recognized Tribes are eligible for assistance. A federal disaster declaration is not required. Water source grants are available for up to $1,000,000 for construction of a new water source, intake and/or treatment facility. Grants are available up to $150,000 for improvements or repairs to the water distribution system.

### Water and Waste Disposal Loans and Grants

Rural development is authorized to provide financial assistance to municipalities, counties, special purpose districts, Indian tribes, and nonprofits in the form of grants or loans to support restoring, improving, enlarging, or modifying a water supply or wastewater facility. The program is available in rural areas and towns of up to 10,000 people, with preference for areas of less than 5,500 people. Priority is given to public entities and projects to restore deteriorating water supply or to improve, enlarge, or modify water facilities or inadequate waste facilities.

### Household Water Well System Grants

This program helps qualified nonprofits and tribes create a revolving loan fund to extend access to clean, reliable water to households in eligible rural areas. Loan funds may be used to construct, refurbish, or service individually owned household water well systems.

## USDA Natural Resource Conservation Service (NRCS)

With field offices in nearly every county, NRCS provides funds for farmers and ranchers to help mitigate the effects of drought and prepare against future weather events. NRCS Oregon recently launched a new drought portal with information and resources for private landowners.

Website: www.nrcs.usda.gov/getstarted

### Environmental Quality Incentives Program

The Environmental Quality Incentives Program (EQIP) is a voluntary conservation program that promotes agricultural production and environmental quality as compatible goals. Through EQIP, agricultural producers receive financial and technical assistance for practices that improve water and air quality, conserve ground and surface water, reduce soil erosion and sedimentation or improve or create wildlife habitat. NRCS Oregon has $7.5 million of funding available through the EQIP program for counties with drought declarations from the Governor's Office. The application deadline is July 12, 2021.

### Conservation Stewardship Program

The Conservation Stewardship Program (CSP) helps agricultural producers maintain and improve their existing conservation systems and adopt additional conservation activities to address priority resources concerns. Participants earn CSP payments for conservation performance—the higher the performance, the higher the payment.

### Regional Conservation Partnership Program

NRCS is the lead agency for the Regional Conservation Partnership Program (RCPP), which promotes partnerships between public and private sectors to tackle high-priority natural resources challenges. In 2021, NRCS Oregon awarded five projects for a total of $15.3 million to include $3.8 million to the Klamath Basin Farming and Wetland Collaborative Project and $2.6 million to the Smith Rock Irrigation Modernization & Conservation Project. RCPP is designed to strategically target large-scale resource concerns across the landscape with systems that conserve water and soil resources, improve the health of wildlife habitats, and increase climate resilience. RCPP applicants must be governments, tribes, or nonprofits. Partners are strongly encouraged to work with their local NRCS field office and Basin Team Leaders to draft proposals.

Find your Oregon NRCS office here: www.nrcs.usda.gov/wps/portal/nrcs/main/or/contact/local/

# U.S. Small Business Administration

The U.S. Small Business Administration (SBA) provides low-interest disaster loans to businesses of all sizes, private non-profit organizations, homeowners, and renters. SBA disaster loans can be used to repair or replace the following items damaged or destroyed in a declared disaster: real estate, personal property, machinery and equipment, and inventory and business assets.

Website: https://www.sba.gov/funding-programs/disaster-assistance

## Economic Injury Disaster Loans

Small nonfarm businesses and agricultural cooperatives, along with small businesses engaged in aquaculture, and most private nonprofit organizations of any size affected by drought (in a federally declared drought area), may qualify for Economic Injury Disaster Loans. These loans of up to $2 million help meet financial obligations and operating expenses that could have been met had the disaster not occurred

Businesses primarily engaged in farming or ranching are not eligible for SBA disaster assistance. Agricultural enterprises should contact the Farm Services Agency about the USDA assistance made available by the Secretary's declaration.

- The applicant business must be located in the declared disaster area.
- Nurseries are only eligible for economic injury caused by declared drought disasters.
- Loan assistance is available only to the extent the business and its owners cannot meet necessary financial obligations due to the disaster. This determination is made by SBA.

You can apply online for an SBA disaster assistance loan.

# U.S Bureau of Reclamation

The U.S. Bureau of Reclamation's WaterSMART Program provides assistance to water users to improve water management and increase water supply reliability. Reclamation grant funding opportunities are posted on www.grants.gov. Reclamation grants have non-Federal cost-share requirements.

Website: https://www.usbr.gov/pn/programs/wat/index.html.

## Drought Response Program

- Drought Contingency Planning: Drought contingency plans help communities recognize drought in its early stages, identify the effects of drought, and protect themselves in the future.
- Drought Resiliency Projects: Drought resiliency projects help communities prepare for and respond to drought. Resiliency projects must be supported by planning efforts.
- Emergency Response Actions: Emergency response actions minimize losses and damages resulting from drought. Eligible projects are limited to actions such as construction of temporary facilities, water purchases, and use of Reclamation facilities to convey and store water.

## WaterSMART Grants

- Water and Energy Efficiency Grants (WEEG): Projects contribute to water supply reliability by improving efficiency of water conservation and use; increasing hydropower production; and mitigating future risk of conflict related to water use.
- Small-scale Water Efficiency Projects (SWEP): Eligible projects to improve water efficiency are limited in scope and have been identified through previous planning efforts.
- Water Marketing Strategy Grants: Provides funding for projects to expand water markets, with a focus on water conservation to improve resource management.

## Environmental Water Resources Projects

This program awards funding to projects that have a nexus to water resources management with a primary purpose of benefitting ecological values (including mitigating drought-related impacts). Projects may benefit multiple sectors such as agricultural, municipal, tribal, or recreation water users.

## Applied Science Grants

Non-Federal entities such as nonprofit organizations and research facilities receive funding for modeling and forecasting tools, as well as data collection and analysis, to support water management and drought planning and response.

## Cooperative Watershed Management Program

Phase I of this program supports watershed group development, as well as restoration planning and project design at the watershed level. Phase II supports on-the-ground projects developed collaboratively by watershed groups to address water supply and water quality concerns.

## Water Conservation Field Services Program

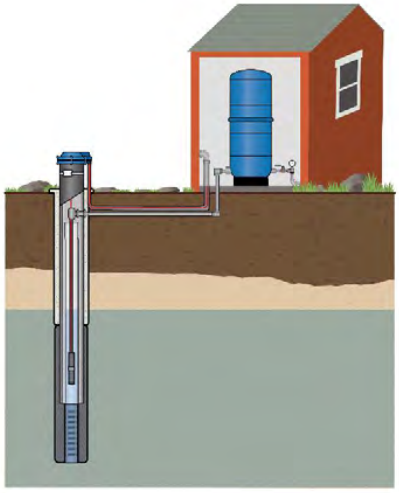
The Water Conservation Field Services fosters improved water management on a watershed basis. The program provides opportunities for both technical and financial assistance for water districts that are working with Bureau of Reclamation Projects.

OREGON WATER RESOURCES DEPARTMENT

# Well Abandonment, Repair, & Replacement Fund (WARRF)

## About the Grant Program

The Oregon Water Resources Department's WARRF Program provides nancial assistance to low- to moderate-income homeowners experiencing well water supply issues. Grants may be used to repair, replace, or abandon wells that are dry, including those that are experiencing severely declining water levels, or wells damaged or destroyed by wild re.



To help as many Oregonians as possible, the maximum funding available is $40,000 per applicant.

## Program Eligibility

You may qualify for funding if all the following apply:

- **Your well:**
  - Is connected to your home to supply water for household use
  - Is dry or was damaged or destroyed by wild re
  - Can no longer provide enough water for essential in-home use including drinking, cooking, and bathing
  - Is not part of a public water system, a very small water system, or a community well
- **You:**
  - Have owned the property for at least one year if the well is dry, or you owned it before the re (for wild re-impacted wells)
  - Live at the property full-time (unless displaced by a wild re)
  - Do not own other properties
- **Your household:**
  - Meets low- to moderate-income criteria based on the program income chart
  - Has no other available water source for the property

### Low- to Moderate-Income Requirements

| Household Size | Maximum Gross Income |
|---|---|
| 1 | $ 46,950 |
| 2 | $ 63,450 |
| 3 | $ 79,950 |
| 4 | $ 96,450 |
| 5 | $ 112,950 |
| 6 | $ 129,450 |

*For each additional household member above 6, add $16,500*

See the **Eligibility Checklist** in the *Guidance for Homeowners* available at owrd.info/warrf.

OREGON WATER RESOURCES DEPARTMENT

## How to Apply

1. **Learn About the WARRF Program**
   - Visit owrd.info/warrf and read the *Guidance for Homeowners*. This document explains program requirements and what costs may be covered.
2. **Get a Professional Well Assessment**
   - Contact a licensed well constructor to inspect your well.
   - Obtain cost estimates for all work needed to repair or replace and abandon the well, including any electrical, plumbing, and pump-related work.
3. **Complete the Application**
   - Submit the online application at owrd.wizehive.app/program/warrf/info. Be sure to:
     - Submit a Dry Well Report online (skip this step if your well was damaged or destroyed by wild re).
     - Attach proof of household income.
     - Attach all cost estimates.
   - If you are unable to apply online, please contact WARRF st to request a paper application by mail. Completed paper applications must be returned by mail to our e. To protect your con dential information, we do not accept applications by email.

## Grant Process

| Step | What Happens |
|---|---|
| 1. **Apply** | Submit your WARRF application online with cost estimates and proof of income. OWRD staff review your submission for completeness and eligibility. |
| 2. **Pre-award Inspection** | A well inspector visits your property to verify conditions. OWRD evaluates the report to determine if your well qualifies. |
| 3. **Grant Agreement** | If approved, you'll receive a grant agreement. Sign and return it to OWRD, who will countersign and finalize the award. |
| 4. **Complete the Work** | Hire licensed professionals to perform the approved repairs, replacements, or abandonment. Notify OWRD once work is complete. |
| 5. **Post Inspection** | A well inspector visits your property to verify work was completed to OWRD standards. |
| 6. **Reimbursement/Payment** | OWRD issues payment to you – you are responsible for reimbursing your contractors. |

## For More Information

owrd.info/warrf

owrd.well.funding@water.oregon.gov

(503) 779-5763

OREGON WATER RESOURCES DEPARTMENT

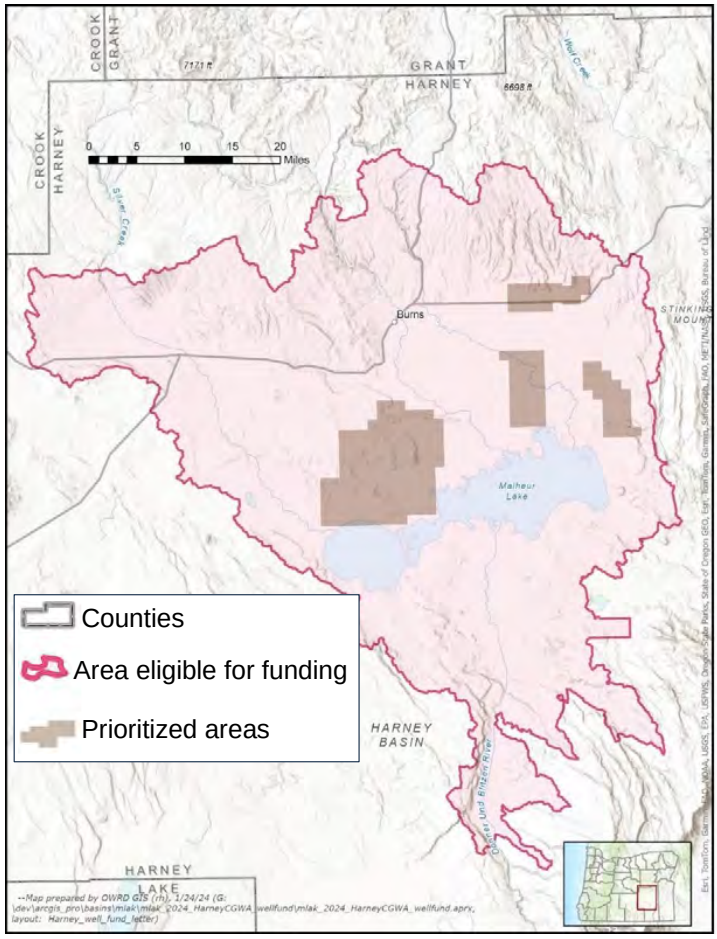
# Harney Domestic Well Remediation Fund

## What Does the Program Fund?

OWRD has funding available to reimburse qualifying homeowners in the Greater Harney Valley Groundwater Area of Concern (GHVGAC) for a portion of the cost to repair or replace and abandon a household water well. The well must provide or have provided household water for homes constructed before April 15, 2016.

## What Area Is Eligible for Funding?

The area within the pink boundary of the map shown on the right is the GHVGAC and wells within that boundary are eligible for funding. Visit the website below for more eligibility information.




## How Will Applications Be Prioritized?

Funding will be prioritized for wells that do not supply enough water to meet household needs, wells in areas of the highest groundwater declines (brown areas on the map), and applicants with low to moderate income.

## How Much Money Could I Qualify for?

### Funding Levels

OWRD grants provide:

- 75% of cost up to $10,000 to **repair** a well
- 75% of cost up to $10,000 to **replace** a well
- 100% of cost up to $3,500 to **abandon** a well

## For More Information and to Apply:

**Visit:** owrd.info/hdwf and read the Guidance for Homeowners. This document explains program requirements and what costs may be covered.

**Contact:** OWRD.well.funding@water.oregon.gov | 503-779-5763

# Feasibility Study Grants

*Helping Oregon evaluate water resource projects*

## Background

The Oregon Water Resources Department (OWRD) partners with Oregonians to pursue integrated and innovative solutions for complex water challenges and an uncertain water future. We do this work to achieve a secure and sustainable water future, addressing instream and out-of-stream needs, for all Oregonians and Oregon's environment, economy, communities, and cultures. As part of this work, OWRD invests in the identification, investigation, and implementation of water projects. Feasibility Study Grants provide funding for studies to evaluate the feasibility of water conservation, water reuse, aquifer recharge, aquifer storage and recovery, streamflow protection or restoration, and water storage projects.

Grants require a 25% cost-share match, which may include in-kind contributions. Incorporated cities have different minimum match requirements based on population. Because these requirements vary, applicants should refer to OWRD's webpage for additional details. Any local government, person, Indian Tribe, or non-profit organization may apply for funding. "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof.

## What is a feasibility study?

A feasibility study is an assessment of the practicality of a proposed project and can be used to determine if and how a project should proceed to implementation. Feasibility Study Grants fund qualifying costs of studies that evaluate the feasibility of proposed water conservation, water reuse, aquifer recharge, aquifer storage and recovery, streamflow protection or restoration, and water storage project that appear to have merit but lack important details necessary to determine whether or not to proceed with implementation. The feasibility study focuses on helping to answer the essential question of, "should we proceed with the proposed project idea?" All activities of the study are directed toward helping answer this question.

## How to apply

Applications for Feasibility Study Grants will be accepted through the online grants platform. OWRD encourages applicants to schedule a pre-application conference with staff before applying for a grant. Staff are available to help applicants submit strong applications.

### Eligible Studies

Eligible studies examine the feasibility of water conservation, water reuse, and aquifer recharge, aquifer storage and recovery, streamflow protection or restoration, and water storage projects. Studies may include analysis or evaluation of:

- Hydrological refill capacity, water needs, geology, or hydrology
- Engineering and water exchange
- Financial feasibility
- Instream ecological flows
- Alternative means of supplying water, including costs and benefits
- Water quality impacts
- Environmental impacts or public benefits
- Hydrological analyses
- Development of water management conservation plan
- Data collection and analyses related to the preparation of seasonally varying flow
- Analyses related to assessing the safety of existing dams and identifying actions to address safety deficiencies
- Environmental justice and community impact analyses

# Feasibility Study Grants

## Grant requirements

- ***Permits and regulatory approvals*** – Prior to release of funds, recipients must obtain all required permits and regulatory approvals.
- ***Reporting*** – Recipients must submit quarterly progress reports and a final report to OWRD that describe the completed work and project expenditures.

| Application Review Process | |
|---|---|
| | Applicants submit applications |
| | OWRD conducts completeness review |
| | Application Review Team (ART) reviews and evaluates each application and makes funding recommendations |
| | OWRD solicits public comments on ART funding recommendations (30 days) |
| | OWRD considers public comments and presents funding recommendations to the Water Resources Commission |
| | Commission makes funding awards decision at Commission Meeting |

## Storage-specific study requirements

Applicants proposing to evaluate a storage project must determine whether the project triggers the need to incorporate specific elements into the study.

According to Oregon Administrative Rule [OAR 690-600-0050(2)], a storage feasibility study triggers the storage-specific study requirements if the project proposes any *one* of the following actions:

A. Impound surface water on a perennial stream;
B. Divert water from a stream that supports sensitive, threatened, or endangered fish species; OR
C. Divert more than 500 acre-feet of surface water annually.

Storage feasibility studies that propose any one of these actions **must** address in their application how they will incorporate the following study elements into their feasibility study:

- Analyses of ecological flows
- Comparative analyses of alternative means of supplying water
- Analyses of environmental harm or impact
- Evaluation of need and ability to augment instream flows
- Analysis requirement related to municipal use

***Applications***: OWRD reviews all applications to determine whether the study must address the storage-specific requirements. An applicant may have their application returned as incomplete if they do not address the storage trigger questions or fail to adequately describe how the required elements will be addressed in the study.

***Final Reports***: OWRD reviews all final reports to ensure that all storage-specific study requirements have been included in the study and meet the minimum criteria. Revision of final reports, and potentially additional work, will be required in circumstances where the minimum criteria are not met.

More information on the Storage-Specific Study Requirements is available on the Feasibility Study Grants Applications, Forms and Guidance webpage:
https://www.oregon.gov/owrd/programs/FundingOpportunities/FeasibilityStudyGrants/Pages/Forms.aspx

**Sign up for our mailing list:** owrd.info/email-signup

**Webpage:** owrd.info/fsg

**Contact:** OWRD.grants@water.oregon.gov or 503-979-9160

OREGON WATER RESOURCES DEPARTMENT

# Water Project Grants and Loans

*Partnering with Oregonians to invest in water resource projects*

## Overview

In 2013, the Oregon Legislature passed Senate Bill 839, establishing the Water Supply Development Account to provide grants and loans for implementation-ready projects that address an instream or out-of-stream water supply need and have economic, environmental and social/cultural benefits. Projects must provide benefits in each of these three categories to be eligible for funding.

Grants require a 25% cost-share match, which may include in-kind contributions. Incorporated cities have different minimum match requirements based on population. Because these requirements vary, applicants should refer to OWRD's webpage for additional details. Any local government, person, Indian Tribe, or non-profit organization may apply for funding. "Person" includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof.

Additional requirements apply to storage projects – please contact the Oregon Water Resources Department (OWRD) for more information.

### Eligible Projects

Projects eligible for funding include:

- Conservation
- Reuse
- Above-ground storage
- Below-ground storage
- Streamflow protection or restoration
- Water distribution, conveyance, or delivery systems in connection with newly developed or existing water
- Other water supply projects that result in economic, environmental, and social/cultural public benefits

## How to apply

Applications for Water Project Grants and Loans are accepted through the online grants platform. There is no minimum or maximum grant amount. The application instructions, and scoring criteria document offering guidance on how applications are evaluated are available online on OWRD's webpage under the Water Project Grants and Loans Forms and Guidance page.

Prior to applying for a grant, applicants are strongly encouraged to contact OWRD staff to learn about funding requirements and the evaluation criteria. OWRD staff are available for pre-application conferences to help applicants submit strong applications.

## Review process

After the application deadline, OWRD accepts public comments on all complete applications. A Technical Review Team (TRT) then scores and ranks projects based on the project's economic, environmental, and social/cultural public benefits. The TRT's funding recommendations are posted for a second public comment period. OWRD reviews the TRT funding recommendations along with all public comments and provides funding recommendations to the Water Resources Commission. The Commission makes the final decision on which projects receive funding.

**Sign up for our mailing list:** https://bit.ly/owrd-signup

**More information online:** owrd.info/wpgl

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# Water Project Grants and Loans

## Grant and loan requirements

- ***Water Management Conservation Plan*** – If an applicant or co-applicant is required to have a plan, the plan must be submitted to OWRD at the time of application and receive approval prior to the funding decision date.
- ***Permits and regulatory approvals*** – Prior to release of funds for project construction, recipients must obtain all required permits and regulatory approvals.
- ***Measurement and reporting*** – Recipients must regularly measure and report the water diverted and used from the project. Applicants are encouraged to budget for this in their application. OWRD will make the final determination on the method, timing, frequency and location of measurement.
- ***Reporting*** – Recipients must submit semi-annual progress reports and a final report to OWRD that describe the completed work, project expenditures, and public benefits achieved.
- ***Notation*** – Signage and project materials must include a notation indicating that Oregon Water Resources Department funding was used.
- ***Post-completion*** – Recipients must monitor, evaluate, and maintain the project for a specified number of years, and provide annual reports for 5 years.

| Application Review Process |
|---|
| Applicants submit applications |
| OWRD conducts completeness review |
| OWRD solicits public comment on applications (30 days) |
| Technical Review Team (TRT) reviews applications and public comments, scores and ranks each application; and makes funding recommendations |
| OWRD solicits public comments on TRT funding recommendations |
| OWRD considers TRT funding recommendations and public comments and presents funding recommendations to the Commission |
| Commission makes grant award decisions at Commission Meeting |

## Storage-specific requirements

Additional requirements apply to certain storage projects with "newly developed" water that meet *one* of the following criteria, they: 1) impound surface water on a perennial stream; 2) divert water from a stream that supports state or federally listed sensitive, threatened or endangered fish species; OR 3) divert more than 500 acre-feet of water annually. "Newly developed water" is the increment of water associated with new or expanded storage. When a funded project triggers these requirements, OWRD will add one or both of the following conditions to the water right permit or limited license associated with the proposed project.

### *Water dedicated instream*

The recipient of a *grant* for new or expanded above-ground storage that meets the conditions listed above must dedicate the equivalent of 25% of the newly developed water to instream use.

### *Seasonally varying flows*

A recipient of a grant or loan that meets the conditions above and stores water outside of the official irrigation season will require a seasonally varying flow (SVF) prescription on their water right. An SVF prescription identifies the streamflow (when, how much, for how long, how often) that needs to remain instream to protect ecological functions of a watershed while diverting water for out-of-stream uses. OWRD is responsible for determining the flow prescription, after an application has been selected for funding and before it releases any loan or grant funds. *The funding recipient is not responsible for developing an SVF.*

# Thank you!

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WATER RESOURCES DEPARTMENT

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