



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.