

# Non-Use District Transfer Process

## POU Changes Only

OAR 690 Division 385

OREGON



WATER RESOURCES  
DEPARTMENT

*The vision of the Water Resources Department is to assure sufficient and sustainable water supplies are available to meet current and future needs.*

**OWRD**

**Main Office**

725 Summer St. NE  
Salem, OR 97301

**District Transfers**

503-986-0858

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@Oregon.gov

### Purpose

- Enables a district to apply to OWRD for transferring lands that have been confiscated from a water user because of non-use for a period of five successive irrigation seasons

### Eligibility Requirements

- District must have a full-time manager
- District must be implementing a Water Management and Conservation Plan (WMCP) approved by OWRD

### District Sends 4th-year Notice to Water User

- A notice meeting specific criteria is sent to water user by certified mail when district determines lack of beneficial use made (non-use) for four consecutive seasons

### District Sends 5th-year Notice to Water User

- A notice meeting specific criteria is sent to water user by certified mail after the fifth year of non-use occurs
- District informs water user that district intends to apply to OWRD to transfer non-use lands to other lands

### Water User has Opportunity for District Hearing

- Water user is given 30 days to object to proposed action
- If issues are not resolved, a hearing must be held before the district's board of directors

### District Sends "Notice of Transfer Application" to Water User

- Upon submission of a permanent transfer application by the district that includes non-use lands, the district sends a notice meeting specific criteria to all affected parties
- Water user is informed of an opportunity to protest

### 60-day Protest Period for Water User

- The protest period available to the water user begins on the mailing date of the Notice of Transfer Application
- Protests are submitted to OWRD

### District Submits Permanent Transfer Application

- Includes copies of all required notices
- Application must be submitted before Dec 31 of year in which the 5th year of non-use occurred

### Public Notice

- OWRD Weekly Notice
- 30-day comment period

### Application Reviewed

- All noticing requirements met by district
- Subject to Watermaster review
- No injury or enlargement

### Final Order Issued

- OWRD will Approve or Deny Application
- An order subject to judicial review

### Completion and Proof to Department Satisfaction (DSP)

- Given 1 year + time until next October 1 to complete changes or request an extension of time
- District submits Final Proof Maps and Site Reports certified by the district



# THREE (3) FORMS FOR NON-USE PERMANENT DISTRICT TRANSFERS

## 1. Application Form for Permanent District Transfer. . .



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

### Application for District Permanent Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to the application is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml#app\\_criteria\\_review](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#app_criteria_review).

Change in Place of Use Only

## 2. Supplemental A Form for Permanent District Transfer. . .



### District Permanent Water Right Transfer Application Supplemental Form A

#### DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

#### 1. CURRENT WATER RIGHT INFORMATION

## 3. Land Use Form (check to see if needed). . .

### Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

#### NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; OR
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
  - d) The application involves irrigation water uses only.

# Application must also include copies of all required notices sent to water users