



# Bulges in the System

*A potential topic for rulemaking in 2026-27*

**A bulge in the system is an off-channel temporary storage facility or holding area that is not associated with a storage water right. Bulges, or BIS's, are intended to address irrigation and agricultural system needs while allowing the water user to stay within the terms of their water right.**

## Why this topic is important in water management

There are several scenarios where water users have found bulges to assist in their on-farm management of their lawfully appropriated water. For example:

- **Reuse** - Irrigators may recapture water that is lawfully appropriated and applied for any use allowed under the water right in a bulge for reuse.
- **System needs** - Some newer high efficiency irrigation systems may exceed the allowed diversion rate under the right. To stay within rate allowed limits, the irrigator may appropriate water at the allowed rate by permit into a bulge and then pump out to irrigate at that higher rate for a limited period of time.
- **Rotations** - In irrigation districts and where there are jointly owned ditches, irrigators are often subject to rotational water delivery. For example, they may receive water on the 10<sup>th</sup> day of the month expecting that they are capable of diverting their allotted amount to then use over the following 10 days before their next delivery. In those circumstances, a bulge is an effective way to capture that water allotment.
- **Agricultural needs** – Some farms use bulges to have water available for temperature control, agricultural spray, dust control, animal waste management or other agricultural applications.

## Current authorities

**The Department currently manages use of bulges using internal guidance documents and by referencing the following statutes and rules:**

**Statute – Oregon Revised Statute [ORS \(540.045\)](#)**

Watermaster duties;

**Statute – [ORS 537.400](#)** Reservoir permits;

**Statute – [ORS 540.449](#)** Construction plan approval;

**Statute – [ORS 540.446](#)** Dams not subject to ORS 540.443 to 540.491.

**Rule – Oregon Administrative Rule [OAR 690-300-0010](#)** Definitions – “Irrigation” (26); “Agricultural Water Use” (2);

**Rule – [OAR 690-250-0150](#)** Management of Stored Water;

**Rule – [OAR 690-250](#)** Water distribution

**What is a statute?** A law enacted by Oregon legislature that provides, directs or authorizes Department activity.

**What is a rule?** Any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency.

## Restrictions on bulges

Bulges are not intended to prolong an irrigation season, accommodate year-round storage, be in-channel or capture groundwater. They may not be constructed with a dam or storage volume that would be considered statutory. A statutory dam is one that stores more than 3 million gallons of water or has a dam of 10 feet and greater in height. A bulge may not injure existing water rights, instream rights, or wetlands. A bulge should be constructed in a manner that it can easily evacuate the water within and not store water outside of the season of permitted use under the right.

## Why new or amended rules may be needed



Oregon's laws and rules do not clearly define what qualifies as a 'bulge' in an irrigation system, and the OWRD's internal guidance documents general direction, but creating clear rules will help improve understanding and allow for more consistent application of water law. What some claim to be bulges are holding water all year, for looks or recreation, or to store more water than is needed for normal irrigation rotation. Construction also varies, and some bulges end up capturing shallow groundwater or affecting nearby streams. When a bulge holds more water than is reasonably needed for the permitted use or captures groundwater, it is an unpermitted storage pond and may be subject to regulation or enforcement.

*Example of Bulge in the System*

## Share Your Thoughts on Bulges in the System

### Feedback Opportunity:

- Do you use a bulge?
- How frequently is water delivered or is your system designed to pump/divert?
- What are the problems or challenges with bulges?
- What are the benefits and values of bulges?
- When, how frequently, and at what rate does your bulge empty?

Scan the QR code to add your thoughts on Mentimeter or write your thoughts on a sticky note and add it to the poster board.



OWRD reviews all feedback to understand community concerns, identify potential impacts, and determine scope and content of rules, considering this input alongside legal requirements, scientific data, and policy goals. While not every suggestion can be incorporated due to statutory requirements, scientific constraints, and policy obligations, community feedback helps OWRD ensure the final rules are clear, practical, and appropriately responsive to community needs.

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