



Phase 2 - Proposed Rulemaking for Division 320 Miscellaneous Water Right Provisions (formerly Water Right Permits) Division 330 Proof of Appropriation to Perfect a Water Right (formerly Water Right Certificates)

Division 320 rules proposed for repeal, amendment, then readoption in Division 330

Proposed new rules for Division 330 are depicted below. They are shown as the original Division 320 rule language with track changes to show how they would be amended prior to adoption in Division 330.

OAR 690-320-0020 to OAR 690-330-0050

Cancellation of Permit

When it appears from an onsite examination by the Water Resources Department that no appropriation has been made under the terms of the permit, or that use once made has undergone a period of five successive years of nonuse, a certified letter of intent to cancel the permit shall be sent to the permittee, allowing 60 days from the date of the letter for response. Failure to respond during the 60-day period shall result in cancellation of the permit.

The Department may initiate cancellation of a permit pursuant to ORS 537.260 or ORS 537.410 - 537.450.

690-320-0030 to 690-330-0060

Final Proof Survey: Claims of Beneficial Use for Applications Filed After ~~June 30~~ July 9, 1987

(1) Except for applications filed under the provisions of OAR 690-340-0220, all final proof surveys and claims of beneficial use for water right permit applications filed after July 9, 1987 shall be performed by Certified Water Right Examiners in accordance with OAR 690-014.

(2) Applicants prior to July 10, 1987, may either wait for the Department to perform the final proof survey on its own schedule or may hire a certified Water Right Examiner.

690-320-0040 to 690-330-0070

Incremental Perfection of a Municipal Water Right

(1) These rules shall apply to requests submitted on or after October 1, 2026, for partial perfection of a municipal water right permit. Requests submitted before this date shall be subject to the rules in effect at the time of submittal.

(1~~2~~) A municipal supplier may incrementally perfect a portion of the quantity of water authorized by any of its municipal water use permits. For the purpose of incrementally perfecting water rights, a municipal supplier means:

- (a) Any incorporated city, village, or town;
- (b) A port formed under ORS 777.005 to 777.725 and 777.915 to 777.953;
- (c) A domestic water supply district formed under ORS Chapter 264; or
- (d) A water supply authority formed under ORS Chapter 450.

(2~~3~~) The portion of water use that may be incrementally perfected by a municipal supplier shall not be less than 25 percent of the quantity originally authorized by permit. The perfection, or proof of appropriation, of each increment of water shall conform to the proof of appropriation requirements of OAR 690-330-0010.

(34) When a portion of a permit issued for municipal use is perfected by a municipal supplier, the remaining unperfected quantity of water shall remain in permit status without loss of priority. The increment of water perfected and confirmed by certificate shall be subtracted from the quantity of water originally authorized by permit. The remainder shall be the quantity of water subject to future perfection under the terms of the permit.

(45) A municipal supplier shall notify the Department, in writing, of its intent to incrementally perfect a portion of its water right. Written notice shall include the following information:

(a) A claim of beneficial use meeting the standards identified in OAR chapter 690, division 14;

(ab) The quantity of water diverted from each point of diversion, by month, for the preceding three years and the maximum rate diverted under the permit to date, including the date; and

(bc) A plan of how the municipal supplier intends to develop successive increments of its water right; and

~~(c) Maps that show where water will be put to use. Maps accompanying notification of intent to perfect an increment of a water right shall be prepared to the specifications described in OAR 690-310-0050, except that a standard even scale less than 4" = one mile may be used if appropriate.~~

(56) Municipal suppliers that incrementally perfect less than the full quantity of water authorized by permit may request further extension of the time limit to complete construction and apply water to beneficial use for the remaining, unperfected quantity of water. OAR 690-~~315~~320-0010 governing extension of time limits applies to unperfected municipal water rights.

Division 320 and 330 rules proposed for repeal

- OAR 690-320-0010 (Extension of Time Limits) because rule expired as of July 1, 2001.
- OAR 690-320-0050 (Temperature Control) because rule is duplicative of OAR 690-330-0030 (Temperature Control).
- OAR 690-330-0040 (Primary and Supplemental Rights) because rule is duplicative of duplicates OAR 690-320-0070 (Primary and Supplemental Rights).

Division 320 and 330 rules unchanged

- OAR 690-320-0060 (Assignment or Change of Ownership of a Permit or Groundwater Registration)
- OAR 690-320-0070 (Primary and Supplemental Rights)
- OAR 690-330-0010 (Proof of Appropriation)
- OAR 690-330-0020 (Request for Reconsideration of the Contents of a Proposed Certificate)
- OAR 690-330-0030 (Temperature Control)

If you have any questions about this rulemaking, please contact Laura Hartt at laura.a.hartt@water.oregon.gov or attend the virtual information session to be held May 26 at 4:30 pm. Register here: <https://zoom.us/meeting/register/fAQOpmiISjqJb2B9yGtUkA#/registration>.