

Division 320
MISCELLANEOUS WATER RIGHT PROVISIONS

Repeal
690-320-0010
Extension of Time Limits

Repeal
690-320-0020
Cancellation of Permit

Repeal
690-320-0030
Claims of Beneficial Use for Applications Filed After June 30, 1987

Repeal
690-320-0040
Incremental Perfection of a Municipal Water Right

Repeal
690-320-0050
Temperature Control

690-320-0060
Assignment or Change of Ownership of a Permit or Groundwater Registration

(1) When a change of interest or ownership occurs in lands covered by a permit or groundwater registration, the record holder may request, in writing, the Director to record the assignment of a new owner.

(2) Should the record holder of the permit or groundwater registration be unavailable, the current owner of the property involved may furnish proof of such ownership to the Commission to obtain ownership of the permit or registration. The Department shall also record a change in ownership to an heir or devisee under a will upon receiving proof of a transfer to trust by the record holder. Proof of ownership of the involved lands shall include, but not be limited to one or more of the following documents:

- (a) A copy of the deed to the land;
- (b) A copy of a land sales contract;
- (c) A court order or decree; or
- (d) Documentation of survivorship of property held jointly.

Statutory/Other Authority: ORS 536.025 & 536.027
Statutes/Other Implemented: ORS 537.220 & 537.635

History:

WRD 4-1998, f. & cert. ef. 11-2-98

WRD 1-1996, f. & cert. ef. 1-31-96

690-320-0070

Primary and Supplemental Rights

(1) Cancellation of primary rights:

(a) A notice given pursuant to ORS 540.631 for the proposed cancellation of a primary water right for irrigation of certain lands shall include notice of the proposed cancellation of any supplemental water right for irrigation of the same lands;

(b) If the primary right is determined to have been forfeited by non-use and the supplemental right is not determined also to have been forfeited by non-use, the owner of the land to which the right is appurtenant may apply to transfer the supplemental right, without loss of priority, to become the primary right.

(2) Diminution of a water right: A primary right may, at the request of the owner of the right, be diminished to a supplemental status to allow for a new primary right application from a more dependable source of water.

(3) Supplemental rights: Where more than one right exists, water shall be used from the primary source so long as there is sufficient quantity to satisfy the terms of the permit or certificate. Nevertheless, if requested by the applicant, a permit may be issued which describes a surface water source as supplemental to a groundwater right and shall provide that, in the interest of conserving the groundwater supplies, the supplemental right may be exercised at time when water is available from the surface water supply.

Statutory/Other Authority: ORS 536.027

Statutes/Other Implemented: ORS 540.610 - 540.650

History:

WRD 1-1996, f. & cert. ef. 1-31-96