

**Proposed Rule Revision Tracker****Division 325 – Assignment of a Water Right Permit and Request for Issuance of Replacement Permits**

*Rule language changes made after the close of the public comment period February 5, 2026.*

<b>Rule(s)</b>	<b>Commenter/Comment</b>	<b>Response</b>	<b>Changed?</b>
<b>Purpose -0010</b>	<b>Kimberley Priestley (RAC; WW)</b> - Proposed language in the “purpose” section states that the applicability of OAR 690-325-0100 is subject to and governed by OAR 690. To the extent that the very broad OAR 690 rules diverge from the governing statute, this statement is basically saying the rules govern over statute. Rules cannot do this; please remove this language and or amend to say: “The applicability of OAR 690-325-0100 is governed by ORS 537.225”.	This section already states that ORS 537.225 are the statutes implemented. However, it then states that these rules apply to all applications for assignments submitted on or after April 1. It then says one exception to this is for 690-325-0100, because 690-002 governs contested cases which are the subject of 690-325-0100. Specifically, 690-002 states when the 690-002 rules will apply to applications submitted prior to April 1, which is pursuant to statute (Or Laws 2025, 575). Therefore, as written in the draft rules, this is correct.	No change made.
<b>Applicability; extensions -0020(1)(b)</b>	<b>Kimberley Priestley (RAC; WW)</b> - We object to the proposed expansion of this section that allows applications for water right assignments/splits if there is an extension in play. Unless the OWRD agrees to amend the extension rules so that people cannot apply for extensions long after their “c” date has expired, expanding this section to allow splits after the original c date will only invite attempts to revive long expire water rights by setting a pathway for first an extension then a split. As such, we object to (1)(b) that extends applicability. Please delete this section. WaterWatch was involved in bill negotiations on this concept; this was never meant to revive long unused permits.	OWRD does not see evidence that this was limited to the original “c” date. The statute states that one may apply if they have a “subsequent completion date.”  The rule states they may only apply if they have an unexpired completion date on their permit or on an approved extension. If the completion date expires while the assignment application is pending, the Department can still approve it. However, an application cannot be accepted if the expiration date was prior to application for assignment (is expired). Assignments also do not result in an extension of the completion date.  See also staff change under 0020(2).	See staff change below.
<b>Applicability; extensions -0020(2) and (3)</b>	<b>OWRD staff proposed change</b> in partial response to comment on -0020.	To make intent clear, OWRD added to -0020(2) that applications for expired permits that don’t meet the requirement in subsection (1) cannot be accepted, which also required a restructure of (3).	Change made.

2/27/26

<b>Applicability; statutory alignment -0020(3)</b>	<b>Kimberley Priestley (RAC; WW)</b> - We object to the deletion of this section. This is a substantive change that has nothing to do with HB 3342, HB 2544 or ensuring that rule language that does not conform with statute is deleted. The existing language reflects the intent of the statute.	This rule was deleted because it was inconsistent with statute. Statue states that a “record landowner holding a water right permit for ... that has a subsequent completion date may apply for assignment.” See also response above on (1)(b).	No change made.
--	---	---	-----------------