

2/27/26

Proposed Rule Revision Tracker

Division 382 – Groundwater Registration Modifications

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

Rule(s)	Commenter/Comment	Response	Changed?
General	Kimberley Priestley (RAC; WW) - To the extent we have commented on Div 380 on rule provisions/language that is duplicated in the Div 382 rules, our comments on Div 380 carry over here.	OWRD’s response on Division 380 is not re-copied over to this division, unless a change was also made to division 382. See division 380 if a rule change was not made. Rule changes made in 380 that are carried into 382 will be added to this table below.	See changes below.
Proof of Use; HB 3342 -0400	Kimberley Priestley (RAC; WW) - As noted in V1 and V2, the rules should require the applicant to include proof of use over the past five years. Absent that this rule would allow people to revive long defunct wells, which could exacerbate existing problems in already overstretched basins. It also could provide a huge loophole to the new groundwater allocation rules, in that long unused groundwater registrations could be “revived” to serve new uses without having to apply for a new right. The OWRD has “declined” to address this concern, based on their conclusion that they don’t have the authority to direct this. We disagree. The statutes give the Commission broad authority to impose approval standards in rule. The relevant portion of ORS 537.610(4) reads: (4) The commission shall adopt by rule the process and standards by which the commission will recognize changes in the place of use, type of use or point of appropriation for claims to appropriate ground water registered under this section. Furthermore, ORS 537.610(2) provides that issuance of the certificate of registration serves as prima facie evidence that the registrant is entitled to a right to appropriate ground water and apply it to beneficial use to the extent and in the manner disclosed in the recorded registration statement and in the certificate of registration.	OWRD had already declined to add this matter to the rules prior to notice on the basis that evidence of use is typically based on a claim of forfeiture and ORS 540.610 does not apply to undetermined claims (registrations). In this latest comment, OWRD believes that some interesting new points were made that warrant further research and discussion as it pertains to surface water registrations. OWRD is concerned that this matter is outside of the scope of the notice as it would add a new requirement and criteria for approval that was not included in the notice and is also not in statute.	No change made.

	<p>Recorded registrations are required to include, among other things: the amount of ground water pumped or otherwise taken from the well each year. ORS 537.605(3)(k).</p> <p>The groundwater registrations statutes, as a whole, contemplate “beneficial use” for a registration to be valid. Registration serves as authority to continue beneficial use, not as a loophole to the basic tenants of Oregon water law as it relates to use of water. In bill negotiations over HB 2123 (2005), OWRD made assurances to stakeholders that the rule requirements for groundwater registrations would mirror those for surface water registrations, which do include proof of use among other things. To ensure consistency with surface water registrations, and the basic tenants of western water law, proof of use should be required. Please add that here. OWRD response to our comments was that evidence of use was not applicable here. We disagree, based on the arguments above.</p>		
<p>Initial Review -0550 (5)(b), (8), & (9)</p>	<p>OWRD Staff proposed change - Changes are needed to make the language in the rule consistent with language in the Div. 380 transfer rules [see 690-380-4000(5)(b), (9), & (10)], some of which was revised in response to comments from Kimberley Priestly (RAC; WW).</p>	<p>OWRD made the following changes to clearly describe the exception to the requirement that the applicant must, within 30 days, provide any outstanding information identified in the Initial Review:</p> <p>In -0550(5)(b), added the language, “...except as provided in section (9) of this rule,”</p> <p>In -0550(8), added the language, “Except as provided in section (9) of this rule...” and inserted the word “...permanently” between “shall” and “close.”</p> <p>In -0550(9), added the language, “If requested within the 30-day time period specified in section (5) of this rule, ...”</p>	<p>Change made.</p>
<p>Initial Review -0550(9)</p>	<p>OWRD Staff proposed change - This rule incorrectly cites back to (8)(b), when instead it should point back to (5)(b) to describe the outstanding information identified in the</p>	<p>Replaced the language, “...to provide the outstanding information described in subsection (8)(b)...” with the language, “...to provide the outstanding information described in subsection (5)(b)...”</p>	<p>Change made.</p>

	Initial Review that the applicant must provide in a timely manner.		
Request for Comments -0600	OWRD Staff proposed change - Revisions are needed to more accurately align this rule with the proposed rule language in OAR 690-382-0550(5) and (9). As written, it could be misconstrued as allowing the applicant more time to notify OWRD that they wish to continue processing the application.	Moved and modified the text, "or an additional time period allowed under OAR 690-382-0550(9)" that was immediately following "OAR 690-382-0550(5)" to make it clear that the additional time under OAR 690-382-0550(9) only applies to the time allowed for the applicant to provide the additional information; it does NOT apply to the deadline for the applicant to affirmatively respond to the IR that they want to continue processing the application.	Change made.
Evidence of use -0700	Kimberley Priestley (RAC; WW) - Add (e): The applicant put the water to beneficial use within the terms and conditions of the groundwater certification within the past five years. See comments above.	See response above	No change made.
Completeness review -0700(e)	Kimberley Priestley (RAC; WW) - We disagree with the narrowing of (d) to "applicable to groundwater registrations". The statute gives OWRD broad discretion to develop rules to set the process and standards related to groundwater registrations. The original rules contained this language. All applicable rules/laws should apply.	The original rule language in OAR 690-382-0700(2)(d) stated, " <i>Any other requirements for registration are met.</i> " which has the potential to create confusion as these rules relate to the recognition of modifications to groundwater registrations; not to the filing of nor the status of a groundwater registration itself. This matter was important to many members of the RAC with different perspectives. OWRD believes the language, as drafted in the proposed rules, best addresses the RAC's diverse views; therefore, OWRD declines to make further changes. Our perspective is that this is rather broad. Even then, OWRD rules cannot confine statute.	No change made.
-0900	OWRD Staff proposed change – There is an extra "concerning" in subsection (1) which makes it confusing.	Deleted concerning after party status.	Change made.
-0900 and -1000	OWRD Staff proposed change – Final orders are in two different sections, which is confusing. Collapse to one.	Move the following from -0900(1) to -1000(3): "Proposed final orders shall become final if no protest is filed or by default as provided in OAR 690-002-0235."	Change made.
Comment was on -0400 Change made in:	Kimberly Priestley (WaterWatch): HB 3342 provisions need to be included in the rules: The rules need to include the new standards adopted in the 2025 session that apply to groundwater registrations. Namely:	HB 3342 (17) is specific to permit amendments (ORS 537.211(5)), while HB 3342 (19) pertains to groundwater registrations (ORS 537.610(5)). HB 3342 (24) pertains to transfer applications under ORS 540.505 to 540.585 (ORS	Change made -0300

<p>-0300</p>	<p>(5) The Water Resources Department may deny a change in the point of appropriation under subsection (4) of this section if the proposed point of appropriation is for a source of ground water restricted under ORS 536.415 and the proposed use is subject to the restrictions, unless the proposed point of appropriation is:</p> <p>(a)(A) In a critical ground water area designated under ORS 537.730;</p> <p>(B) In the same aquifer as the existing point of appropriation; and</p> <p>(C) In the same portion of the critical ground water area as the existing point of appropriation;</p> <p>(b) In an area for which a ground water bank that is established by law or by rule mitigates the effects of the use of ground water; or</p> <p>(c) Related to the recovery of stored ground water under an artificial recharge or aquifer storage and recovery project.</p> <p>OWRD response to previous comments on this was that this section needed more discussion. To that we say the statute is the statute, and at the very least the rules need to include the statutory language so that OWRD caseworkers and the public see the restrictions in the rule.</p>	<p>540.586). They provide that OWRD may deny a change in point of appropriation under certain circumstances.</p> <p>OWRD has included a similar change depending on the applicable ORS: “The Department may deny a change in the point of appropriation pursuant to [fill in the correct statute].” The change is included in the following rules: 690-380-2110, 690-380-7010, 690-382-0300.</p>	
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