



# Frequently Asked Questions: Water Right Process Changes Effective January 1, 2026

## Which water right processes are impacted by these changes?

The following water right processes will be subject to automatic final order provisions, updated protest requirements, and the party status requirements:

- New water right applications (ORS 537.150; ORS 537.620)
- Permanent transfers (ORS 540.520)
- Allocation of conserved water (ORS 537.470)
- Substitutions of supplemental groundwater right for a primary surface water right (ORS 540.524)
- Clarifications (ORS 540.560)
- Cancellation of water right certificates for nonuse (ORS 540.610 to ORS 540.670)
- Cancellation of hydroelectric permits and certificates (ORS 537.295 and 537.297)
- Cancellation of water right permits (ORS 537.410 to 537.450)
- Assignment of a permit and issuance of new permits, also called split-a-permit (ORS 537.225) (*party status provisions do not apply*)
- Alternative reservoirs (ORS 537.409) (*automatic final order provisions do not apply, and updated protest requirements and party status requirements only apply to denials*)

## Who is impacted by these changes?

The following parties are impacted by these changes:

- Applicants with a PFO for an affected process issued on or after January 1, 2026, are subject to the automatic final order and updated protest requirements.
- Anyone protesting or requesting party status for a PFO for an affected process issued on or after January 1, 2026, must follow the updated protest filing and party status requirements.
- Anyone who protested a PFO for an affected process that has not yet been referred to the Office of Administrative Hearings before January 1, 2026, will need to comply with the updated protest requirements. OWRD will notify protestants directly in April 2026. No action is needed until you receive that notice.
- Anyone who submitted a request for standing for an affected process and has not yet filed a request for party status as of January 1, 2026, will need to comply with the new party status requirements. OWRD will notify these parties directly in April 2026. No action is needed until you receive that notice.

## Are these changes all the changes to the process that I can expect?

No; In 2025, the Oregon Legislature passed legislation enabling OWRD to make water right processes more efficient and transparent. The Department is also working to standardize and improve processes. Some of these provisions (House Bill 3544, 2025) go into effect January 1, 2026. More water right process changes resulting from other legislative and rulemaking efforts will go into effect April 1, 2026. The Department will communicate those changes in advance of that date. Visit the [2025-26 Water Rights Rulemaking page](#) for more information on that process.

## In the past, documents from have been called Draft Preliminary Determinations or Preliminary Determinations. Why are these documents now called initial reviews and proposed final orders? Does this change any requirements or actions needed on my part?

The Department is standardizing document names across most water right transaction processes for consistency and to reduce potential confusion. Name changes associated with these documents do not add new requirements, actions, or processes on the part of the applicant.

## What reconsideration options exist for an unprotested PFO that becomes final?

Final orders resulting from unprotested PFOs cannot be appealed. The protest period is the appropriate time to

challenge a Department decision.

### **Is the start and close of the public comment period measured from the date of the weekly public notice or the date of the newspaper notice?**

Public comment periods will always be based on the date of the Department's weekly public notice.

### **Where can I find information about how to protest a department decision?**

All PFOs will contain relevant information related to protest filing requirements and timelines. Promptly review proposed final orders and any supporting documents as soon as you or your consultant receives them.

### **How do I know if any of these new provisions apply to my application, protest, or standing/party status request?**

All PFOs will contain relevant information related to protest filing and requests for party status requirements. Anyone who protested a PFO for an affected process that has not yet been referred to the Office of Administrative Hearings before January 1, 2026, or submitted a request for standing for an affected process and has not yet filed a request for party status as of January 1, 2026, will need to comply with the updated protest and standing statement requirements. OWRD will notify parties directly in April 2026. No action is needed until you receive that notice.

### **I would like to request party status on a department decision. How will I know if a protest was filed?**

Monitor the Water Rights Information System (WRIS). WRIS shows Department-issued documents as well as information about application processing. When a timely protest has been filed, the Department updates the "Processing History" section of the application's WRIS page. The Department aims to update WRIS to reflect the filing of timely protests within seven business days after the close of the protest period. Visit WRIS [here](#).

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