

**CORRECTED: NOTICE UNDER OAR 660-030-0075 AND OAR 690-005-0050(7)
FOR PROPOSED RULE CHANGES IN OREGON ADMINISTRATIVE RULES
CHAPTER 690, DIVISIONS 2, 14, 17, 18, 77, 300, 305 (new),
310, 315, 325, 340, 380, 382**

Oregon Water Resources Department (OWRD) is providing this notice pursuant to OAR 660-030-0075(2)(b), OAR 660-030-0075(3)(a), and OAR 690-005-0050(7). OWRD is amending rules that are considered to be an agency land use program covered under OWRD's State Agency Coordination program pursuant to OAR 660-030-0060(4)(d) for assuring goal compliance and comprehensive plan compatibility for new or amended agency land use program. Specifically, OWRD is amending rule divisions for land use programs described in OAR 690-005-0025 sections (1), (3), (4), (6), and (7).

The notice of proposed rulemaking and public comment opportunity as well as the draft rules are available at: <https://www.oregon.gov/owrd/programs/policylawandrules/OARS/Pages/2025-Water-Rights-Rulemaking.aspx>

PROPOSED RULE CHANGES PERTAINING TO LAND USE COMPATIBILITY

For water use approvals identified as land use programs in OAR 690-005-0025 sections (1), (3), (4), and (6), the primary authority for compliance is OAR 690-005-0035, although the [OWRD's 1990 Water Resources Department State Agency Coordination Land Use Planning Procedures Guide](#) ("Guide") also provides helpful explanations. The Guide at Figure 3 summarizes that OWRD relies on "land use information supplied by applicants and confirmed by local planning officials." When an applicant supplies land use information following OAR 690-005-0035(4)(a), the rule requires sufficient information to substantiate that the land use served by the proposed water use is compatible with the comprehensive plan.

The rule amendments would improve consistency with OAR Chapter 690, Division 5 by removing language in OAR Chapter 690, Divisions 310 and 380 (which are land use programs in OAR 690-005-0025 sections (1) and (3), respectively) that is inconsistent with OAR 690-005-0035(4)(a). Specifically, the existing language in OAR 690-310-0090(5) and OAR 690-380-5100(3) states that the Department can presume compatibility with land use requirements unless an affected local government informs the Department otherwise. The Department added a provision to OAR Chapter 690, Division 310 allowing applicants to put a new water right application on administrative hold for a specified period to exhaust the administrative appeal process for a land use approval.

The rule amendments also remove the option in Division 310 for new water right applications to be found complete by only including a "receipt" from a local government official, as this does not provide any information about land use compatibility that would allow OWRD to follow the applicable compatibility strategy. OWRD examined this rule amendment and determined that, with removal of the receipt language, OAR Chapter 690, Division 5 and the Guide "are sufficient for assuring that actions allowed by the amendments comply with the goals and are compatible with comprehensive plans" per OAR 690-005-0050(5), because OWRD will use a State Agency Coordination program-approved compatibility procedure that requires more

information to show that the land use served by the proposed water use is compatible with the comprehensive plan. That is, per OAR 690-005-0045, OWRD may apply OAR 690-005-0035 and the applicable compatibility strategy in Figure 3 of the Guide to find compatibility with the comprehensive land use plan.

OWRD finds the proposed rule changes fall under OAR 660-030-0075(2)(b) because OWRD is removing duplicative or confusing language regarding land use compliance. Pursuant to OAR 690-005-0050(5), OWRD further finds the amendments do not change the status of OWRD's existing land use programs because Chapter 690, Division 5, and OWRD's 1990 Water Resources Department State Agency Coordination Land Use Planning Procedures Guide are sufficient for assuring that actions allowed by the amendments comply with the goals and are compatible with the comprehensive plans.

RULEMAKING DECISION, PUBLIC COMMENT, AND PUBLIC HEARING INFORMATION:

RULEMAKING DECISION: OWRD expects that final rules will be adopted by the Oregon Water Resources Commission March 19, 2026, in an open public meeting, with details posted on the Oregon Water Resources Commission's website: www.oregon.gov/OWRD/aboutus/Commission. Once adopted, the rules will be implemented by April 1, 2026.

HOW TO COMMENT: You may comment on the proposed rules by sending written comments by 5:00 PM on February 6, 2026.

By Mail: Laura Hartt, Rules Coordinator
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271

By Email: WRD_DL_rule-coordinator@water.oregon.gov

PRE-HEARING INFORMATION SESSIONS & PUBLIC HEARINGS (DATES, TIMES, LOCATIONS):

Date: 1/27/26

Information Only Session Time: 5:30 p.m. to 6:30 p.m.

Hearing Time: 7:00 p.m. to 9:00 p.m.

In-person: North Mall Office Building, Room 124, 725 Summer St NE, Ste A, Salem, OR 97301

Virtually (via Zoom): [Zoom registration link](#)

Phone: 719-359-4580

Conference ID: 94968545223

01/05/26

Date: 1/29/26

Information Only Session Time: 8:30 a.m. - 9:30 a.m.

Hearing Time: 10:00 a.m.- noon

In-person: City of Bend Public Works Campus, 21051 NE Talus Place, Prowell Springs Conf Room - 3rd Floor, Bend, OR 97701

Virtually (via Zoom): [Zoom registration link](#)

Phone: 719-359-4580

Conference ID: 91305338974

PRE-HEARING INFORMATION ONLY SESSIONS: No comments on the proposed rules will be accepted during these sessions. To provide public comment, please attend a public hearing or submit written comments to the address and email above. The pre-hearing information only sessions on January 27 (Salem) and January 29 (Bend) will take place in person and virtually, as described below.

The pre-hearing information only sessions will be recorded and available for viewing within 48 hours on the rulemaking website:

<https://www.oregon.gov/owrd/programs/policylawandrules/OARS/Pages/2025-Water-Rights-Rulemaking.aspx>.

RULEMAKING HEARINGS: You may provide oral or written comments on the proposed rules at one of the rulemaking hearings. The hearings on January 27 (Salem) and January 29 (Bend) will take place in person and virtually, as described below.

The public hearings will be recorded and available for viewing within 48 hours on the rulemaking website:

<https://www.oregon.gov/owrd/programs/policylawandrules/OARS/Pages/2025-Water-Rights-Rulemaking.aspx>.

ACCESSIBILITY: Each information session and hearing location is accessible to persons with disabilities. Language services also are available upon request. A request for an interpreter for the hearing impaired, other language services, or for other accommodations for persons with disabilities should be made at least 48 hours before the information session and/or hearing you wish to attend. Please submit your request to WRD_DL_rule-coordinator@water.oregon.gov.

QUESTIONS: Please contact WRD_DL_rule-Coordinator@water.oregon.gov or 971-720-0963.