OWRD Exempt Use Rulemaking
Track Change Draft Rules for RAC Meeting #3

November 19, 2026

Key for Changes of the Rules

Formatting	Description
Black language	Current rules
Green language	Language proposed for RAC meeting #1 (September 28, 2026)
~~Struck through language~~	Language proposed for removal in RAC meeting #1
Orange language	Language proposed for RAC meeting #2 (October 27, 2026)
~~Struck through language with orange line~~	Language proposed for removal in RAC meeting #2
Purple language	Language proposed for RAC meeting #3 (November 19, 2026)
~~Struck through with purple line~~	Language proposed for removal in RAC meeting #3

WATER RESOURCES DEPARTMENT
CHAPTER 690
DIVISION 300

690-300-0010 Definitions

The following definitions apply in OAR chapter 690, divisions 310, 320, 330, 340, 350, 380, 382, and 385 and to any permits, certificates, limited licenses, or transfers issued under these rules:

(1) "Affected Local Government" means any local government as defined in OAR 690-005-0015 within whose jurisdiction water is or would be diverted, conveyed, or used under a proposed or approved permit, water right transfer, or certificate.

(2) "Agricultural Water Use" means the use of water related to the production of agricultural products. These uses include, but are not limited to, construction, operation and maintenance of agricultural facilities and livestock sanitation at farms, ranches, dairies and nurseries. Examples of these uses include, but are not limited to, dust control, temperature control, animal waste management, barn or farm sanitation, dairy operation, and fire control. Such use shall not

include irrigation.

(3) "Aquatic Life Water Use" means the use of water to support natural or artificial propagation and sustenance of fish and other aquatic life.

(4) "Artificial Groundwater Recharge" means the intentional addition of water to a groundwater reservoir by diversion from another source.

(5) "Beneficial Use" means the reasonably efficient use of water without waste for a purpose consistent with the laws, rules and the best interests of the people of the state.

(6) "Commercial Water Use" means use of water related to the production, sale or delivery of goods, services or commodities by a public or private entity. These uses include, but are not limited to, construction, operation and maintenance of commercial facilities. Examples of commercial facilities include, but are not limited to, an office, resort, recreational facility, motel, hotel, gas station, kennel, store, medical facility, and veterinary hospital. Examples of water uses in such facilities include, but are not limited to, human consumption, sanitation, food processing, and fire protection. ~~Such uses shall not include irrigation or landscape maintenance of more than one-half 1/2 acre and shall not include irrigation of marijuana plants or industrial hemp plants unless the plants are grown by a person licensed under ORS 475C.065, 475C.792 or 571.281 in a manner consistent with the license. Notwithstanding this definition, exempt commercial water use under Division 340 does not include irrigation or landscape maintenance.~~ Commercial Water Use does not include irrigation. Commercial Water Use includes landscape maintenance of not more than one-half acre, unless the Commercial Water Use is an exempt use, in which case landscape maintenance is not allowed.

(7) “Commercial Garden” as defined under ORS 537.545(9) for groundwater exemption, means a garden that is used to grow plants to be sold, traded or bartered. It does not mean a location at which cannabis ~~marijuana plants or industrial hemp~~ plants are grown for intention of sale, trade or barter, unless the plants are grown by a person licensed under ORS 571.281.

(8) "Comment" means a written statement concerning a particular proposed water use. The comment may identify elements of the application which, in the opinion of the commenter, would conflict with an existing water right or would impair or be detrimental to the public interest.

(9) "Commission" means the Water Resources Commission.

(10) "Contested Case" means a hearing before the Department or Commission as defined in ORS 183.310(2) and conducted according to the procedures described in ORS 183.413 - 183.497, ORS 536.076, ORS 536.077, and OAR chapter 690, division 2.

(11) "Cranberry Use" means all necessary beneficial uses of water for growing, protecting and harvesting cranberries. Examples of these uses include, but are not limited to, irrigation of cranberries or other crops in rotation, chemical application, flooding for harvesting or pest control, and temperature control.

(12) "Deficiency of Rate Right" means an additional right allowed from the same source for the same use at the same place of use when an earlier right does not allow a full duty or rate of flow of water.

(13) "Department" means the Water Resources Department.

(14) "Director" means the Director of the Department.

(15) "Domestic Water Use" means the use of water for human consumption, household purposes, domestic animal consumption that is ancillary to residential use of the property, or related accessory uses. ~~Related accessory uses include or do not include Related accessory uses include: washing personal vehicles and other personal equipment, a swimming pool, a small water landscape feature, and fire protection~~

(16) "Domestic Use Expanded" means the use of water, in addition to that allowed for domestic use, for watering up to one-half ~~1/2~~ acre of lawn or noncommercial garden.

(17) "Drainage Basin", as used in OAR 690-340-0020, 690-340-0030 and 690-340-0050, means hydrologic unit delineated as a cataloging unit by the U.S. Geological Survey Office of Water Data Coordination on the State Hydrologic Unit map.

(18) "Emergency Fire-fighting Use" means the exempt use of water under ORS 537.141 for the purpose of suppressing an active fire or directly supporting ongoing emergency fire-fighting operations. It does not include storage with the intent to later use to support fire suppression.

(19) "Exempt Use of Groundwater" means a use of groundwater that is not required to have a registration, certificate of registration, application for a permit, permit, certificate of completion or ground water right certificate under ORS 537.505 to 537.795 and 537.992.

(20) "Exempt Use of Surface Water" means a use of surface water that does not require an application under ORS 537.130 or ~~537.615,~~ a water right permit under ORS 537.211 or a water right certificate under ORS 537.250.

(21) "Fire Protection Water Use" means the use and storage of water for the purpose of extinguishing fires or reducing the potential outbreak of fires.

(22) "Fish Bypass Structure", as used in OAR 690-340-0010, means any pipe, flume, open channel or other means of conveyance that transports fish that have entered a water diversion structure back to the body of water from which the fish were diverted.

(23) "Fish Screen", as used in OAR 690-340-0010, means a screen, bar, rack trap or other barrier at a water diversion to entrap or provide adequate protection for fish populations, including related improvements necessary to ensure its effective operation.

(24) "Fishway," as used in OAR 690-340-0010, means any structure, facility or device used to facilitate upstream or downstream passage of fish through, over or around any man-made or natural barrier to free movement.

(25) "Forestland and Rangeland Management," as used in Chapter 595, Oregon Laws 1993, means water used for operations conducted on or pertaining to forestlands and rangelands. Such uses may include, but are not limited to, reforestation, road construction and maintenance, harvesting, vegetation management, and disposal of slash. Such use shall not include irrigation.

(26) "Groundwater Reservoir" means a designated body of standing or moving groundwater as defined in ORS 537.515(5).

(27) "Group Domestic Water Use" means the use of water for domestic water use by more than one residence or dwelling unit.

(28) "Human Consumption" means the use of water for the purposes of drinking, cooking, and sanitation.

(29) "Industrial Water Use" means the use of water associated with the processing or manufacture of a product. These uses include, but are not limited to, construction, operation and maintenance of an industrial site, facilities and buildings and related uses. Examples of these uses include, but are not limited to, general construction; road construction; non-hydroelectric power production, including down-hole heat exchange and geothermal; agricultural or forest product processing; and fire protection. ~~Such uses shall not include irrigation or landscape maintenance of more than~~ one-half 1/2 ~~acre and shall not include irrigation of marijuana plants or industrial hemp plants unless the plants are grown by a person licensed under ORS 475C.065, 475C.792 or 571.281 in a manner consistent with the license. Notwithstanding this definition, exempt industrial water use under Division 340 does not include irrigation or landscape maintenance.~~ Industrial Water Use does not include irrigation. Industrial Water Use includes landscape maintenance of not more than one-half acre, unless the Industrial Water Use is an exempt use, in which case landscape maintenance is not allowed.

(30) "Irrigation" means the artificial application of water to crops or plants by controlled means to promote growth or nourish crops or plants. Examples of these uses include, but are not limited to, watering of an agricultural crop,

commercial garden, tree farm, orchard, park, golf course, play field or vineyard and alkali abatement. Notwithstanding this definition irrigation may not occur at an unlawful cannabis production site.

(31) "Mining Water Use" means the use of water for extraction, preliminary grading, or processing of minerals or aggregate at a mining site or construction, operation and maintenance of a mining site. These uses include, but are not limited to, general construction, road construction, and dust control. Examples of mining include, but are not limited to, aggregate, hard rock, heap leach and placer mining.

(32) "Municipal Corporation" means any county, city, town or district as defined in ORS 198.010 or 198.180(5) that is authorized by law to supply water for usual and ordinary municipal water uses.

(33) "Municipal Water Use" means the delivery and use of water through the water service system of a municipal corporation for all water uses usual and ordinary to such systems. Examples of these water uses shall include but are not limited to domestic water use, irrigation of lawns and gardens, commercial water use, industrial water use, fire protection, irrigation and other water uses in park and recreation facilities, and street washing. Such uses shall not include generation of hydroelectric power.

(34) "Nursery Operations Use" means the use of water for operation of a commercial nursery which may include temperature control, watering of containerized stock, soil preparation, application of chemicals or fertilizers, watering within greenhouses and uses to construct, operate and maintain nursery facilities. The use of water within plant nursery operations constitutes a different use from field irrigation, although that may be a part of nursery use. If used for field irrigation for nursery stock, such use is not restricted to the defined agricultural irrigation season.

(35) "Off-Channel" means outside a natural waterway of perceptible extent which, during average water years, seasonally or continuously contains moving water that flows off the property owned by the applicant and has a definite bed and banks which serve to confine the water. "Off-channel" may include the

collection of storm water run-off, snow melt or seepage which, during average water years, does not flow through a defined channel and does not flow off the property owned by the applicant.

(36) "Planned" means a determination has been made for a specific course of action either by a legislative, administrative or budgetary action of a public body, or by engineering, design work, or other investment toward approved construction by both the public or private sector.

(37) "Pollution Abatement or Pollution Prevention Water Use" means the use of water to dilute, transport or prevent pollution.

(38) "Power Development Water Use" means the use of the flow of water to develop electrical or mechanical power. Examples of these uses include, but are not limited to, the use of water for the operation of a hydraulic ram or water wheel and hydroelectric power production.

(39) "Primary Right" means the right to store water in a reservoir or the water right designated by the commission as the principal water supply for the authorized use, or if no designation has been made, the first in time or initial appropriation.

(40) "Proposed Certificate" means a draft version of a water right certificate describing the elements and extent of the water right developed under the terms of a permit or transfer approval order.

(41) "Protest" has the same meaning as provided in OAR 690-002-0010.

(42) "Public Corporation" means a corporation which operates subject to control by a local government entity or officers of a local government and which, at least in part, is organized to serve a public purpose of, and receives public funds or other support having monetary value, from such government.

(43) "Quasi-Municipal Water Use" means the delivery and use of water through the water service system of a corporation other than a public corporation created

for the purpose of operating a water supply system, for those uses usual and ordinary to municipal water use, or a federally recognized Indian tribe that operates a water supply system for uses usual and ordinary to a municipal water use. A quasi-municipal water right shall not be granted the statutory municipal preferences given to a municipality under ORS 537.190(2), 537.230(1), 537.352, 537.410(2), 540.510(3), 540.610(2), (3), or those preferences over minimum streamflows designated in a basin program.

(44) "Rate and Duty of Water for Irrigation" means the maximum flow of water in cubic feet per second or gallons per minute (instantaneous rate) and the total volume of water in acre-feet per acre per year that may be diverted for irrigation.

(45) "Recharge Permit" means a permit for the appropriation of water for the purpose of artificial groundwater recharge.

(46) "Recreation Water Use" means the use of water for play, relaxation or amusement. Examples of these uses include, but are not limited to boating, fishing, wading, swimming, and scenic values.

(47) "Riparian Area" means a zone of transition from an aquatic ecosystem to a terrestrial ecosystem, dependent upon surface or subsurface water, that reveals through the zone's existing or potential soil-vegetation complex, the influence of such surface or subsurface water. A riparian area may be located adjacent to a lake, reservoir, estuary, pothole, spring, bog, wet meadow, or ephemeral, intermittent or perennial stream.

(48) "Secondary Groundwater Permit" means a permit for the appropriation of groundwater which was stored through the exercise of a recharge permit or certificate.

(49) "Stockwater Use" means the use of water for consumption by domesticated animals or wild animals held in captivity as pets or for profit.

(50) "Storage" means the retention or impoundment of surface water or groundwater by artificial means for public or private uses and benefits.

(51) "Stored Recharge Water" means groundwater which results from artificial groundwater recharge.

(52) "Storage Account" means a net volume of artificially recharged groundwater which is calculated for a single recharge activity from a formula specified in a single recharge permit which records additions to a groundwater reservoir by artificial recharge and depletions from a groundwater reservoir by pumping and natural losses.

(53) "Storm Water Management Water Use" means the use or storage of water in any structure or drainage way that is designed, constructed and maintained to collect and filter, retain or detain surface water runoff during and after a storm event for the purpose of water quality improvement, flood control or property protection. It may also include, but is not limited to, existing features such as wetlands, water quality swales, and ponds which are maintained as storm water quality facilities.

(54) "Stream or Riparian Area Enhancement Water Use" means the use of water to restore or enhance a stream or riparian area.

(55) "Supplemental Water Right or Supplemental Water Use Permit" means an additional appropriation of water to make up a deficiency in supply from an existing water right. A supplemental water right is used in conjunction with a primary water right.

(56) "Surplus Waters" means all waters in excess of those needed to satisfy current existing rights and minimum streamflows established by the Commission.

(57) "Temperature Control" means the use of water to protect a growing crop from damage from extreme temperatures.

(58) "Transfer" means a change of use or place of use or point of diversion of a water right.

(59) “Unlawful Cannabis Production Site” means a location where cannabis ~~marijuana or industrial hemp~~ plants are grown and where the location is not licensed or registered under ORS 475C.065, ORS 475C.792, or ORS 571.281 and the number of cannabis ~~marijuana or industrial hemp~~ plants grown at the location exceeds the number of plants permitted under state law, including limits described in ORS 475C.005 to 475C.525, ORS 475C.770 to 475C.919, and ORS 571.260 to 571.348

(60) "Wastewater" means water that has been diverted under an authorized water right after it is beyond the control of the owner of that right but has not yet returned to the channel of a natural stream. In an irrigation district, the wastewater of an individual user is not subject to appropriation until it leaves the boundaries of the district. Wastewater abandoned to the channel of a natural stream becomes a part of that stream and is subject to appropriation.

(61) "Water is Available," when used in OAR 690-310-0080, 690-310-0110, 690-310-0130, and 690-410-0070 means:

(a) The requested surface water source is not over-appropriated under OAR 690-400-0010 and 690-410-0070 during any period of the proposed use; or

(b) If the requested surface water source is already over-appropriated for any portion of the period of use proposed in a new application:

(A) The applicant can show the proposed use requires water only during the period of time in which the requested source is not already over-appropriated;

(B) The applicant has obtained or has shown the applicant can obtain authorization to use water from an alternate source to provide water needed during any period of use in which the source is over-appropriated; or

(C) If the applicant has shown they can obtain authorization to use water from an alternate source during the time water is unavailable, the department conditions the approval of the application to require that prior to diversion of water the applicant obtains authorization for use of water from the alternate source.

(c) The proposed groundwater source exhibits Reasonably Stable Groundwater Levels, as defined in OAR 690-008-0001; and

(d) The total requested rate of groundwater allocation is obtainable by the expected yield of the well(s) proposed in the application given best available information; and

(e) The proposed groundwater use does not have the Potential for Substantial Interference (OAR 690-009-0020(5)) with a surface water source that:

(A) is already over-appropriated during any period of the year; or

(B) is administratively or statutorily withdrawn; or

(C) is restrictively classified in an applicable basin program rule; or

(D) is the source for one or more existing surface water rights that have been regulated off due to insufficient supply to satisfy senior surface water rights; or

(E) is subject to a rotation agreement among existing surface water right holders to address limited surface water supplies; or

(F) has a minimum perennial streamflow or instream water right that is unmet during any period of the year.

(57) "Water Availability Analysis" means the investigation of stream flow or groundwater measurement records, watermaster distribution records, flow requirements of existing water rights, stream flow modeling in ungauged basins, minimum perennial streamflows, or scenic waterway flow requirements to determine if water is available to support the proposed water use.

(58) "Water use subject to transfer" means a water use established by:

(a) An adjudication under ORS chapter 539 as evidenced by court decree;

(b) A water right certificate;

(c) A water use permit for which a request for issuance of a water right certificate under ORS 537.250 has been received and approved by the Commission under ORS 537.250; or

(d) A transfer application for which an order approving the change has been issued under ORS 540.530 and for which proper proof of completion of the change has been filed with the Commission.

(59) "Wetland" means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under

normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(60) "Wetland Enhancement Water Use" means the use of water to restore, create, or enhance or maintain wetland resources.

(61) "Wildlife Water Use" means the use of water by or for sustaining wildlife species and their habitat.

Statutory/ Other Authority: ORS 537.141, ORS 537.142, ORS 537.132, ORS 537.545, ORS 537.387
Statutes/ Other Implemented: ORS 537.545, ORS 537.141, ORS 537.780, ORS 537.387

Rule Summary: This rule contain definitions for OAR chapter 690, divisions 310, 320, 330, 340, 350, 380, 382, and 385 and to any permits, certificates, limited licenses, or transfers issued under these rules.