OWRD Exempt Use Rulemaking
Clean Draft Rules for RAC Meeting #3

November 19, 2026

WATER RESOURCES DEPARTMENT
CHAPTER 690
DIVISION 340
WATER USE AUTHORIZATION

690-340-0010 Exempt Uses

ORS 537.132, 537.141, 537.142, and 537.545 provide that certain uses of water do not require a water right permit under ORS 537.211 or 537.615 or a water right certificate under ORS 537.250 or 537.630. This rule clarifies the scope and attributes of and requirements for these uses. Not all exempt uses are listed in this rule. For a complete list, please refer to the applicable statutes.

(1) The scope and attributes of and requirements for certain exempt groundwater uses are described as follows:

(a) Stockwater use

(b) Lawn, non-commercial, or commercial garden watering of not more than one-half acre in total and in an amount not exceeding 3,000 gallons a day.

(A) Watering may only occur on the lands from which groundwater is appropriated and the place where watering may occur is limited to no more than one-half acre of land per calendar year

(B) This exemption does not extend to watering of cannabis plants at production sites licensed under ORS 475C.065; and

(C) A group domestic system is entitled to one-half acre in total which may be used on any lands served by the system.

(c) Single or group domestic water uses of no more than 15,000 gallons per day where any single use in excess of 4,000 gallons a day is considered waste of water and not allowed unless evidence is provided to watermaster's satisfaction that the amount being used is beneficial.

(d) Any single industrial or commercial water use, other than for watering any lawn or commercial garden, not exceeding 5,000 gallons per day based on peak daily use.

(A) When this exempt use of groundwater is combined with the use allowed under OAR 690-340-0010(1)(b), the total use may not exceed 5,000 gallons a day.

(B) A commercial or industrial operation shall be allowed only one well system and exemption under ORS 537.545(1)(f) on each ownership or tax lot, whichever is larger.

(C) Commercial and industrial water use may only occur on the lands from which groundwater is appropriated.

(2) The scope and attributes of and requirements for certain exempt surface water uses are described as follows:

(a) Use of waste, spring or seepage waters which are exempt under ORS 537.800;

(b) Water used for egg incubation projects under the Salmon and Trout Enhancement Program (STEP);

(c) Fish screens, fishways and fish by-pass structures. A fish screen, fish way or fish by-pass structure is an exempt use if it either:

(A) Is part of a hydroelectric project permitted or licensed by the Department; or

(B) Is found to not be harmful to fish or wildlife after consultation with the Oregon Department of Fish and Wildlife and causes no injury to existing water rights.

(d) Water uses that divert water to water tanks or troughs from a reservoir for a use allowed under an existing water permit or certificate for the reservoir;

(e) Reservoirs that store less than 9.2 acre feet of water or with a dam less than 10 feet in height; that are located off-channel and outside the immediate riparian area; that do not divert water directly from a natural stream, lake or other on-channel source; that were constructed before January 1, 1993; and for which a written notice is submitted under section (4) of this rule.

(3) Water used for emergency firefighting is exempt from permit and certificate requirements regardless of the source of water.

(4) To qualify as an exempt water use under subsection (2)(e) of this rule, the landowner shall provide written notice of the use to the Department on or before January 1, 1995. Such notice shall be on a form provided by the Department and signed and verified by the owner of the land or the owner's authorized agent upon which the reservoir is located. The notice shall include the following:

(a) The volume of water stored;

(b) The source of the water used to fill the reservoir;

(c) The height of the dam measured at its highest point above natural ground elevation;

(d) A U.S. Geological Survey topographic map or a tax lot map showing the location of the reservoir;

(e) Evidence that the reservoir existed on or before January 1, 1993 as described in OAR 690-340-0020; and

(f) A statement describing the off-channel nature of the reservoir.

(5) The Department may require other information from the landowner regarding an exempt use including, but not limited to, the quantity of water used; diversion location; place of use; or photographs showing the scale of the project and the immediate area above, below and surrounding a reservoir.

(6) Surface water exemptions under ORS 537.132, ORS 537.141, and ORS 537.142 and groundwater exemptions under ORS 537.545 are limited to the quantity of water that can be used beneficially without waste.

(7) A person may not use or attempt to use groundwater under ORS 537.545 (1)(b) or (f) or collect or use the collected precipitation water under ORS 537.141(h) at an unlawful cannabis production site.

(8) Water used under an exemption in this section may only be reused if:

(a) The user has maintained control of the water and the water has not been discharged to the waters of the state,

(b) The reuse of surface water is for a use that is exempt under ORS 537.132, 537.141, or 537.142, or the reuse of groundwater is for a use that is exempt under ORS 537.545, and;

(c) The reuse occurs on the same lands from which water was appropriated.

(9) Exempt uses of groundwater under OAR 690-340-0010(1)(b), 1(c), and 1(d) may be retained in a cistern or a tank to facilitate water use. The retained amount shall not exceed these daily use limits.

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 describes uses that do not require a water right permit under ORS 537.211 or a water right certificate under 537.250 under ORS 537.545 and ORS 537.141 to 142.