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 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. ~~The uses of water listed below do not require a water right permit under ORS 537.211 or a water right certificate under 537.250:~~

(1) ~~The statutory exemptions from permit requirements for use of groundwater include watering any lawn or noncommercial garden not exceeding 1/2 acre in area. Not more than 1/2 acre of lawn and noncommercial garden in total area may be irrigated through a group delivery system under such exemption~~. 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 ~~1/2~~ acre in total ~~can be irrigated~~ and in an amount not exceeding 3,000 gallons a day ~~from any groundwater source under the exemptions listed in ORS 537.545(1)(b).~~

(A) ~~Irrigation is appurtenant to the premises where groundwater is used and further limited to a space not more than one-half acre of static land space per calendar year;~~ 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 ~~and;~~

(B) This exemption does not extend to ~~irrigation~~ watering of ~~recreational marijuana~~ 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;~~ ~~Domestic water use as defined in OAR 690-300-0010, where group domestic water use is not to exceed a peak daily use of 15,000 gallons per day and any single residence is not to exceed a peak daily use of 4,000 gallons per day.~~ 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~~s~~, 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 statutory exemptions from permit and certificate requirements for use of surface water include:~~ 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 ~~Commission~~Department may require other information from the landowner regarding an exempt use including, but not limited to, ~~estimates of~~ 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~~;~~ ~~both in rate and in duty~~, 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, ~~and;~~

(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) ~~ORS 537.545 provides daily use limits for certain exempt groundwater uses. Notwithstanding any other provision of law, groundwater may not be stored for those uses in an amount greater than the applicable daily use limit~~. 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. ~~such that~~ The retained amount ~~does~~ shall not exceed these daily use limits. ~~Any amount in excess of these limits is unlawful use of water.~~

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.