2025-26 Exempt Use Rulemaking

Rules Advisory Committee
Meeting Summary
October 27, 2026

The Oregon Water Resources Department (OWRD) convened its second RAC meeting for the Exempt Use Rulemaking on October 27, 2026, from 9 am to noon. The meeting was held in a hybrid format at OWRD's headquarters in Salem and via Zoom. The meeting was recorded and is available online at the Exempt Use Rulemaking webpage.

RAC Members in Attendance

1. Alice Morrison, Friends of Family Farmers
2. April Zohn, Ducks Unlimited
3. Brian Posewitz, WaterWatch of Oregon
4. Caleb Kinser, Domestic Well User
5. Chris Hall, Water League
6. Chrissy Lucas Woodruff, Oregon State University Extension Service
7. Glenn Barrett, Water for Life
8. Greg Kupillas, Oregon Ground Water Association
9. Helen Aten, Private Citizen
10. Jake Blackburn, Licensed Broker
11. Jeremy Austin, Central Oregon LandWatch
12. Jesse Kandra, Oregon Farm Bureau
13. Jessi Talbott, Central Oregon Irrigation District
14. Keri Handaly, Confederate Tribes of Grand Ronde
15. Kris Vyverberg, Rural Landowner
16. Leah Cogan, Oregon Water Utility Council
17. Phil Chang, Deschutes County Commissioner
18. Representative Mark Owens, House District 60, Chief Sponsor of House Bill 3372
19. Sabrina Maki, Farmer
20. Sarah R. Liljefelt, Oregon Cattlemen's Association
21. Stewart Kircher, Dairy Farmer & Oregon Dairy Farmers Association
22. Wade Flegel, Director at Ochoco Irrigation District
23. Yancy Lind, Domestic Well User

Agency Partners in Attendance

1. Danette Faucera, Oregon Department of Fish and Wildlife
2. Jon Jinnings, Department of Fish and Wildlife
3. Sheena Marshall, Department of State Lands
4. Tim Holschbach, Oregon Department of Forestry

OWRD Staff in Attendance

1. Kim Fritz-Ogren
2. Jake Johnstone
3. Mindy Lane
4. Scott Prose

Others in attendance

1. Alan Bellanca
2. Amy Landvoigt
3. Carolyn Sufit
4. Chris Kowitz
5. Cindy Bright
6. Gordon Lyford
7. Jason Lampman
8. Josh Wedding
9. Juliana Catwright
10. Karyn Hanson
11. Michael Blankenship
12. Michelle Hesek
13. Nikki Hendricks
14. Richard Kosesan
15. Rob Frank
16. Troy Baker

Welcome, Introduction, and Agenda Review

Kelly Meinz (OWRD) welcomed the Rules Advisory Committee (RAC) and called the meeting to order. Kelly Meinz ran through the agenda and ground rules of the meeting. Kim Fritz-Ogren (OWRD) discussed follow-up from the last meeting.

Review of Proposed Draft Rules Division 340

Kelly Meinz (OWRD) led discussions on draft rule revisions proposed and RAC member feedback beginning with OAR 690-340-0010 and then with OAR 690-300-0010.

Rule	Comment/Questions	Department Response as of 11/12/2026
-0010(1)	(A) A RAC member asked what the nature of the appurtenance policy is and what would need to change to apply appurtenance to all exempt uses. They noted that they felt OWRD is inconsistently applies appurtenancy in the rules. They also recommended adding a general statement for appurtenancy.	(A) All exempt uses of water are appurtenant in that they are an incidental right attached to a principal property right and passing in possession with it. Owning a piece of property means that you can access the exempt uses of groundwater and surface water applicable to that piece of property. Based on the discussion of the rules advisory committee, it appears the primary question is not appurtenance – does this right to use water exist—but rather where can or must use occur? In other words, is there a place of use associated with the exempt use? For some exempt uses OWRD finds it helpful to specify in rule the permissible place of use in order to limit confusion or potential abuse of the right to use water. OWRD proposed draft language to clarify the place of use for exempt uses of groundwater for commercial/industrial purposes.

-0010(1)(b)(A)	(A) A RAC member commented that the proposed language has changed the meaning from September 28, 2026, Draft rules. The language now says the well must be on the same property where the water is used. This language does not allow taking water from a well and putting it on a neighbor's land. (B) A RAC member commented that this language was confusing and suggested mirroring the same language in -0010(1)(d)(B). (C) A RAC member commented that how the language is written is how OWRD has always enforced exempt uses and supports the language as is. (D) A RAC member commented that, in a subdivided land, each homeowner should be allowed a separate one-half-acre exemption.	(A) OWRD acknowledges the difference in language meaning and affirms that the proposed language aligns with the agency's intent to clarify the place where water may be used under this exempt use. Lands in this draft language includes contiguous tax lots owned by an entity. (B) OWRD elected to not mirror the language in the proposed rules as it would not make the language more clear for this exempt use of groundwater. (C) Thank you for the comment. (D) It is the Department's policy to allow one exemption per well system. Language has been added to clarify this.
-0010(1)(c)	(A) Several RAC members supported setting a cap for single domestic use, with some concerned about OWRD's authority to cap single domestic use. One RAC member suggested a way around the authority is to define amounts of water as "default" before "wasteful water use." The language would need to allow cases that require more than 4,000 gallons a day, such as local codes that require additional water storage or filling a swimming pool in a day. (B) A RAC member commented that using the words group domestic and system interchangeably is confusing. (C) A RAC member asked a clarifying question that as proposed would a domestic group get 15,000 gallons a day.	(A) OWRD proposes new draft language that defines what may be wasteful unless the watermaster has sufficient evidence to determine a higher amount of use is beneficial. Language will be discussed at the November meeting. (B) OWRD revised the language to make it less confusing. (C) OWRD responded in the meeting confirming that yes, group domestic systems can use up to 15,000 gallons a day.

-0010(1)(d)	(A) A RAC member asked what the policy is around appurtenance for commercial and industrial. (B) A RAC member commented that House Bill (HB) 4061 is for commercial water hauling and does not do anything to stop private citizens from filling up a truck under the commercial/industrial exemption. These rules should address that issue.	(A) All exempt uses of water are appurtenant in that they are an incidental right attached to a principal property right and passing in possession with it. Owning a piece of property means that you can access the exempt uses of groundwater and surface water applicable to that piece of property. Based on the discussion of the rules advisory committee, it appears the primary question is not appurtenance – does this right to use water exist—but rather where can or must use occur? In other words, is there a place of use associated with the exempt use? OWRD proposed draft language to clarify the place of use for exempt uses of groundwater for commercial/industrial purposes. (B) OWRD agrees that filling up a water hauling truck for use elsewhere does not fall under the commercial/industrial exempt use of groundwater. Language is proposed to clarify that water use may only occur on the lands from which water is appropriated and has flagged this topic for further clarification in agency policies and procedures.
-0010(d)(A)	(A) A RAC member commented in support of the included language.	(A) Thank you for the comment.
-0010(8)(c)	(A) A RAC member commented that the use of lands in the proposed language changes the meaning from the proposed language in the September 28, 2026, draft rules.	(A) OWRD acknowledges the difference in language meaning between the September draft rules and the October Draft rules. The proposed language aligns with the agency's intent to clarify the place where water may be used under this exempt use.
-0010(9)	(A) A RAC member asked why not allow for a small berm pond in this rule language? It would be more cost-effective to allow a pond. (B) A RAC member commented that the proposed language could cause unintended consequences for small group domestic systems. They asked whether this language refers to the size of the tank or the volume of water in the tank.	(A) OWRD responded in the meeting that in the agency's experience there are several problems with ponds, including evaporation, poorly constructed ponds, and potentially having fish in them. (B) The language refers to the volume of water in the tank.

	(C) A RAC member suggested that we follow up with our sister agencies, the Oregon Health Authority (OHA) and Oregon Parks and Recreation Department (OPRD), that use group domestic tanks in their campgrounds and parks.	(C) Thank you for the comment, OWRD is following up with OHA and OPRD.
	(D) Several RAC members expressed support for allowing more than the statutory caps to be stored for fire suppression.	(D) Statute allows the use of water under a specific exempt use. It does not allow the storage of exempt uses beyond the daily amounts noted in statute. To allow storage of water for fire suppression would require a statute change.
	(E) A RAC member asked whether this language requires separate storage and whether they use existing infrastructure.	(E) OWRD responded in the meeting that the language does not specify where the water needs to be retained but only sets the allowed volume. Generally speaking, there does not need to be separate infrastructure.
	(F) A RAC member commented that a straightforward solution to addressing how much water is being used is requiring measurement and reporting. The RAC member recognized that OWRD has stated that measurement and reporting are outside the scope.	(F) Thank you for your comment
	(G) A RAC member asked what problem this language is trying to address.	(G) OWRD responded in the meeting that the problem is we want to allow for the practical in system retention of exempt uses that is necessary for use, while not implying storage of exempt uses is allowed, as it is not.
	(H) A RAC member expressed that there is concern from municipalities that OWRD, in the future, will put limits on tanks for groundwater or surface water rights.	(H) OWRD is not currently considering putting limits on tanks used by municipalities when exercising their water rights.

Division 300

Rule	Comment/Questions	Department Response as of 11/12/2026
-0010(6)	(A) A RAC member commented that language should say “does not include irrigation off…” and describe what is not included with irrigation.	(A) OWRD responded in the meeting that because irrigation has a definition in Division 300 no description is required here.
	(B) A RAC member commented that they were confused about the language; they thought that if you have a one-half-acre lawn, you would use the lawn, non-commercial and commercial garden exemption to irrigate that.	(B) OWRD responded in the meeting that is correct; in this language, we want to make it clear that you cannot use the commercial/industrial exemption to for irrigation.

	(C) A RAC member commented that, with the proposed language, permitted commercial use allows irrigation of landscaping. (D) A RAC member commented that this language should further clarify what is not allowed under commercial water use, including not allowing mining. (E) A RAC member commented that the language should state that you can't use the one-half acre lawn, non-commercial and commercial garden exemption in additional to the one-half acre irrigation under a commercial water right. (F) A RAC member commented that it might be worth having a definition of landscape maintenance.	(C) OWRD responded that existing language allows for the use of a commercial water right for up to one-half acre landscape maintenance. (D) OWRD allows mining as an industrial use under the groundwater exemption in ORS 537.545(1)(f). (E) It is outside OWRD's statutory authority to exclude someone from exercising their water right and an exempt use of water, so long as both are being used beneficially without waste. (F) A definition in rule is not necessary and may incorrectly imply landscape maintenance as a standalone use for which an applicant may apply. A definition may be included in agency policies and procedures for enforcement purposes.
-0010(15)	(A) A RAC member commented that the language should state that you can't use the one-half acre lawn, non-commercial and commercial garden exemption in addition to the one-half acre irrigation under commercial water right. (B) Several RAC members commented that there should be no list and that it should be left to OWRD's discretion. They also pointed out that this list is not specific enough. Others shared that lists are helpful to codify the intent of the agency in rule with some saying that hot tubs should be included. Several RAC members commented that the language should say "includes but is not limited to." And others commented that the rules should have both what is allowed and is not allowed. (C) A RAC member asked why OWRD wanted to talk about related accessory uses during the summer scoping open houses.	(A) It is outside OWRD's statutory authority to exclude someone from exercising their water right and an exempt use of water, so long as both are being used beneficially without waste. (B) OWRD agrees to remove the list from the definition and to clarify in agency policies and procedures. (C) The purpose of the open houses was to help scope and start the conversation. The draft rules build off of what was heard in the open houses and in agency preparation for rulemaking. OWRD responded in the meeting that we heard from the public a mix of things that should or should not be included, noting that during the last RAC we wanted a more open conversation, but for the sake of this meeting we brought forth a proposal for discussion.

-0010(18)	(A) A RAC member asked a question about why emergency fire-fighting does not include future water storage? (B) A RAC member commented that, under the proposed rule OAR 690-340-0010(9), the single- and group domestic exemption is allowed to be stored, and the proposed addition to the Domestic Use definition allows for fire protection. However, under the emergency fire-fighting definition, storage is not allowed, which contradicts the domestic use definition.	(A) OWRD responded in the meeting that this exempt use is for active fire suppression. OWRD does not have the authority to allow fire ponds outside the water right permit process. (B) In the rule language OWRD is differentiating between storage and retaining water for use within a system that includes a tank/cistern for domestic needs which may include fire protection. Storage in the traditional context of water law, is not allowed for exempt uses.
-0010(20)	(A) A RAC member asked why ORS 537.615 is included in this definition.	(A) OWRD noted this was included in error and has been removed.
-0010(29)	(A) A RAC member asked whether the rules allow those without a commercial water right to use the one-half acre lawn, non-commercial and commercial garden exemption for landscape maintenance.	(A) OWRD responded yes; this language allows for that.

General Comments

Comment/Questions	Department Response as of 11/12/2026
(A) A RAC member asked if the public will be made aware of the proposed changes to exempt uses?	(A) OWRD responded that we will notice the rules through the Administrative Procedures Act, and after adoption of the rules, general outreach will be needed.
(B) A RAC member asked if there can be a clarifying handout on expanded group domestic systems.	(B) OWRD has noted this request and will consider post-rulemaking communication material development.

Collecting Input on the Statement of Need, Fiscal Impact, and Racial Equity Statement

Kelly Meinz (OWRD) lead a discussion to collect input on the Statement of Need, Fiscal impact and Racial Equity Statement.

Statement	Comments/Questions	Department Response as of 11/12/2026
Statement of Need	(A) Several RAC members suggested potentially expanding section 4 to include the policies that we are clarifying in these rules and explaining the benefits of those policies. (B) Several RAC members commented that the Statement of Need accurately represents the need.	(A) OWRD will consider adding a discussion on the current policies that are clarified in the proposed rules. (B) Thank you for your comments

	(C) A RAC member commented that section one should discuss the interaction between the current one-half acre limits to understand how exempt use stack or do not stack.	(C) The purpose of the Statement of Need is to explain why rulemaking is needed and how that need is met. The stacking limits are not a part of the need of the rulemaking.
	(D) A RAC member commented noted that section 4 uses "stored," but the rule language uses "retained."	(D) The statement of need has been corrected.
Fiscal Impact Statement	(A) A RAC member asked how much staff time is spent responding to complaints and commented that these rules could lead to more work addressing complaints.	(A) OWRD responded that the amount of time depends on the area, season, and specific circumstances. OWRD clarified that the rules will reduce time spent responding to complaints.
	(B) A RAC member commented that OWRD should consider outreach and education as a potential impact.	(B) Outreach and education are already considered to be a part of the rulemaking process and are outside of the scope of the Fiscal Impact Statement.
	(C) A RAC member asked whether cost and economic impact are why OWRD will not consider measurement and reporting for this rulemaking.	(C) OWRD responded in the meeting that we already have authority to require measurement and reporting on an as needed basis. Right now, we cannot gather, store, and use these data. OWRD is not interested in adding a requirement and cost to those who access exempt uses when it cannot collect and use the data.
	(D) A RAC member asked whether OWRD has a database tracking the use of Division 250 to require measurement.	(D) OWRD responded that we do not have a database tracking that information. The OWRD Enforcement Section now keeps records of Measurement Devices Notices in a central location.
	(E) A RAC member agreed with the fiscal impact statement, unless we require small group domestic systems to replace tanks; then there would be a fiscal impact.	(E) The proposed rules do not require small group domestic systems to replace tanks.
	(F) A RAC member commented that the new commercial garden could lead to more work for the local watermasters.	(F) OWRD responded that the cost of the workload was already considered during the legislative process.

	(G) A RAC member commented that, to protect Tribal sovereignty, Tribal impacts should be captured in the Fiscal Impact Statement, not in the Racial Equity statement. Preferably in a completely different section outside of the Statement of Need, Fiscal Impact or Racial Equity Statements.	(G) The Secretary of States filling application is very inflexible for filling. We can add Tribal specific info either in the Statement of Need, Statement of Racial Equity Impact, or Statement of Economic/Fiscal Impact. We cannot create a new "section" in the document itself, other than by imbedding it in one of those 3 sections. We will move the Tribal Impacts to the Fiscal Impact Statement and incorporate the suggested language.
Racial Equity Statement	(A) A RAC member commented that these rules can help reduce groundwater decline and benefit Tribes.	(A) OWRD will include this language under a new Tribal Nation section incorporated into the Fiscal Impact Statement.

Meeting Wrap up

Kelly Meinz (OWRD) wrapped up the meeting and asked RAC members if a third meeting is needed. RAC members indicated that another meeting was needed. The next RAC meeting will be November 19, 2026, from 9 am to noon. If RAC members or members of the public wish to provide additional comments, the deadline is November 2, 2026, at 5 pm.

Comments received from RAC members by November 2, 2026.

The comments below were sent to OWRD between October 27, 2026, and November 2, 2026, at 5 pm.

Division 340

Rule	Comment/Questions	Department Response as of 11/12/2026
-0010(1)	(A) A RAC member supported making it clear in the proposed rule that exempt uses cannot be stacked to allow daily maximum amounts to exceed any one exempt use's daily limit.	(A) Each exempt use is allowed by statute. Only the one-half acre groundwater exempt use and commercial/industrial exempt use are capped when both are combined. OWRD does not have the authority to prohibit individuals from exercising, each allowed exempt use.
-0010(1)(b)	(A) A RAC member asked for clarification on how groundwater exemptions can be stacked.	(A) OWRD clarified this during the October RAC meeting.
-0010(1)(b)(A)	(A) A RAC member commented in support of the proposed language.	(A) Thank you for the comment.
-0010(1)(c)	(A) Several RAC members commented in support of capping single domestic use but were concerned with the 4,000 gallons a day being too high, and that is well above the average household use. Others noted that the proposed 4,000 is 1,000 gallons shy from the commercial/industrial exemption. Some suggesting that cap should be 1,000 gallons a day.	(A) OWRD proposed language to clarify that use above 4,000 gallons/day is automatically considered waste, unless evidence is provided to the watermaster's satisfaction that the use is beneficial. Use of less than 4,000 gallons a day could still be wasteful and not allowed, depending on the specifics of that situation. The watermaster can still enforce against waste.

-0010(1)(d)	(A) A RAC member commented support for the proposed language pertaining to when the commercial/industrial exemption is used in conjunction with the one-half acre watering exemption. (B) Several RAC members commented that the language should expressly limit commercial/industrial exemption to beneficial use on lands where water is appropriated. Additionally, they commented that they believe the exemption is not intended for sale to end users for any use at any location. One RAC member commented that if the language does not expressly apply appurtenance to commercial and industrial use it could lead to unaccountable, larger-scale domestic commercial and industrial bulk water trucking operations pumping from exempt-use wells. (C) A RAC member commented that the language should clarify what is not considered commercial use, including mining and stockwater. Specifying stockwater would prevent stacking 12,000 gallons a day for Confined Animal Feeding Operations (CAFOs) and 5,000 gallons a day for commercial/industrial uses.	(A) Thank you for the comment. (B) OWRD agrees and has proposed language to that effect for RAC discussion. (C) OWRD disagrees with adding a list of what is not included under the definition of commercial or industrial water use. Stockwater not allowed under the commercial use. However, CAFOs can access both the stockwater and commercial/industrial exempt uses of groundwater as separate uses. Current policy allows for some use of industrial exempt use in mining operations.
-0010(5)	(A) A RAC member recommended striking the Commission in the draft rule language and replacing it with the Department to make it clear that the Department has the authority. (B) Several RAC members commented strong support for including language that will allow the department to measure exempt uses and collect data. (C) A RAC member expressed appreciation for the proposed language changes and commented that the words “estimates of” before the “quantity of water used” should be removed to make clear that OWRD may require measurement.	(A) This change was incorporated in the October 27, 2026, draft rules. (B) The measurement of exempt use is outside of the scope for this rulemaking. (C) OWRD agrees and made this change.
-0010(6)	(A) A RAC member strongly supports the proposed language clarifying that beneficial use without waste applies to exempt uses.	(A) Thank you for the comment.

-0010(9)	(A) Several RAC members asked for more	(A) In Oregon water law, “use” and

	clarity on whether water storage generally is allowed under an exempt use.	"storage" are generally considered separate and distinct. OWRD is proposing language to clarify that water retained in the system to facilitate use of water is allowed. Storage in the traditional context of water law is not.
	(B) A RAC member commented that the cap for single domestic use should be set at 5,000 gallons a day, as recommended by their local fire marshal. Storage should be allowed to double to account for areas with power shut off.	(B) OWRD has proposed draft language that would allow a system to retain more than 4,000 gallons a day per single domestic exempt use of groundwater if evidence is provided to the watermaster's satisfaction that a greater amount of water use is beneficial.
	(C) A RAC member commented in support of the proposed rule language and commented that the limit should be for the size of the tank as well as the volume of water.	(C) The limits listed refer to the volume of water. OWRD does not likely have the authority limit tank size.
	(D) A RAC member commented that the proposed language may have unintended public health consequences for small water systems that use the group domestic exemption to fill water tanks designed to hold a specific level of water to maintain pressure. OWRD has not previously regulated system design; instead, it falls under Oregon Health Authority (OHA) regulations for drinking water safety. No statute sets limits on tank volumes, and this approach is not consistent with engineering practice. Additionally, during scoping, OWRD did not indicate it wanted to set volume limits. They recommend removing the language and reaching out to OHA to discuss impacts to small systems and to conduct more scoping with affected systems.	(D) Statute limits the amount of water a small water system can use under certain exempt uses of groundwater. If a system requires more water than is allowed by statute then the system requires a water right. OWRD reached out to OHA on this issue.

Division 300

Rule	Comment/Questions	Department Response as of 11/12/2026
-0010(6)	(A) A RAC member commented that a definition of landscape maintenance should be added to clarify the commercial and industrial use definitions.	(A) A definition in rule is not necessary and may incorrectly imply landscape maintenance as a standalone use for which an applicant may apply. A definition may be included in agency policies and procedures for enforcement purposes.
	(B) A RAC member commented that the proposed language should include uses that	(B) OWRD disagrees with adding a list of what is not included under the

	are not considered commercial use. Including mining, recreation, and/or stockwater.	definition of commercial or industrial water use. Stockwater not allowed under the commercial use. However CAFOs can access both the stockwater and commercial/industrial exempt uses of groundwater as separate uses. Current policy allows for some use of industrial exempt use in mining operations. The agency has flagged this for further clarification in future updates to the agency Field Operations Manual.
- 0010(15)	(A) A RAC member supported including a list and commented that the small water landscaping feature and fire protection should be removed unless OWRD specifies the quantity and defines small. Fire protection is already covered in the emergency fire-fighting definition. They commented with suggested language: "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 but are not limited to: washing personal vehicles and other personal equipment, and filling a swimming pool once per year. ~~a small water landscape feature, and fire protection~~" (B) A RAC member commented that including a list might be fraught with peril without being very specific. For example, how big a pool is allowed and what constitutes a small water feature.	(A) OWRD removed the list from the definition and will clarify in agency policies and procedures. (B) OWRD removed the list from the definition and will clarify in agency policies and procedures.
- 0010(18)	(A) A RAC member commented in support of the proposed language.	(A) Thank you for your comment.
- 0010(29)	(A) A RAC member commented that "Industrial Water Use" should be defined to exclude separately defined water uses that some may argue are "industrial" but are defined as distinct uses, including use for mining and/or stockwater.	(A) OWRD disagrees with adding a list to exclude mining and stockwater from industrial water use. Stockwater not allowed under exempt industrial use. However, CAFOs can access both the stockwater and commercial/industrial exempt uses of groundwater as separate uses. OWRD allows mining as an industrial use under the groundwater exemption in ORS 537.545(1)(f).

General Comments

(A) A RAC member commented that OWRD should put a plan in	(A) (B) and (C) OWRD requires

place to start requiring measurement and reporting of exempt use in the near future, understanding that OWRD does not have the capability to do so now. A plan like this matters given the likelihood of continued climate change and prolonged droughts. (B) A RAC member expressed their appreciation for OWRD highlighting the challenges or requiring measurement and reporting for exempt uses during the last RAC meeting. They commented that other approaches to require measurement and reporting may require less staff capacity and resources, such as requiring a measurement device to be installed on all new exempt-use wells. They requested time to discuss this at the next RAC. (C) A RAC member commented that ORS 537.545(4) gives OWRD broad authority to require reporting for water users under exemptions. Measurement is important for compliance and should be included in rules. To limit the impacts, OWRD could consider a phased approach.	measurement when needed to ensure compliance via authority in ORS 537.777 and 537.780 and OAR 690-215-0080 and 690-250-0060. OWRD may also require water use measurement through designation of a Serious Water Problem Management Area in OAR 690-085-0020. OWRD encourages everyone to measure their water use. Larger plans for required measurement and reporting are outside the scope of this rulemaking.
(A) A RAC member commented that OWRD should use the broad authority under ORS 537.545(4) to require reporting on the location, general purposes, and specific uses of water under exemptions where OWRD does not have that information.	(A) OWRD already uses this authority to gather the information necessary to determine compliance with water law as needed.
(A) A RAC member commented that Tribal impacts are often organized in the statements required by the Administrative Procedures Act in a manner that diminishes their sovereignty and suggested that Tribal nations should have their own section. It was suggested that, within that section, language can state that RAC participation does not diminish or replace Tribal rights to government-to-government consultation, reference statutes. They also included suggested language for the fiscal impact.	(A) The Secretary of States filling application is very inflexible for filling. We can add Tribal specific info either in the Statement of Need, Statement of Racial Equity Impact, or Statement of Economic/Fiscal Impact. We cannot create a new "section" in the document itself, other than by imbedding it in one of those 3 sections. We will move the Tribal Impacts to the Fiscal Impact Statement and incorporate the suggested language.