

Proposed Rule Revision Tracker**Division 305 – DEFINITIONS**

Changes made between v2 and v3 RAC version. Changes are highlighted in the v3 RAC version of the rules for RAC member convenience. V3 is the same as the public comment draft except no highlights.

Section / Version comment	Issue	Response/Modified Language	Status / Version change made in
690-305-0010(1)(c) 12/5	<p>RACM – Language needs clarifying: “In addition to the map, a digital file containing the features of the map (geospatial digital file geodatabase or shape file that identifies the coordinate system) may be submitted to the Department.”</p> <p>RACM RECOMMENDATION - Proposed language: “In addition to the map, a geospatial data file containing the coordinate reference system of the digital map may be provided”</p>	<p>The language has been removed due to the concern over what the meaning of “digital” information meant and due to the item being voluntary. The submittal of a digital file is addressed in (d) specific to CWREs.</p>	<p>Complete. Change made in v3 draft.</p>
690-305-0010(1)(d) 12/5	<p>RACM – Language needs clarification; possible equity issues. As proposed, the language is unclear what is to be provided. In a typical GIS map, there is a project file that contains many separate shapefiles or geodatabases for each feature of the map (i.e. a separate shapefile for roads, tax lots, POD's or POU's). Asking for the base project file will include all of the data contained in a map.</p> <p>There is also a concern as not all CWRE's prepare maps using GIS software. Requiring digital GIS data would force some CWRE's to change their survey methodology.</p> <p>RACM RECOMMENDSTION - For any map that OAR Chapter 690 requires be prepared by a Certified Water Right Examiner, the digital project file containing the geospatial features of the map shall be submitted along</p>	<p>690-305-0010(1)(d) has been updated to provide a beginning date for the submittal of a digital file by CWREs. The delay in implementation will allow the Department the time necessary to work with our Information Services Staff to determine the method of submittal, as and required data. Given the number of IT projects, OWRD has set a date of April 1, 2029. If the project is completed early, OWRD will then be able to test out the tool and encourage voluntary electronic submittals.</p>	<p>Complete. Change made in v3.</p>

	with the map, unless the Department provides a waiver		
690-305-0010(1)(d)	<p>RACM - One RAC member noted that not everyone uses GIS-based mapping software programs; some rely on drafting programs (e.g., Turrell Draw). He then asked if the Department has software available to read a drafted map. Another RAC member concurred that not all CWREs use GIS-based mapping software programs.</p> <p>One RAC member asked for clarification regarding “a digital file containing the features of the map”; specifically, he asked whether this meant a project folder with all the individual shapefiles.</p> <p>One RAC member noted appreciation for the move towards modernization but asked how the Department determines an application is complete and timely when some aspects of the application are on paper and others are submitted electronically.</p> <p>Some RAC members agreed that moving towards electronic submission was a good idea, however, they expressed that this concept was not implementing statute and did not seem ripe for policy making and did not want to bog the CWRE mapping process down, since there was already a shortage of CWREs. Others RAC members expressed support for the digitization of map files and a grace period should be built into the rules to phase implementation.</p>	<p>If the software used is able to generate a shapefile, the Department should be able to get the information it needs. The Department pushed back implementation to April 1, 2029 to allow for details to be worked out, systems to be setup, and communication with CWREs.</p> <p>The Department has the authority to provide a waiver in rule to help with the transition period. This transition period could also add the transition period into rules.</p> <p>See note above for 690-305-0010(1)(d).</p>	Complete. Rule change in v3.
690-305-0010(1)(f) and 1(c) 12/5	RACM - RAC members discussed proposed rule language regarding aerial imagery. One member questioned the use of the word “may” and suggested removing the section and letting the agency ask for it as needed to reduce confusion.	The Department acknowledged issues of aerial imagery accuracy. When digital files are not submitted, the Department’s data technicians translate paper maps into digital format to input into the Water Right Information System. The intent was to allow applicants to submit their own maps,	Complete. Change made in v3.

	<p>They also stated that these images become outdated and may not be accurate. Other RAC members were supportive of keeping the language in, suggesting the language allows the Department to request the imagery and removes opportunities for challenges to that request. One RAC member was supportive of changing the “may” to “shall”</p>	<p>reducing mapping inaccuracies Department workload. OWRD will hold off on the inclusion of digital files under (1)(c) until finer details are determined. The image or digital file of the water right location is only for reference purposes and does not define the right. OWRD proposed clarification in rule that only the static map is the official record of the water right.</p>	
690-305-0010(2) 12/5	RACM - One RAC member noted that the rule should read "shall not be equal to or greater than 1320 feet" (i.e., "or" is missing).	Update completed	Complete. Change made in v3.
690-305-0010(3)(d) 12/5	<p>RACM - One RAC member asked for clarification for the definition of “delivery features.”</p> <p>Another RAC member asked for clarification on the definition for “general location.”</p>	<p>“Delivery features” examples ditches, pipelines, etc.</p> <p>“General location” provides flexibility when there is uncertainty regarding precise locations (i.e. buried pipelines).</p> <p>No updates recommended.</p>	Complete. No change made.
690-305-0010(3)(e) 12/5	RACM - One RAC member asked for clarification for the definition of “topographical features.”	<p>This definition includes examples of information that the Department thinks is helpful for mapping rights.</p> <p>No updates recommended.</p>	Complete. No change made.
690-305-0010(3)(h)(B) 12/5	<p>RACM - One of the rule changes we wish to comment on is OAR 690-305-001 which will require identifying the locations of proposed or existing diversion points, wells, or dams by latitude and longitude as established by GPS, accurate within ten feet. We believe it is important that this proposed rule also requires reporting the datum used (i.e., WGS 84, NAD 83, or NAD 27) and the accuracy given by the GPS device at the time of measurement.</p> <p>Reporting the datum used is important because not all devices are set to the same datum; therefore, a difference between the datum used by the GPS device and the datum used by the OWRD could result in a significant error in the location of the</p>	<p>OWRD agrees with the proposed change to require that the datum used to determine the latitude and longitude be included on the map.</p> <p>For consistency, (i)(C) has been updated.</p> <p>No changes are recommended regarding updating the rules to require the person preparing the map to certify that the accuracy of the GPS unit is accurate to within 10 feet.</p> <p>When a CWRE stamps and signs their map, they are asserting that the map meets the mapping requirement, which would include the accuracy of the GPS unit.</p> <p>For applicants that are not CWREs, requiring this statement would be a burden.</p>	Complete. Partial changes made in v3.

	point being located. The accuracy of the GPS reading is also important because it can vary depending on the type of GPS device used} the number of GPS satellites that are overhead at the time of the measurement, and other factors such as terrain and tree canopy. Measurements taken with simple, inexpensive GPS devices during times when there are fewer satellites overhead or under other confounding circumstances may not be accurate with 10 feet as required by the rules. Therefore} the rules should require reporting of the accuracy of the measurement as given by the GPS device at the time of measurement in order to ensure that the accuracy requirement has been met.		
690-305-0010(3)(i)(B) 12/5	RACM - A RAC member noted that (B) and (C) appear to have different levels of accuracy, and that if paper maps are the legally binding document, then there was no need to require this amount of work to produce super accurate digital maps.	The Department noted that the rule language mirrors that in the existing transfers rules. Further they are closer to the accuracy level of the paper maps. Latitude and longitude reported to 5 decimal points is precise to 1.1 meter (3.6 feet) Latitude and longitude reported to 4 decimal points is precise to 11.1 meter (36.4 feet)	Complete. No change made.
690-305-0010(3)(i)(D)	RACM - RAC member discussed a situation where a water user uses multiple wells for different places of use and questioned what this would mean for the mapping requirements. One RAC member suggested language stating “place(s) of use” - so that it’s clear that places of use can be consolidated under multiple wells.	The Department noted that this is not an uncommon situation, and the map should just denote which POU is being served by which well.	Complete. Change made in v3.
690-305-001(2)(a), (c) 12/5	RACM – Missing word RACM RECOMMENDATION - These two sections should read “...be equal to or greater than 1320 feet...	Update completed.	Complete. Change made in v3.
-0010	OWRD Staff:	Clarity improvements on submittal of electronic maps including requiring pdf format. Restructuring. Other non-substantive changes to improve rule structure, language and clarity. Restructure and change to j for clarity: If for a supplemental irrigation application or	Complete. Change made in v3.

		claim of beneficial use, the location and water right reference number of the underlying primary right, registration or claim	
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