

Proposed Rule Revision Tracker

Division 320 – MISCELLANEOUS WATER RIGHT PROCESS PROVISIONS

Issue	Response/Modified Language	Status / Version change made in	Section / Version comment
690-320-0010 (10), (11) 8/27	<p>RACM - rule summary states that the rule is being repealed in part because Division 315 governs instead; she asked if sections (10) and (11) should remain or if those sections are addressed by Division 315.</p> <p>RACM - As noted in the RAC meeting, it is important that the provisions of subsection (10) relating to checkpoints be carried over. OWRD indicated those would be in the 315 rules, but since the RAC has not covered those yet, I am just noting here so the comment is not lost.</p>	<p>Division 315 governs as this division 320 rule is no longer in effect. Checkpoints are addressed in 690-315-0050(6), which is nearly the same or the same as this rule. It is also proposed for repeal because extensions are being phased out for most (not all water uses) and have limited timeframes due to the new legislation. See 690-315-0050 proposed rules for more details. Whether checkpoints exist should be discussed in the context of 315.</p>	Complete. No change made.
690-320-0020 General 8/27	<p>RACM - OWRD has indicated that this rule section does not align with ORS 537.260 and ORS 537.410 to ORS 537.450 and thus is proposing to remove this. We agree the process should align, but we disagree that the subsection should be completely removed. It is important for people who have received extensions, and for the OWRD caseworkers and otherwise that are tracking extensions, that it is clear that if use has not been made under the permit or extension that they OWRD can initiate cancellation under its own volition.</p>	<p>OWRD has replaced with a reference to the statute. Given that this is about failing to prove up on a water right, it will also be renumbered to OAR 690-330.</p> <p>Replaced with: The Department may initiate cancellation of a permit pursuant to ORS 537.260 or ORS 537.410 - 537.450.</p> <p>NOTE: In a future version, this rule will be renumbered and moved to OAR 690-330, with the edits retained.</p>	<p>Complete. Rule changed in v2 draft.</p> <p>Next draft: Renumber to 330.</p>
690-320-0030 8/27	<p>OWRD staff identified areas where this rule lacked clarity.</p>	<p>Edits made to more accurately reflect that it contains information on final proof surveys, including those before the 1987 date. Amended to point to the rules by which a final proof survey must be performed, and separated out into two subsections for clarity.</p>	<p>Complete. Rule changed in v2 draft.</p> <p>Next draft: Renumber to 330.</p>

		NOTE: In a future version, this rule will be renumbered and moved to OAR 690-330, with the edits retained.	
690-320-0040 (1) 8/27	RACM - The word “of a municipal water right” should immediately follow “partial perfection” for clarity’s sake.	Change made. Added permit at the end. Also, restructured sentence to make clear what the submittal date applies to. NOTE: In a future version, this rule will be renumbered and moved to OAR 690-330, with the edits retained.	Complete. Rule changed in v2 draft. Next draft: Renumber to 330.
690-320-0050.	RACM - See comments on 0070 below. Same but for 0050.	Temperature control provisions are related to proving up on a water right, therefore, 690-320-0050 will be repealed, while 690-330-0030 will be retained. Strike in 320. Retain in 330. Retitle both divisions.	Complete. Rule changed in v2 draft.
690-320-0070 8/27	RAC member noted that the rule summary states that these rules are duplicated in Division 330. She then asked if Division 330 is limited to certificates, or if Division 330 applies more broadly. Another RAC member noted that most of Division 320 focuses on water permits but that -0070 is about water rights. The title in Division 320 refers to Water Rights. Some RAC members emphasized this section as particularly important and in need of further scrutiny to ensure retention somewhere in the rules. Duplication for clarity’s sake is not a problem in our mind, and we feel strongly this should be retained in this section and/or put into other related sections.	Following the RAC meeting, OWRD reviewed both 320 and 330. Most of 330 is actually related to proving up on a water right. Parts of 320 are also about proving up on a water right. The title do not currently make sense, given the overlap. Therefore, OWRD revised the titles of both divisions. One will be retitled “miscellaneous water right provisions” while the other one will be retitled “Proof of Appropriation.” All items related to proof will be included in 330 (and moved from 320). All other miscellaneous items will remain in 320. Therefore, this duplicative rule will be proposed to be repealed in 690-330-0040 as it is duplicative of OAR 690-320-0070. Since it has nothing to do with proving up on a water right, it will be retained in 320 and struck from 330.	Complete. Rule changed in v2 draft.

10/27/2025

	<p>RAC - The OWRD is proposing to remove this section as it is also found in the 330 rules. The 330 rules are tied to water right certificates. This definition comes into play in many instances not tied to water right certificates (e.g. transfers). Duplication for clarity's sake is not a problem in our mind, and we feel strongly this should be retained in this section and/or put into other related sections.</p>	<p>Retain in 320, strike in 330. Retitle both divisions.</p>	
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