

Proposed Rule Revision Tracker

Division 325 – ASSIGNMENT OF A WATER RIGHT PERMIT AND REQUEST FOR ISSUANCE OF REPLACEMENT PERMITS

Section / Version comment	Issue	Response/Modified Language	Status / Version change made in
690-325-0030 9/3, v1	DEQ - Definitions – should include a definition of assignment	OWRD POST RAC: modified title of OAR 690-325 to “Assignment for a Water Right Permit Split and Request for Issuance of Replacement Permits” in order to better define the scope of this division of rules. With this change, OWRD does not believe a definition of “assignment” is necessary.	Complete. Change not made, but other changes made to address comment. v2 draft.
690-325-0040(2) 9/3, v1	Public - 690-325-0040(2) Name(s) under which the original water right permit was issued <ul style="list-style-type: none"> Does the original water right permit refer to when it was initially permitted or to the current water right permit? I am wondering if you want something akin to 690-315-0020(3b) The name and mailing address of the water right permit holder(s); I ask since the current permittee may not be the original permittee. I would presume you would want the name of the current permittee; otherwise that person's name may be absent from the application. I would also note 690-325-0010 notes the purpose is "to reflect an assignment from the current water right permit holder to one or more additional water right permit holders." 	OWRD POST RAC: modified language to clarify that, in addition to the name of each applicant, the Department is seeking the name(s) of the holder(s) of the water right permit.	Complete. Change made. v2 draft.
690-325-0040 (8) 9/3, v1	RAC - 690-325-0040(8) requires, as part of the application, a statement from the applicant that the most recent water use under the applicant’s portion of the water permit, if any, has been exercised within the relevant terms and conditions of the water right. While this is in the governing statute,	OWRD POST RAC: No change made. The application for a “Split-a-Permit” application requires the applicant(s) to affirm that: 1) any use of water under the permit was made within the relevant terms and conditions of the permit; and 2) the information	Complete. No change made.

	<p>we would urge the OWRD to require documentation to back up the statement. Similar to RAC member comments made in relation to the Div 305 rules, in today's day and age where technology is readily available to offer solid documentation of water use and compliance with conditions, the applicant here should have to provide more than simply a statement, for example, GPS linked photos, water right measurements, etc. The applicant should also have to prove use within the past five years to ensure that an unused right is not being resurrected via this process.</p>	<p>contained in the application is true and accurate. Absent any information to the contrary, the Department relies on the applicant's affirmation. If OWRD has reason to believe the information provided in the application is not true or accurate, OWRD can request additional information from the applicant in support of their assertion. Additionally, related to the comment that the applicant should have to prove use within the past five years – These rules pertain to water use permits, not perfected water right certificates; therefore, the forfeiture statutes in ORS 540.610 related to beneficial use in the past five years does not apply. The permit contains a specified period for a permit holder to develop their water right. Permit holders do not always begin developing their water right until closer to the end of the development window. Therefore, in many cases, permit holders using the split-a-permit process may not have anything to report about water use or condition compliance, in which case the suggested change would add little value.</p>	
<p>690-325-0050 9/3, v1</p>	<p>RAC - Similar comment as for -0040(8); need for precision</p>	<p>OWRD POST RAC: No change necessary. The draft proposed rules (both v1 and v2) under OAR 690-325-0050(1) state that, "<i>...The map shall meet the standards in OAR Chapter 690, Division 305 as well as the following criteria...</i>"</p> <p>This reference to OAR 690-305, along with proposed revisions in the v2 proposed draft rules for OAR 690-305-0010(3)(h) and (i) requiring latitude and longitude coordinates established by GPS, will provide for more precise map information under this rule.</p>	<p>Complete. No change made.</p>

V2 Comments received through 11/5/2025

690-325-0050 (1)(a) 9/3, v1	DEQ - Link Certified Water Rights Examiner to the CWRE division rules (OAR 690-014)	OWRD POST RAC: Added as defined in 690-014-0020	Complete. Change made in v2.
690-325-0050 (2)(a) 9/3, v1	RAC - language stating that a CWRE may use an electronically generated stamp or seal provided the signature is original implies that the signature must be “wet” rather than also electronic. She asked for confirmation, noting that an electronic signature would be more efficient.	OWRD POST RAC: Amended language to refer to OAR 690-014-0050 (Certification of Water Right Examiners) which, as amended in v2 of the OAR 690-014 draft proposed rules, allows OWRD to accept digital seal and signature as long as the CWRE meets OSBEELS rules regarding digital seal and signature.	Complete. Change made.
690-325-0070 (2)(b) 9/3, v1	RAC - OWRD should add “has not been used in the past 5 years” to the list of finding. While arguably, it is part of “within the terms and conditions of the water right permit”, we urge OWRD to spell this out so to avoid any confusion.	OWRD POST RAC: No change made. These rules pertain to water use permits, not perfected water right certificates; therefore, the forfeiture statutes in ORS 540.610 related to beneficial use in the past five years does not apply.	Complete. No change made.