

Proposed Rule Revision Tracker

Division 340 – WATER USE AUTHORIZATIONS

Section / Version comment	Issue	Response/Modified Language	Status / Version change made in
8/27	RACM: HB 3372 (2025) “exempt uses” not addressed during rulemaking	HB 3372 implementation will be addressed during future rulemaking scheduled tentatively for Spring 2026, pertaining to Divisions 250, 260, and 340.	Complete. No change made.
690-340-0030(7) 8/27	RACM - Rule language re: limited licenses is inconsistent with statute (ORS 540.045) because statute treats limited licenses within the same system differently depending on whether the pertain to the same source versus a separate source. The difference has implications for instream flow protection.	Replaced section 7 with statutory language. Section 7 is inconsistent with statute. Language from statute is: <i>The use of water under a limited license shall not have priority over any water right exercised according to a permit or certificate and shall be subordinate to all other authorized uses that rely upon the same source.</i>	Complete. Changed in v2 draft.
690-340-0060(7)(a) 8/27	RACM - Need to clarify the last sentence: “Comments relevant only to the storage of water will not be determined to have a raised a public interest issue relevant to the application.” Suggest that “comments” only applies to the public review of applications for use of stored water and not a reopening of the original application for the storage right itself.	OWRD added clarifying language: ...Comments relevant only to the storage of water <u>authorized by a previous water right transaction</u> will not be determined to have raised a public interest issue relevant to the application;	Complete. Changed in v2 draft.
690-340-0060(7)(b) 8/27	OWRD staff – second (b) should be (c)	Change made.	Complete. Changed in v2 draft.