



Violations and Penalties

A potential topic for rulemaking in 2026-27

The Oregon Water Resources Department (OWRD) enforces state water laws to protect instream and out of stream uses. When someone uses water without authorization, fails to maintain required infrastructure, or does not follow a watermaster's regulation, OWRD may take enforcement action.

Why this topic is important in water management

OWRD is charged with fair distribution of water according to water rights and protection of existing rights. Unlawful water use, unsafe practices, or ignoring regulatory orders can injure other water right holders and harm streams and aquifers. With increasing drought and changing water demands, it is essential that OWRD's enforcement tools stay clear, current, and aligned with statute. Updating these rules supports transparency and consistent enforcement.

Current authorities

OWRD's enforcement authority comes from several Oregon statutes and rules that work together to define unlawful actions and how penalties may be issued.

Statute - Oregon Revised Statute (ORS)

536.900 to 536.935 provides general civil penalty authority to the Water Resources Commission, while ORS 537 and ORS 540 both identify specific violations and include circumstances where civil penalties apply for unauthorized use, failure to maintain equipment, or tampering with regulation.

What is a statute? A law enacted by Oregon legislature that provides, directs or authorizes Department activity.

What is a rule? Any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency.

Rule - Oregon Administrative Rules (OAR) 690-250 guides Watermaster field regulation, including responses to unlawful use, waste, and measurement issues.

Rule OAR 690-260 explains how civil penalties are assessed, including violation classes, daily penalties, and notice requirements.

Why new or amended rules may be needed

Division 260 has not had a major update in several decades. During that time, the Legislature has added new statutes and clarified expectations for lawful water use. Because the current rules no longer fully reflect today's law or on the ground needs, updates are needed to:

- Align rules with current statutory authority
- Add or update definitions so they are clear to the public
- Reflect new types of violations (for example, hauled water statutes and unlicensed cannabis sites)
- Clarify when daily civil penalties apply
- Improve consistency between statutes and application thereof

Together, these updates will help water users better understand their responsibilities and help OWRD ensure that enforcement is fair, transparent, and effective.

Share Your Thoughts on Violations and Penalties

OWRD is gathering community input to help shape the scope of this rulemaking. Your feedback helps us understand what information water users need, what concerns exist in different regions, and how the Department can make enforcement clearer and easier to understand.



- **What aspects of violations or penalties feel unclear or confusing?**
- **What types of enforcement issues do you see in your community?**
- **What makes enforcement feel fair and consistent to you?**
- **What information would help water users better understand their responsibilities?**

Use the QR code or visit our website (see below) to share your thoughts and ideas on Violations and Penalties.

OWRD reviews all feedback to understand community concerns, identify potential impacts, and determine the scope and content of future rule updates. While not every suggestion can be incorporated due to legal and scientific constraints, community input helps ensure the rules are practical, understandable, and responsive to Oregon's diverse water users.



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