



Waste of Water

A potential topic for rulemaking in 2026-27

In Oregon, all water is publicly owned. To use surface or groundwater, generally, you must obtain water rights from the Oregon Water Resources Department (OWRD). People with water rights must use their water for a beneficial purpose and avoid wasting it. “Waste” generally means, either using water without a water right or using it for something other than its approved purpose.

Why this topic is important in water management

OWRD manages water by prior appropriation: first in time, first in right. Waste of water results in water that could have been used beneficially by juniors downstream not being available in the system. As Oregon continues to see warmer and dryer years, with less winter snowpack, it is ever more important that OWRD ensures water is not wasted.

Current authorities

The following are the statute(s) and rules(s) that define waste of water and give the department the authority to regulate against waste of water.

Statute – Oregon Revised Statute (ORS) 540.720: No person shall use without authorization water to which another person is entitled, or willfully waste water to the detriment of another. The possession or use of such water without legal right shall be prima facie evidence of the guilt of the person using it.

Rule – Oregon Administrative Rule (OAR) 690-260-0010(6): “Waste” means, for purposes of assessing

civil penalties, when the quantity of water diverted exceeds the quantity required to meet the beneficial use specified in a water right, not including reasonable system losses, return flows, or diversion rates of water allowed in a water right or a rotation agreement.

Rule - OAR 690-300-0010(55): “Wastewater” means water that has been diverted under an authorized water right after it is beyond the control of the owner of that right but has not yet returned to the channel of a natural stream. In an irrigation district, the wastewater of an individual user is not subject to appropriation until it leaves the boundaries of the district. Wastewater abandoned to the channel of a natural stream becomes a part of that stream and is subject to appropriation.

Rule – OAR 690-400-0010(16): “Waste” means the continued use of more water than is needed to satisfy the specific beneficial uses for which a right was granted. The need for water shall be based on using the technology and management practices that provide for the efficient use of water considering:

- (a) The economic feasibility of use of the technology and management practices by the water user;
- (b) The environmental impacts of making modifications;
- (c) The available proven technology;
- (d) The time needed to make modifications;
- (e) Local variations in soil type and weather; and
- (f) Relevant water management plans and subbasin conservation plans.

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.

Why new or amended rules may be needed

OWRD's rules broadly define the waste of water. Because of this, water users may not always know what OWRD considers to be waste. A clearer definition would help everyone understand OWRD's expectations. Waste can mean different things, and the figure below gives some examples of what might count as waste.



Excessive leaking pipes



Failure to keep ditches free from weeds resulting in a loss of water



Using more water than is needed to meet the beneficial use requirement of a crop

Share Your Thoughts on Waste

Feedback Opportunity:

- How would you define waste?

Scan the QR code to add your thoughts on Mentimeter or write your thoughts on a sticky note and add it to the poster board.



OWRD reviews all feedback to understand community concerns, identify potential impacts, and determine scope and content of rules, considering this input alongside legal requirements, scientific data, and policy goals. While not every suggestion can be incorporated due to statutory requirements, scientific constraints, and policy obligations, community feedback helps OWRD ensure the final rules are clear, practical, and appropriately responsive to community needs.

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