



2025-26 Water Rights Rulemaking

**RULES ADVISORY COMMITTEE MEETING SUMMARY
SEPTEMBER 17, 2025 (RAC 1)**

The Oregon Water Resources Department (OWRD) convened the first RAC meeting on September 17, 2025, from 8:30 a.m. to approximately 11:45 p.m. The meet was hybrid, held in Salem at OWRD's headquarters and via Zoom. The meeting was recorded. The recording and other meeting materials are available online:

<https://www.oregon.gov/owrd/programs/policylawandrules/OARS/Pages/2025-Water-Rights-Rulemaking.aspx>.

RAC Members in Attendance

- Jeremy Austin, Central Oregon LandWatch
- Glenn Barrett, Water for Life
- Anton Chiono, Confederated Tribes of the Umatilla Indian Reservation
- Leah Cogan, GSI Water Solutions
- J.R. Cook, Northeast Oregon Water Association
- Genevieve Hubert, Deschutes River Conservancy
- James Fraser, Trout Unlimited
- Chris Hall, Water League
- Keri Morin Handaly, Confederated Tribes of Grand Ronde
- Ryan Krabill, Oregon Farm Bureau
- Greg Kupillas, Oregon Groundwater Association
- Mark Landauer, Special Districts Association
- Karen Lewotsky, Oregon Environmental Council
- Sarah Liljefelt, Oregon Cattlemen Association
- Michael Martin, League of Oregon Cities
- Austin Patch, Summit Water Resources
- Lauren Poor, Portland General Electric
- Kimberley Priestley, WaterWatch of Oregon
- Branden Pursinger, Association of Oregon Counties
- April Snell, Oregon Water Resources Congress
- Marika Sitz (Proxy for Jeff Stone), Oregon Association of Nurseries
- Mikaela Watson (Proxy for Jessi Talbott), Central Oregon Irrigation District

Public Attendees

- Richard Kosesan (Water for Life)
- Gordon Lyford (certified water rights examiner)
- Steve Patten (City of Milton-Freewater)
- Brock Phillips (U.S. Bureau of Reclamation)

- Ted Ressler (Summit Water Resources)
- Doug Wise (City of Portland)
- Ken Yates (Oregon Water Resources Congress)

Oregon State Agency Staff

- Donna Brann (Oregon Office of Administrative Hearings)
- Corey Courchane (OWRD)
- Arla Davis (OWRD)
- Eliot Crafton (OWRD)
- Danette Faucera (Oregon Department of Fish and Wildlife)
- Adam Frederick (OWRD)
- Cassidy Fredlund (OWRD)
- Kim Fritz-Ogren (OWRD)
- Ivan Gall (OWRD)
- Lisa Jaramillo (OWRD)
- Laura Hartt (OWRD)
- Sarah Henderson (OWRD)
- Jake Johnstone (OWRD)
- Mindy Lane (OWRD)
- Amanda Mather (OWRD)
- Racquel Rancier (OWRD)
- Katie Ratcliffe (OWRD)
- Jesse Ratcliffe (Oregon Department of Justice)
- Maggie Sommer (OWRD)

Welcome & Introductions: Katie Ratcliffe (OWRD) welcomed the Rules Advisory Committee (RAC) members and called the meeting to order. She then led introductions; and provided an overview of the meeting agenda.

Rulemaking Process: Laura Hartt (OWRD) presented an overview of the rulemaking process. See RAC 1 Meeting Presentation, available online:

<https://www.oregon.gov/owrd/programs/policylawandrules/OARS/Pages/2025-Water-Rights-Rulemaking.aspx>.

Rulemaking Need & Background: Racquel Rancier (OWRD) presented an overview of the need and scope of the rulemaking effort. See RAC 1 Meeting Presentation, available online:

<https://www.oregon.gov/owrd/programs/policylawandrules/OARS/Pages/2025-Water-Rights-Rulemaking.aspx>.

RAC Input on Proposed Rules: Racquel led a discussion on the proposed rules.

Some RAC members noted the interrelatedness of Divisions 52, 53, and 54, noting that comments made with respect to one of these Divisions most likely applied to all three. The Department concurred.

Some RAC members noted that some Divisions referenced Division 305 but noted that Division 305 would not be covered until the next RAC meeting. These RAC members asked the Department to note, during the next (September 24, 2025) meeting, any nexuses between Division 305 and the Divisions discussed during the September 17, 2025, RAC meeting. The Department agreed to provide that context for the next RAC meeting.

Some RAC members asked whether the electronic documentation requirements could be standardized in one Division or rule, rather than referenced repeatedly throughout. The Department responded that in some cases, statute requires non-electronic notification, so a universal approach would not be appropriate. At least one RAC member suggested it would be helpful to have a table that indicates which water rights transactions and processes default to electronic documentation.

Some RAC members requested that the rule summary sheets reflect the general category of the rulemaking need, e.g., legislative, process improvement, or other. The Department agreed to review the rule summaries in response to RAC input. RAC members also stated that the rule summary sheets were very helpful.

Some RAC members noted they would need more time to consult with others prior to providing input on the proposed rules. The Department responded that the intention was to provide draft rules as early in the process as possible, and that returning to previously discussed Divisions during later meetings was likely, giving RAC members ample time to share comments and concerns.

Some RAC members noted that the schedule was very ambitious and concurred with the Department that one or more meetings in November were probably needed. The Department agreed to poll for potential November meeting dates.

One RAC member noted that some current rules not proposed for revisions were not consistent with statute; she stated she would identify these in writing. Specific examples were provided and are noted in the tables below.

One RAC member asked whether the current rules would be incorporated in the revisions or whether they would be archived for those who are not subject to the new rules. The Department stated it would archive the current rules and make them available online.

The tables below reflect RAC discussion on specific rules within Divisions 52, 53, 54, 14, 320, 325, and 340.

Division 52 – Decommissioning Rules for Non-FERC Projects

Rule	Comments/Questions	Department Response
N/A (applies to Div 52, 53, & 54)	<p>RAC member noted that there are some discrepancies across Div 52, 53, & 54, particularly as it pertains to party status.</p> <p>Party Status – Division 52 (also possibly Divisions 53 & 54) do not refer to the Division 2 process for petitioning for party status. RAC member recommends looking at Division 2 for consistency regarding request for party status, noting importance of clear and consistent requirements for petitioning for party status.</p> <p>RAC member further noted Division 54 rules as proposed are not as equitable if they do not require the timelines outlined in House Bill 3544.</p> <p>Contested cases - The proposed changes remove discretion of the Department not to go to hearings, even if no significant issues are raised.. RAC member recommends re-examining because revised process does not seem efficient. Recommends OWRD retain discretion to not go to a hearing if there are no significant issues..</p>	<p>OWRD will need to look at Divisions 53, 53, and 54 more closely in the context of statutes, and the proposed rules for Division 2 and HB 3544 implementation.</p>
- 0030(1)(b)(B); -0110(3)	RAC member noted that the proposed rules do not update “weekly bulletin” to “public notice” throughout.	OWRD will review to ensure all required changes are made.

Division 53 – Hydroelectric License, Power Claim and Certificate Amendments

Rule	Comment/Questions	Department Response
-0010(10)	RAC member suggested modifying to “and has not previously been subject to forfeiture...”, noting there currently is not an established rebuttable presumption of forfeiture. The member also stated that the rule summary did not align with the proposed rule changes.	OWRD will review but recalls that currently proposed language is more aligned with statute.
-0015	RAC member noted that the numbering was off.	Noted. Numbering will be corrected.
-0015(1), (4)	RAC member asked, how will we handle people that are already signed up for paper notices?	OWRD responded that their research indicates only a handful of parties receive paper

		notices, so advising those parties should not be a strain on the Department or the public.
-0015(4)	RAC member asked, who is “agency” in “Agency comments must be received within 30 days of issuance of the notice”? Does agency include everyone submitting comments, or just agencies?	Just agencies.
-0015(4)	RAC member asked how Tribal sovereignty is addressed here and throughout the rules, noting the commenting is not the same as formal government-to-government consultation.	OWRD responded that they would review the language here and elsewhere to make sure the distinction is clear.
-0040(1)	RAC member asked, why not move the non-applicability language to Division 2 (-0030)? RAC member also noted that the same non applicability language does not appear in 690-052-0110. Regarding insertion of “(1) OAR 690-002-0030 does not apply to protests under this section. “	OWRD responded that they would review.

Division 54 – Conversion of a Hydroelectric Water Right to an Instream Water Right

Rule	Comment	Department Response
General	Some RAC members noted that per HB 3544, when moving from a Preliminary Final Order (PFO) to a Final Order (FO), the Department would need to issue a superseding PFO or new PFO and notice it. RAC member asked for confirmation that there would be a new public comment period and that the process for modification be included in rule.	OWRD confirmed a superseding PFO with a new public comment period would be needed even for minor corrections.
-0000	RAC member asked for clarification regarding what the new language implements.	OWRD noted that the rule pertains to contested case process.

Division 14 – Certified Water Right Examiners

Rule	Comment	Department Response
General	RAC member asked if the Department could require more precise location data (latitude/longitude) for all points of diversion and appropriation any time a water right was updated.	OWRD replied that the proposed new Division 305 would outline standardized mapping criteria to apply across several Divisions. OWRD further noted that Division 305 would be reviewed during the next RAC meeting.

-0170(1)	RAC member suggested adding "...shall be prepared and submitted by a CWRE..." mimicking language in -0010.	OWRD responded they would review the suggestion.
-0170(1)	RAC member noted and appreciated that the requirement regarding map submission on polyester film was struck.	OWRD responded that the change was made in response to comments heard over time from CWREs.
-0170	<p>RAC member requested addition of the requirement of a CWRE stamp and signature and allowing for electronic submission provided the signature is original.</p> <p>Another RAC member noted that allowing electronic seals and signatures are helpful in rural areas.</p>	OWRD responded that they would review the suggestion, including where the requirement should reside.

Division 320 – Miscellaneous Water Right Process Provisions (proposed retitle)

Rule	Comment	Department Response
-0010 (repeal)	RAC member noted the rule summary states that the rule is being repealed in part because Division 315 governs instead; i.e., should sections (10) and (11) remain or are they addressed by Division 315.	OWRD responded that they would review and follow up with the RAC.
-0070 (repeal)	<p>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.</p> <p>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.</p>	<p>OWRD responded that they would review and follow up with the RAC. OWRD also stated that perhaps Division 330 needs retitling to reflect its contents fully as the only difference between the sections appears to be the title.</p> <p>The Department also will review other rules to see if/how Divisions 320 and/or 330 are referenced.</p>
-0070(3) (repeal)	Some RAC members emphasized this section as particularly important and in need of further scrutiny to ensure retention somewhere in the rules.	OWRD responded that they would review and follow up with the RAC.

Division 325 -Assignment of a Water Right Permit and Request for Issuance of Replacement Permits

Rule	Comment	Department Response
-325 -0050(2)(a)	RAC member noted that regarding the 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.	<p>OWRD responded that they would review, particularly to determine if an electronic signature is consistent with OSBEELS rules.</p> <p>OWRD will review Division 14 language regarding electronic generated stamps/seals and whether electronic signatures is allowed.</p> <p>OWRD also will review new Division 305 rules for consistency.</p>

Division 340 – Water Use Authorizations

Rule	Comment	Department Response
General	RAC member email comment asked if HB 3372 (2025) “exempt uses” would be addressed during rulemaking	OWRD explained that HB 3372 implementation will be addressed during future rulemaking scheduled tentatively for 2026, pertaining to Divisions 250, 260, and 340.
-0030(1)(a)	RAC member asked for clarification regarding the prior use of data for evaluating limited license applications. She noted that limited licenses extend up to 5 years but that the watermaster’s review form seems to rely only on one year’s worth of data. RAC member asked if the Surface Water Availability Reporting System (WARS) might not be more appropriate.	OWRD noted that the proposed changes to the limited license rules are limited in scope to incorporating the general mapping standards in Division 305. OWRD also responded that the watermaster may have on-the-ground, contemporary knowledge regarding stream flow conditions. If the Water Availability Statement says that water is available, but the Water Availability Basin Analysis data indicates water is not available, the final order may limit the duration of use up to one year only.

		Groundwater availability is determined by the Groundwater Section. The Department also acknowledged that the prompts on the watermaster's review form could be improved.
-0030(7)	RAC member commented that this rule section regarding limited licenses is inconsistent with statute (ORS 540.045) and should instead repeat statutory language because under the statute, limited licenses within the same system are treated differently if they pertain to the same source versus a separate source. This difference has implications for instream flow protection.	OWRD noted that the currently proposed changes to the limited license rules are limited in scope to incorporating the general mapping standards in Division 305. However, the Department acknowledged that rest of the limited license rules could benefit from some revision during a future rulemaking.
-0060(7)(a)	RAC member suggested clarifying 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." She suggested that comments be applicable to the application for use of stored water and not a reopening of the original application for the storage right itself.	OWRD responded that they would review the language to make sure the intent is clear.

Public Comment: Comments received by RAC members are reflected above. No other public comments were received orally. Written comments will be compiled and posted online after the deadline given to the RAC for receiving written input (October 1, 2025):

<https://www.oregon.gov/owrd/programs/policylawandrules/OARS/Pages/2025-Water-Rights-Rulemaking.aspx>.

Wrap Up/Next Steps: OWRD requested feedback on the draft rules presented by October 1, 2025. OWRD noted that the next RAC meeting is scheduled for September 24, and that a poll for November meeting dates was forthcoming. Staff agreed to provide information to help RAC understand which rules are pertaining to legislation, conforming to statute, policy changes, rule cleanup, etc. Staff also agreed to provide information to help RAC members understand the nexus between the next RAC meetings divisions and Divisions 2 and 14.