



2025-26 Water Rights Rulemaking

RULES ADVISORY COMMITTEE MEETING SUMMARY FOR RAC REVIEW OCTOBER 14, 2025 (RAC 3)

The Oregon Water Resources Department (OWRD) convened the third RAC meeting on October 14, 2025, from 8:30 a.m. to approximately 12:00 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
- Jeff Stone, Oregon Association of Nurseries
- Mikaela Watson (Proxy for Jessi Talbott), Central Oregon Irrigation District

Public Attendees

- Brian Erickson (Oregon State University)
- Ryan Gleason (City of Portland)

- Elizabeth Howard (Schwabe)
- Richard Kosesan (Water for Life)
- Chris Schull (Tumalo Irrigation District)
- KK Warren (Engineer)
- Jay Weiner (Rosette LLP)
- Ken Yates (Oregon Water Resources Congress)

Oregon State Agency Staff

- Matthew Bearden (Oregon Department of Environmental Quality)
- Corey Courchane (OWRD)
- Eliot Crafton (OWRD)
- Emily-Bell Dinan (Oregon Department of Fish and Wildlife)
- Danette Faucera (Oregon Department of Fish and Wildlife)
- Cassidy Fredlund (OWRD)
- Adam Frederick (OWRD)
- Kim Fritz-Ogren (OWRD)
- Ivan Gall (OWRD)
- Danielle Gonzalez (OWRD)
- Sarah Henderson (OWRD)
- Nikki Hendricks (OWRD)
- Cole Hendrickson (Oregon Department of Environmental Quality)
- Lisa Jaramillo (OWRD)
- Laura Hartt (OWRD)
- Mindy Lane (OWRD)
- Dante Luongo (OWRD)
- Jeffrey Pierceall (OWRD)
- Racquel Rancier (OWRD)
- Katie Ratcliffe (OWRD)

Welcome: Katie Ratcliffe (OWRD) welcomed the Rules Advisory Committee (RAC) and called the meeting to order.

Agenda Review; RAC Meeting Summaries; Schedule Updates: Laura Hartt (OWRD) went over the meeting agenda and provided an update on prior meeting summaries. She then went over the revised meeting schedule, noting that two RAC meetings were added for November 12 (8:30 a.m. – noon) and November 21 (8:30 a.m. – noon). She also noted that the Department was finalizing the date for the virtual Division 2 follow up RAC meeting. Later in the meeting, she confirmed that date would be October 31 and that confirmation would go out to the RAC.

See also RAC 3 Meeting Presentation, available online:

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

Proposed Rule Changes

Katie Ratcliffe (OWRD) gave a general overview of the proposed changes for Division 310 and facilitated the discussion among RAC members. Many rules changes implement HB 3342 (2025), while other changes are intended to implement additional process and policy improvements to maximize efficiency and predictability. There were conversations among RAC members emphasizing the importance of outreach to applicants to ensure that process changes are understood. The Department agreed to engage with water partners when moving toward implementation.

Racquel Rancier (OWRD) gave a general overview of the applicability of the proposed rules regarding water right permit extensions (Division 315).

Racquel Rancier (OWRD) provided a general overview of the proposed rule changes contained in Division 18, noting that comments regarding land use plans offered during the Division 310 discussion would most likely apply to this Division. Some RAC members expressed a desire to keep the allocation of conserved water program as flexible as possible, so that water users would still be incentivized to use it.

Division 310 – Water Right Application Processing

Rule	Comments/Questions	Department Response
-0020(1)	One RAC member suggested integrating “proposed” place of use throughout.	The Department will review.
-0040(1)(a)(F)	One RAC member suggested integrating “proposed” place of use throughout.	The Department will review.
-0040(1)(a)(L)	<p>A RAC member asked about the order of operations when there is a land use conflict, i.e., how is a conflict adjudicated?</p> <p>Regarding the land use form change: One RAC member expressed concern over potential economic impacts on municipalities, because land use plan compatibility is required for pursuing bonding authority to fund infrastructure projects. The proposed changes are somewhat confusing and may delay findings of compatibility. Some RAC members shared past experiences with small municipalities conflating other permitting requirements with water use, delaying projects.</p> <p>Department staff asked RAC members whether language that allows small governments to provide information</p>	<p>If there is an appeal to the Land Use Board of Appeals, the Department’s application process offers the opportunity for an administrative hold.</p> <p>Department needs to be able to determine whether the water use is compatible, in accordance with statutes. The proposed rules say “information sufficient to assess compatibility” but is otherwise silent as to what constitutes sufficiency. The Department will consider making updates to the land use form and consider rule language submitted by the RAC to make this provision more workable while in compliance with the law. The Department</p>

	<p>supporting land use compatibility with comprehensive plans without committing to approve the land use application on their end would suffice. A RAC member responded that it would depend on the municipality.</p> <p>A RAC member noted that comprehensive plans are largely inconsistent with Department of Land Conservation and Development's (DLCD) planning goals and was concerned that OWRD would be allowing water rights that are not in alignment with those planning goals. He also asked if the Department was planning to update the Division 5 rules, relating to compliance with state planning goals and compatibility with comprehensive plans, and whether the proposed rule changes were made in anticipation of a future rulemaking.</p> <p>Some RAC members stated that the proposed rule changes were beyond the scope of 2025 legislation implementation and that given the level of discomfort, should perhaps be shelved.</p>	<p>acknowledges the need to do more follow up regarding how to consider land use compatibility with comprehensive plans. The Department looks forward to receiving rule language suggestions from RAC members who have more experience with land use.</p> <p>Local land use plans are required to be in alignment with DLCD standards. The Department indicated that Division 5 rules would be updated eventually but were outside the scope of this rulemaking. Instead, the intent is to provide clarity regarding how land use information is used during the processing of water right applications.</p>
-0040(1) (c)(A)	A RAC member noted that reduced information for dams and reservoirs pertaining to the map, specifically for smaller infrastructure was problematic.	The Department will review.
-0040(5)	A RAC member requested that the reference to abandoned water wells link to well abandonment rules.	The Director suggested inserting "permanently" before "abandoned water well" for clarity. Staff will review.
-0070(1)	<p>Some RAC members asked how the new legislative authorities will impact fees, including whether processing fees would be refunded if an application is returned and if any processing fees for credit card payments also would be refunded.</p> <p>Another RAC member recommended letting applicants know whether or not refunds include processing fees.</p>	Under the new phased process for reviewing applications, the Department will not collect all fees upfront, just a preliminary processing fee. Therefore, the applicant is not at risk for losing the entire application fee in the event the Department's review

		does not support moving forward with the application. We will not be refunding any processing fees – noting this for the implementation team.
-0070(2)	One RAC member suggested there may be a sequencing issue, in that determinations made in -0070(4) and -0070(5) should occur prior to endorsement.	The Department will review.
-0070(4) and (5)	<p>One RAC member asked why the first sentence in -0070(4) and -0070(5) were not consistent.</p> <p>RAC members discussed requirement differences for returning applications in closed areas between ground and surface/stored water and what the intent was for “if the Department has information sufficient” language. Additionally, another RAC member was concerned about the Department’s interpretation of what areas were closed or not and how this guidance would be carried forward to field offices.</p> <p>One RAC member suggested rewriting the first sentence in -0070(5) to improve clarity as follows:</p> <p>“If a groundwater application is complete and not defective and if the Department has information sufficient to make the determination at the time of the application intake, then the Department shall determine whether the proposed use is prohibited because the source of water is designated as a critical groundwater area under ORS 537.730, subject to restrictions on allowed groundwater uses by classification under ORS 536.340, or withdrawn from appropriation under ORS Chapter 538 or by rule or order of the Water Resources Commission under ORS 536.410.</p>	<p>When applications for groundwater allocation in a designated critical groundwater areas are submitted for Departmental review, in some instances, caseworkers may not be able to assess whether the proposed source is closed for appropriation. This might occur for example if the proposed source is hydraulically connected to an over appropriated surface water body. In such instances, the caseworker would not return the application immediately and continue to process it.</p> <p>The Department agrees that the sentence is somewhat unwieldy and will revise to make it clearer.</p>

-0080(2)	<p>Some RAC members found this rule section difficult to follow and suggested breaking it up further.</p> <p>One RAC member stated that applicants may not know whether they need to seek counsel regarding the timing of payment. Some RAC members also suggested that communications to applicants should include “response required” in subject headings to provide proper notice that further action is needed.</p> <p>Some RAC members noted the 90-day deadline for applicants to confirm moving an application forward is a change in process and asked whether the administrative hold process could be used to pause the 90-day deadline.</p>	<p>The Department will review the section’s structure.</p> <p>The Department committed to working with interested parties when implementing this provision to ensure that notification is sufficient.</p> <p>The Department confirmed that the administrative hold process does not stay the 90-day deadline.</p>
-0090(2)(a)	<p>A RAC member noted that the removed language regarding posting the notice in a conspicuous location for local governments may limit public access to Department decisions. Another RAC member noted that some smaller municipalities will post notices on bulletin boards.</p>	<p>The Department will review the original language. Posting is already voluntary “request”, so maybe there is some refinement.</p>
-0130(3)	<p>A RAC member requested that rule references to well abandonment link back to well abandonment rules.</p>	<p>Department will review.</p>
-0150(2)(b)	<p>A RAC member requested that rule references to well abandonment link back to well abandonment rules.</p>	<p>Department will review.</p>
-0160(2)(a)	<p>RAC members discussed the language "the director finds that there are no significant issues " and asked if the new language is from the new legislation because it did not appear to align with current statutes.</p>	<p>This language does come from statute (HB 3544 (2025), section 5(a)), but the Department will review.</p>
-0270(2)	<p>A RAC member asked for confirmation that administrative holds cannot get approved more than once.</p> <p>Another RAC member asked if “administrative hold” was defined.</p>	<p>The Department confirmed that the rule language states that only one hold may be granted.</p> <p>The Department stated that ORS 537.175 describes the function and parameters of a hold. The term “administrative hold” is one</p>

	Another RAC member asked if a section could be added for general engagement with the Department on an application.	that Department uses but is not defined. The Department encouraged members to submit language but reminded the group that the appropriate place in the process to disagree with Department findings is during the protest process.
-0270(2)(d)	One RAC member noted that a “one year” extension of an administrative hold may not be sufficient with respect to obtaining land use approval..	The Department will review.
-0270(2)(e)	A RAC member asked if this provision was specific to data from one well and if that meant determinations on reasonably stable water levels could be based on a single well, while the rest of the aquifer was not reasonably stable.	This provision is specific to where there is lack of data, and the Department cannot determine water availability. The Department may need to follow up, but this is likely out of scope of this rulemaking.

Division 315 – Water Right Permit Extensions

Rule	Comments/Questions	Department Response
General	A RAC member commented that throughout the rules it is not clear if the term “application” is in reference to a permit or extension application.	The Department will incorporate that feedback.
-0010(7)(g)	<p>A RAC member noted that prior language states “diverted for beneficial use,” but the new language removes “beneficial use.” The RAC member recommended retaining the full phrase.</p> <p>A RAC member expressed concerns changing definitions may result in unintended consequences, so the Department should be careful when revising..</p> <p>A RAC member requested data regarding how many applications would still be subject to the current rules. .</p>	<p>The Department will review..</p> <p>Noted..</p> <p>The Department will provide that information.</p>
-0050(4)	A RAC member asked if “reasonable time” is still needed since extensions are limited to two years.	The Department will review.

-0050(6)(a) (proposed for repeal)	One RAC member asked about the rationale for removing check point requirements and wanted insurance that checkpoints still apply for those who are subject to the current rules. .	The Department did not feel that the check points added value for group domestic extensions, which have a maximum duration of ten years. The proposed change should not impact existing extensions since check points already are required in the order.
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Division 18 – Allocation of Conserved Water

Rule	Comments/Questions	Department Response
-0012(3)	One RAC member suggested that “final completion” should be changed to "finalization".	The Department will review.
-0040(22)(b)	RAC members discussed the new land use rule provisions and asked what the current practice was with respect to land use review. RAC members wondered whether an application to put 100% of a water right instream needed a land use review to ensure alignment with Division 310.	The proposed language reflects current Department practice; however, the Department confirmed that the statute does not require notice to affected local governments. The Department will review.
-00050(2)	RAC members discussed the timing of the public notice and whether it made sense to require notice that early in the process.	Public notice for this program is set in statute.
-0050(5): (a)(B), (b)(B), (c)	A RAC member noted that the applicant should be able to get consent from the certificate holder and that the applicant should not have to be the holder of the certificate.	The Department will review.
-0050(5)(c) (C)(i)	<p>A RAC members suggested that the language “...no instream water right shall be issued...” should also reference “groundwater rights.”</p> <p>Some RAC members noted that conserved groundwater essentially reverts back to the state available for future appropriation by another user, rather than protecting that water “in ground.” Some RAC members suggested that a broader legislative conversation may be needed to resolve the issue.</p>	The Department will review.

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 31):

<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 31, 2025. OWRD noted that the next 2 RAC meetings are scheduled for October 15 and 21.

DRAFT