



# 2025-26 Water Rights Rulemaking

## RULES ADVISORY COMMITTEE

### MEETING SUMMARY

### FOR RAC REVIEW

### NOVEMBER 12, 2025 (RAC 8)

The Oregon Water Resources Department (OWRD) convened the eight RAC meeting on November 12, 2025, from 8:30 a.m. to approximately 12:00 p.m. The meeting 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..](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
- Jessica Humphreys (Proxy for 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**

- Ryan Gleason (City of Portland)
- Stacy Hayes
- Richard Kosesan (Water for Life)
- Jan Lee (Oregon Water Resources Commission)

- Amanda Schuck
- Brent Stevenson (Santiam Water Control District)
- Jay Weiner (Rosette Law)
- Ken Yates (Oregon Water Resources Congress)

### **Oregon State Agency Staff**

- Matthew Bearden (Oregon Department of Environmental Quality)
- Gerry Clark (OWRD)
- Eliot Crafton (OWRD)
- Arla Davis (OWRD)
- Danette Faucera (Oregon Department of Fish & Wildlife)
- Cassidy Fredlund (OWRD)
- Kim Fritz-Ogren (OWRD)
- Laura Hartt (OWRD)
- Bryn Hudson (OWRD)
- Lisa Jaramillo (OWRD)
- Jake Johnstone (OWRD)
- Mindy Lane (OWRD)
- Amanda Mather (OWRD)
- Jeffrey Pierceall (OWRD)
- Racquel Rancier (OWRD)
- Katie Ratcliffe (OWRD)
- Estelle Robichaux (OWRD)
- Brandon Self (OWRD)
- Joan Smith (OWRD)

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

**Agenda Review; Schedule:** Laura Hartt (OWRD) went over the agenda and provided a status update on the draft meeting summaries for RAC meetings 3-7 and the Division 2 follow up meeting. The deadline for RAC corrections to the draft meeting summaries for RAC meetings 3-5 was proposed for 11/14. After some discussion, the Department agreed to postpone that deadline to give the RAC more time to focus on rule revisions. Laura also noted the Department is actively working on draft meeting summaries for RAC meetings 6 and 7, as well as the draft meeting summary for the follow up discussion held for Division 2 on 10/31. She then provided an overview of the rule revisions that had been discussed to date and the tentative agenda for rule revision discussion during the final RAC meeting, to be held 11/21 (8:30 a.m. – noon). For RAC input on the draft rules and other materials to be considered prior to filing the notice of proposed rulemaking, that input must be submitted to the Department no later than 12/2; otherwise, the RAC is welcome to submit further comments during the public comment period.

See also RAC 8 Meeting Presentation, available online:

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

Racquel Rancier (OWRD) noted that a RAC member had commented in writing that the Division 51 rules should be updated to be consistent with changes proposed for other hydroelectric-related water rights Divisions (i.e., 52, 53, and 53). Division 51 areas of concern include rule provisions not supported by statute, party status and standing issues, and fees that the Department may not have the authority to charge. The RAC member requested that if the Department chooses not to pursue revisions to Division 51 at this time, that the Department indicate to the Water Resources Commission an intent to address these concerns in a future rulemaking. Racquel responded that the Department could add the concern to the future rulemaking list.

Other RAC members noted that they would not be supportive of changes to Division 51, as those would likely require expertise beyond those members currently serving on the RAC. Another RAC member also noted a need for a broader conversation about the Department's rulemaking priorities.

The Department responded that given the current rulemaking timetable, it did not have the resources or time to add revisions to Division 51 for this current RAC process. The Department did note that the fee issues could be fixed with a fee waiver. The Department also noted that once it receives the specifics of what changes are needed to Division 51, it would evaluate those and add the relevant items to the rulemaking list.

Some RAC member expressed concerns about the scope of the rulemaking, noting that it has gone beyond implementation of House Bill (HB) 3342(2025) and HB 3544(2025) and perhaps should be reverted back to a narrower scope focused on implementing the recent legislation. The Department was asked by a RAC member what was driving the broader scope; the Department responded that there were several factors driving the need to improve water rights related processing, including poor performing customer service metrics, the signing letter issued by Governor Kotek with the Department's 2025-27 budget, discussions in the Oregon Legislature's Joint Ways and Means Natural Resources subcommittee, and feedback during 2025 legislative discussions. The Department will look at what opportunities there are to reduce the scope of the proposed rule changes, but notes there are general expectations that the Department make meaningful progress on improving water right processing times in spite of limited resources to do so.

### **Revisiting Prior Rule Divisions**

Department staff provided an overview of revisions made in response to RAC input on Divisions 305, 315, 340, and 325. RAC member input on proposed rule revisions are summarized below.

**Division 305 – Map Criteria**

Rule	Comments/Questions	Department Response
<p>-0010(1)(d)</p>	<p>One RAC member noted that not everyone uses GIS-based mapping software programs; some rely on drafting programs (e.g., Turrell Draw). He then asked if the Department has software available to read a drafted map. Another RAC member concurred that not all CWREs use GIS-based mapping software programs.</p> <p>One RAC member asked for clarification regarding “a digital file containing the features of the map”; specifically, he asked whether this meant a project folder with all the individual shapefiles.</p> <p>One RAC member noted appreciation for the move towards modernization but asked how the Department determines an application is complete and timely when some aspects of the application are on paper and others are submitted electronically.</p> <p>Some RAC members agreed that moving towards electronic submission was a good idea, however, they expressed that this concept was not implementing statute and did not seem ripe for policy making and did not want to bog the CWRE mapping process down, since there was already a shortage of CWREs. Others RAC members expressed support for the digitization of map files and a grace period should be built into the rules to phase implementation.</p>	<p>If the software used is able to generate a shapefile, the Department should be able to get the information it needs. Another option is to provide separate Google Earth kmz files. The Department will review. [Note: After the RAC meeting, staff noted that .kmz files are not ideal]</p> <p>The Department will review and clarify as needed.</p> <p>The Department noted that we have not yet thought about implementation of this piece, especially when map files are too large to be emailed. Should this provision move forward, the Department will develop an information guide outlining what the Department expected and how it should be delivered.</p> <p>The Department has the authority to provide a waiver in rule to help with the transition period. This transition period could also add the transition period into rules. The Department will also connect with OSBEELS about what can</p>

		be done about increasing the number of CWREs.
-0010(1)(f)	RAC members discussed proposed rule language regarding aerial imagery. One member questioned the use of the word “may” and suggested removing the section and letting the agency ask for it as needed to reduce confusion. They also stated that these images become outdated and may not be accurate. Other RAC members were supportive of keeping the language in, suggesting the language allows the Department to request the imagery and removes opportunities for challenges to that request. One RAC member was supportive of changing the “may” to “shall”.	The Department acknowledged issues of aerial imagery accuracy. When digital files are not submitted, the Department’s data technicians translate paper maps into digital format to input into the Water Right Information System. The intent is to allow applicants to submit their own digital files, reducing mapping inaccuracies and Department workload. The Department clarified that the digital file of the water right location is only for reference purposes and does not define the right. The Department will consider making that clarification in rule.
-0010(2)	One RAC member noted that the rule should read "shall not be equal to or greater than 1320 feet" (i.e., "or" is missing).	OWRD will make that edit
-0010(3)(d)	One RAC member asked for clarification for the definition of “delivery features.” Another RAC member asked for clarification on the definition for “general location.”	“Delivery features” mean ditches, main pipelines, etc.  “General location” provides flexibility when there is uncertainty regarding precise locations (i.e. buried pipelines).
-0010(3)(e)	One RAC member asked for clarification for the definition of “topographical features.”	This definition includes examples of information that the Department thinks is helpful for mapping rights.
-0010(3)(h)	N/A	The Department noted past comments regarding accuracy of measurements when lat/long GPS points are required.
-0010(3)(h)(A)	N/A	The Department noted that there may be further changes to this rule section.
-0010(3)(i)(B)	A RAC member noted that (B) and (C) appear to have different levels of accuracy, and that if paper maps are the legally binding document, then there was	The Department noted that the rule language mirrors that in the existing transfers rules.

	no need to require this amount of work to produce super accurate digital maps.	
-0010(3)(i)(D)	RAC member discussed a situation where a water user uses multiple wells for different places of use and questioned what this would mean for the mapping requirements. One RAC member suggested language stating “place(s) of use”- so that it’s clear that places of use can be consolidated under multiple wells.	The Department noted that this is not an uncommon situation, and the map should just denote which POU is being served by which well. The Department will review the suggested language.

## Division 315 – Water Right Permit Extensions

Rule	Comments/Questions	Department Response
General	A RAC member asked why quasi-municipal provisions are combined with municipal when requirements differ between the two.	There are various places in the rules where character of use are combined due to substantial similarities between the rules as they apply to the character of use. This is the structure that was put into place when the rules were initially developed, and the Department has chosen not to break out each character of use into its own subset, as making that change would not add value to the application of the rules.
-0020(4)	One RAC member noted that the rules as revised are unclear with respect to when the window for filing an extension has closed. She noted that ORS 537.450 gives the Department broad authority with respect to allowing extensions and this language should be kept in.	It is unlikely that the Department has the authority to not accept extensions based on when it was submitted. This could reduce our ability to allow applicants to come into compliance with permit conditions past their completion date.
-0030(1)	RAC members asked why the word “actual” was inserted.  One RAC member noted that this section should be applicable for storage permits after 1995.	In the meeting OWRD indicated that this change was made to be more consistent with the Department’s internal guidance. While changes to that rule section are consistent with internal guidance, the Department refines its statement to explain that the phrase “actual construction” appears in the existing rules at OAR 690-315-0010(1)(a) and in

		other locations in Division 315. The change was made for consistency with those rules.  The Department will review.
-0040(5)(b)	One RAC member recommended inserting either “existing permit conditions” or “may include” to clarify that only existing permit conditions should apply.  Another RAC member also noted that between (b) and (c), either “and” or “or” was needed.	The Department will review.
-0050(3)	A RAC member asked why “by electronic means” is no longer included.  Another RAC member asked if electronic copies are sent to people who comment on an application.	The Department noted that the section was supposed to be highlighted as a change, which reverts the language back to the original rule language. There were concerns about the applicability of the copy fee and the initial change didn’t add value.  The Department currently does not have a process for providing electronic copies to people who comment for extensions.
-0050(6) (proposed for repeal)	A RAC member noted that they believed that check point requirements applied to all types of permit extensions and suggested that checkpoints should be retained.	The Department believes that the check points align with requirements for updating Water Management and Conservation Plans but will review.

### Division 340- Water Use Authorizations

Rule	Comments/Questions	Department Response
-0060(7)(a)	One RAC member suggested adding language to specify that the underlying reservoir right must also meet conditions of use. The expedited process shouldn’t be available if they are not in good standing on either right, if the holder is the same for both.	The Department will review.

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

Rule	Comments/Questions	Department Response
General	One RAC member noted that there are rules that allow splitting Points of Use (POU) and that some users would like to do something similar with Points of Diversion (POD)/ Points of Appropriation (POA).	The Department does not have the authority to split PODs/POAs.
-0020(3)	RAC members noted that there was no language denoting what happens if there is time left before the expiration of the completion date, but not enough time to complete the split permit process. RAC members asked if the new language limits the option. Another RAC member suggested clarifying language in the last sentence such as, "time specified in permit," "has expired," or "expired at time of application."	The Department will review. The proposed rules in Division 380 have some new language which the Department will review. The intent was not to change the process for permits that are still able to apply for extensions.

**Statement of Fiscal & Economic Impacts**

Racquel Rancier (OWRD) asked the RAC for more feedback on the statement of fiscal and economic impacts, specifically around the use of professional services, and how reliance on professional services might change because of the new rules. One RAC member noted inclusion of digital files may result in increased use of professional services for some applicants if that section applies to maps not needing CWRE preparation. The Department noted that the mapping section would only apply where CWREs maps are already required. One RAC member noted that to the extent that rules are being aligned with statute, this may reduce legal expenses because of fewer challenges. One RAC member asked for clarification concerning what is and isn't considered "cost of compliance." The Department clarified that the cost could include the cost for state agencies and local government to implement the rules, as well as any cost to water users to comply with the new changes.

**Public Comment:** Comments received by RAC members are reflected above. No oral public comments were received.

**Wrap-Up & Next Steps:** The Department noted that the next RAC meeting is scheduled for 11/21 (8:30 a.m. – noon). The RAC will discuss divisions 2, 77, 380, 382, 17 and others to be determined, as well as the statements that accompany the Draft Notice of Proposed Rulemaking (i.e., Need, Racial Equity Impacts, Fiscal & Economic Impacts). Final RAC input and feedback prior to filing of the Notice of Proposed Rulemaking should be submitted to the Department no later than 12/2. Otherwise, the RAC may submit comments during the public comment period.

One RAC member requested that the Department provide clarification on the final version of draft rules, post all revisions, to aid the RAC in its review. The Department suggested a table, linking to the most recent set of proposed rules. RAC members confirmed that a table would be helpful.

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