



2025-26 Water Rights Rulemaking

**Rules Advisory Committee (RAC) Meetings 6 & 7
Salem/Zoom**

Agenda

- Welcome; Agenda Review
- Schedule Review (next slide)
- Draft Rules
 - Div 382 (groundwater registration modifications)
 - Div 77 (instream water rights)
- Draft Notice of Proposed Rulemaking (Time Allowing)
 - Statements of Need, Racial Equity Impacts, Fiscal & Economic Impacts
- Revisit Prior Divisions/New Division (Tentative)
 - Divisions 14, 300, 320/330
- Public Comment
- Wrap and Next Steps

Updated Tentative RAC Meeting Schedule

- Sept 17 – Divisions 52, 53, 54, 14, 320, 340, 325
- Sept 24 – Divisions 305 (new), 2, 300
- Oct 14 – Divisions 310, 18, 315 – **input by 10/31**
- Oct 15 – Division 17, 380 (started) - **input Div 17 by 10/31**
- Oct 21 - Divisions 380, 382 (time allowing) - **input Div 380 by 11/5**
- Oct 29 - Division 382, 77 - **input Div 382 by 11/5**
 - Statement of Need/Racial Equity Impacts/Fiscal & Economic Impacts
 - Revisit/New Divisions 14, 300, 320/330 (tentative)
- Oct 31 – Division 2 (follow up)
- Nov 12 – Statements, TBD
- Nov 21 - TBD

Rule Discussion

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Virtual Attendees

Reminder: Please Join RAC 7 Zoom Meeting at 1:00 pm

Link in Chat

https://zoom.us/meeting/register/loAvsHafRTaX7R4evN_VFQ



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Lunch



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Draft Notice of Proposed Rulemaking

Statement of Need

Statement of Need

ORS 183.335

(2)(b) The agency shall include with the [Notice of Proposed Rulemaking]:

(C) A statement of the need for the rule and a statement of how the rule is intended to meet the need;

Rulemaking Need

- Backlogs and slow processing water right transaction and contested case processing times
- Multiple calls to action
 - Customer service metrics
 - Water law experts
 - Governor Kotek signing letter on OWRD budget
 - 2025 legislative efforts (budget and legislation)
 - Agency

Rulemaking Need

- Recognized need to streamline and modernize
 - Reduce processing times
 - Prevent future backlogs
 - Ensure a clear, consistent process
 - Promote timely and informed decisions while providing due process
- How rules meet the need:
 - Improve clarity and transparency of rules
 - Align like processes for consistency and predictability
 - Update statutory/rule references and language alignment
 - Grammar/spelling corrections
 - Other policy and process improvements

Statement of Racial Equity Impacts

Statement of Racial Equity Impacts

ORS 183.335

(2)(b) The agency shall include with the [Notice of Proposed Rulemaking]:

(F) A statement identifying how adoption of the rule will affect racial equity in this state

Racial Equity Impacts –Discussion

- Who is most likely to be impacted by proposed rules?
- How will proposed rules impact racial equity?
- Include efforts to engage with Oregon's nine federally recognized Tribes and the result.

Fiscal & Economic Impacts

Statement of Fiscal & Economic Impacts

ORS 183.335 (emphasis added)

(2)(b) The agency shall include with the [Notice of Proposed Rulemaking]:

(E) A statement of fiscal impact identifying state agencies, units of local government and the public that may be economically affected by the adoption, amendment or repeal of the rule and an **estimate of that economic impact on state agencies, units of local government and the public**. In considering the economic effect of the proposed action on the public, the agency shall **utilize available information** to project any significant economic effect of that action on businesses which shall include a **cost of compliance effect on small businesses affected**.

Statement of Fiscal & Economic Impacts

ORS 183.310 (emphasis added)

(10)(a) “Small business” means a corporation, partnership, sole proprietorship or other legal entity formed for the purpose of **making a profit**, which is **independently owned and operated** from all other businesses and which has **50 or fewer employees**.

Statement Of Fiscal & Economic Impacts

ORS 183.336 Cost of Compliance Effect on Small Business Must Include (emphasis added)

- (1) (a) An **estimate of the number of small businesses** subject to the proposed rule and **identification of the types** of businesses and industries with small businesses subject to the proposed rule;
 - (b) A brief description of the projected **reporting, recordkeeping and other administrative activities** required for compliance with the proposed rule, including costs of **professional services**;
 - (c) An identification of **equipment, supplies, labor and increased administration** required for compliance with the proposed rule; and
 - (d) A description of the manner in which the agency proposing the rule **involved small businesses in the development of the rule**.
- (2) An agency shall utilize **available information** in complying with the requirements of this section.

Fiscal & Economic Impacts - Discussion

- (1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).
- (2)(a) Effects on Small Businesses: Estimate the number and type of small businesses subject to the rule(s).
- (2)(b) Effects on Small Businesses: Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);
- (2)(c) Effects on Small Businesses: Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Rule Discussion - Div 14, 300, 320/330

Public Comment

Wrap Up/Next Steps

- Next RAC Meetings
 - Oct 31 (virtual) - Div 2 follow up
 - Nov 12 - TBD
- Provide Input/Feedback for RAC 6 & 7 Materials (Div 382, 77)
 - Nov 11, 2025
 - Please email Laura Hartt (laura.a.hartt@water.oregon.gov)

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Thank you!

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Rulemaking Timeline

