

# Program Overview

The allocation of conserved water program is a voluntary activity that provides benefits to both water right holders and instream values. The law allows a water user who conserves water to use a portion of the conserved water on additional lands, lease or sell the water, or dedicate the water to instream use.

## Allocation water to new lands

In the absence of this law, the user would not be entitled to use conserved water to meet new needs; instead, the water would simply return to the stream where it would be available for the next downstream appropriator. In exchange for granting the user the right to “spread” a portion of the conserved water to new uses, the law allocates a portion to the state for instream use.

## The split

After mitigating the effects on any other water rights, the Water Resources Commission allocates 25% of the conserved water to the state (for an instream water right) and 75% to the applicant, unless the applicant proposes a higher allocation to the state or more than 25% of the project costs come from federal or state non-reimbursable sources.

The original water right is reissued to reflect the quantity of water being used with the improved technology and the priority date stays the same. Another water right certificate is issued for the next use with either the same priority date, or a priority date of one minute after the original water right.

## The law

Oregon’s conserved water statute was originally passed by the Legislature in 1987. Since then, there have been several changes made to make it easier to implement the law. However, the primary intent of the law remains unchanged: to promote the efficient utilization of

water to satisfy current and future needs both out-of-stream and instream. The statute defines “efficient utilization” as use without waste, upgrading of irrigation equipment to comply with modern irrigation practices, or other methods used to meet both current and future water needs at the least cost.

The diagram (reverse) shows the key steps in the allocation of conserved water process. There are other integral steps in the process which cannot be fully explained in this brochure and diagram.

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**The allocation of conserved water program allows water right holders to put water saved through conservation practices to use on new lands or instream.**

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Water Resources Department  
725 Summer Street NE, Suite A  
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# Allocation of Conserved Water Program

Instream Enhancement, Conservation, and Stewardship Programs

Applying for the Allocation of Conserved Water Program

Overview and process diagram



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# Allocation of Conserved Water Process

## Application

Once the application is submitted to the Departments, a public notice must be included in the local newspaper for three weeks inviting public comment. The Department will consider any comments received during the public comment period.

## Review

Department staff review the application and any comments received, then make a determination to approve or reject the proposed project. This determination is forwarded to the applicant and any commenting parties for their review.

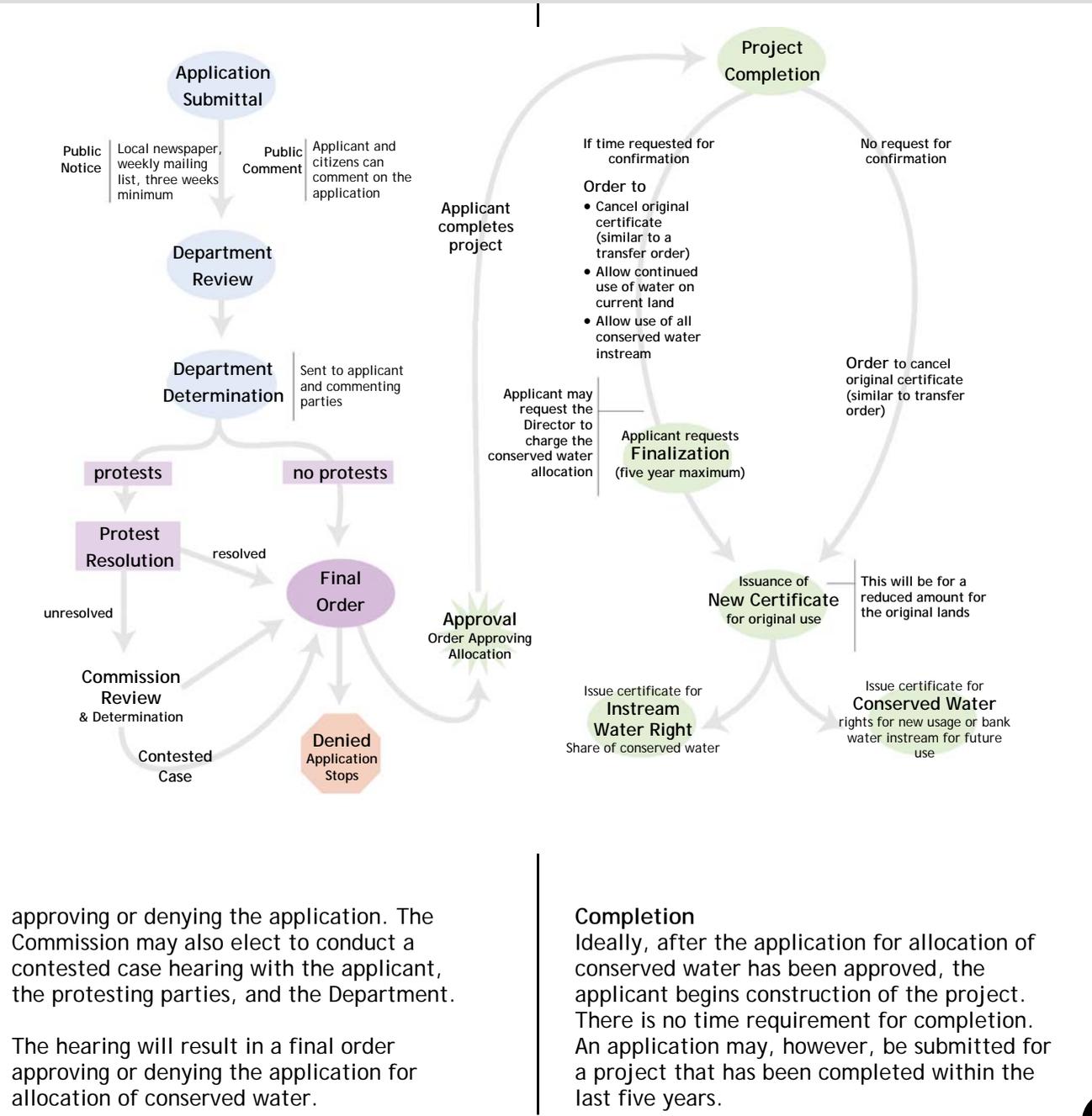


- If no protests are received, the Department issues a final order approving or denying the project.

- If the applicant or the commenting parties protest the determination, the Department convenes the parties to discuss a mutually agreeable resolution. If all parties agree to the resolution, the Department creates a final order approving or denying the application for allocation of conserved water.

## Resolution

In the event of an unresolved protest, the application is submitted to the Water Resources Commission for review and determination before preparing a final order



approving or denying the application. The Commission may also elect to conduct a contested case hearing with the applicant, the protesting parties, and the Department.

The hearing will result in a final order approving or denying the application for allocation of conserved water.

## Completion

Ideally, after the application for allocation of conserved water has been approved, the applicant begins construction of the project. There is no time requirement for completion. An application may, however, be submitted for a project that has been completed within the last five years.

Once the system is operational, the water user may request up to five years to test the system and confirm that it provides enough water to meet the beneficial use outlined in the original water right certificate.

If the water user requests time to confirm the system operation, the Department issues an order approving the allocation of conserved water project. However, at this point, water may only be used on the original lands; instead all of the conserved water is protected instream until finalization occurs.

## Finalization

If the water user does not request time to confirm the system, or after the request for finalization is received, the Department



issues a new certificate for the original place of use. This certificate has the same priority as the original certificate with a reduced quantity reflecting the conserved water system. The remaining (conserved) water is then split and an instream certificate is issued. Once the user proves up on the additional lands, similar to the permit process, a certificate is issued for the lands. The priority date of these rights may be identical or one minute junior to the original certificate. The instream right and the right for the new lands must have the same priority date.