



Overview of Water Distribution, Enforcement, and Exempt Use Rulemaking

The Oregon Water Resources Department (OWRD) is preparing to undergo a rulemaking to update the rules for water distribution, enforcement, and exempt uses.

Anticipated rule divisions included in the rulemaking

What is a rule? Any agency directive, standard, regulation, or statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of any agency.

- **Oregon Administrative Rules (OAR) Chapter 690 Division 250:** guides Watermaster field regulation, including how to respond to unlawful use, waste, and measurement problems.
- **OAR Chapter 690 Division 260:** explains how civil penalties are assessed, including the types of violations, daily penalties, and notice requirements.
- **OAR Chapter 690 Division 300:** contains definitions for permits, certificates, transfers, and limited licenses.
- **OAR Chapter 690 Division 340:** covers the rules for exempt uses. These are activities that do not need water right, such as domestic uses.

Why is rulemaking needed

Divisions 250 and 260 were last amended in 1988 and 1990, respectively. Since then, legislators have added new statutes and clarified expectations for lawful water use, including House Bill (HB) 4061 (2022), HB 2010 (2023), Senate Bill (SB) 326 (2023), SB 85 (2023), and HB 3372 (2025). While these rules are open to revision, OWRD is also interested in making other improvements. The new or amended rules would seek to:

- Align rules with current statutory authority
- Modernize watermaster regulation process
- Build regulatory consistency
- Add and clarify definitions

Summary of legislative changes to statute

A statute is a law enacted by the Oregon Legislature that provides, directs, or authorizes OWRD activity. Since 2021, several legislative bills have changed statute, requiring OWRD to amend its rules.

- **HB 4061 (2022):** Requires water suppliers and persons hauling water for irrigation or nursery purposes to retain records of purchases and deliveries. A person may not haul water to an unregistered cannabis site. Increases criminal penalties for using water without a water right and adds penalties for hauling water to an unregistered cannabis site. Additionally, increasing the time allowed for the issuing of a Notice of Violation from 5 days to 10 days.
- **HB 2010 (2023):** Grants OWRD the authority to require measurement reporting where a water use authorization is already conditioned to require use or storage be measured.
- **SB 85 (2023):** Caps the stockwater exemption at 12,000 gallons/day for new or expanding operations in a critical groundwater area.
- **SB 326 (2023):** Prohibits use of water at a location not licensed or registered for growing cannabis. Allows the Department to impose civil penalties for violations and increases criminal penalties.
- **HB 3372 (2025):** Allows up to 3,000 gallons per day of groundwater to irrigate a half-acre of lawn, personal garden, or commercial garden from an exempt well. Caps the total use when combined with commercial or industrial exempt uses at 5,000 gallons per day. This does not apply to watering cannabis.

Next steps

The current goal is to complete scoping this summer and initiate a rulemaking with Rules Advisory Committee meetings in the fall of 2026. After developing proposed rules, the agency would take public comments and present rules for adoption by the Water Resources Commission in 2027. This timeline is subject to change, to keep the most up to date on the rulemaking sign up for GovDelivery using the link below.

Share Your Thoughts

Feedback Opportunity

OWRD is interested in your thoughts on what should be included in the scope of this rulemaking effort. You are welcome to provide general feedback via the rulemaking website below. We are also seeking feedback on the specific topic areas listed in the table below.

Topic (listed alphabetically)	Questions
Bulges in the system	<ul style="list-style-type: none">• How frequently is water delivered or is your system designed to pump?• What are the problems or challenges with bulges?• What are the benefits and values of bulges? When, how frequently, and at what rate does your bulge empty?
Exempt uses	<ul style="list-style-type: none">• As defined in OAR 690-300-0010(14), "Domestic Water Use" means the use of water for human consumption, household purposes, domestic animal consumption that is ancillary to residential use of the property or related accessory uses." What do you consider "ancillary to residential use of the property or related accessory uses?"• Are there other improvements to the exempt use rules (OAR 690-340-0010) and corresponding definitions in OAR 690-300 that you would like OWRD to pursue?
Rotation agreements	<ul style="list-style-type: none">• How far in advance do you or would you set up a rotation agreement?• How would you improve the rotation agreement process?
Violations and civil penalties	<ul style="list-style-type: none">• What aspects of violations or penalties feel unclear or confusing?• What types of enforcement issues do you see in your community?• What makes enforcement feel fair and consistent to you?• What information would help water users better understand their responsibilities?
Waste of water	<ul style="list-style-type: none">• How would you define waste?

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OWRD reviews all feedback to understand community concerns, identify potential impacts, and determine scope and content of rules, considering this input alongside legal requirements, scientific data, and policy goals. While not every suggestion can be incorporated due to statutory requirements, scientific constraints, and policy obligations, community feedback helps OWRD ensure the final rules are clear, practical, and appropriately responsive to community needs.