



# Oregon Water Resources Department

## 2008-09 Issue Brief: Exempt-Use Wells

### Background

Under Oregon law, “all water within the state from all sources of water supply belongs to the public.” In general you must obtain a water right permit before using water from any well. However, there are exceptions called “exempt uses.” These uses are exempt from applying for a water right permit, but must use water beneficially and without waste.

Withdrawing ground water under the exemption carries the same weight as a water right and does have a priority date. An exempt use is subject to the same privileges and restrictions as any water right permit or certificate. Exempt uses are subject to state water law. In fact, the Department has the authority to regulate, reduce, or stop ground water withdrawals when they interfere with prior or “senior” water rights.

### Exempt Uses Include:

- Group or single domestic use, up to 15,000 gallons per day;
- Irrigation of lawn and/or non-commercial garden of ½ acre or less;
- Single industrial or commercial purpose not to exceed 5,000 gallons per day;
- Irrigation of school property up to 10 acres in critical ground water areas.
- Stock water;
- Down-hole heat exchange;

### Additional Details

- Oregon has about 230,000 exempt-use wells.
- Approximately 3,800 are drilled each year, with about 550 in ground water administrative areas.

### References

- Water as a public resource is defined in Oregon Revised Statutes (ORS) 537.110.
- The definition of exempt uses comes from ORS 537.545.
- The definition of beneficial use comes from Oregon Administrative Rules (OAR) 690-400-410(3), “...includes, but is not limited to, domestic, fish life, industrial, irrigation, mining, municipal, pollution abatement, power development, recreation, stock water, and wildlife uses.”

