

# **C – Rule Updates for Hydroelectric, Proof of Appropriation, and Miscellaneous Water Rights Provisions**

**Water Resources Commission  
Meeting – June 11, 2026**

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OWRD



# Background & Need

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# Background

## Prior Commission Briefings

- Agenda Item H (18 Divisions - Update) – December 2025
- Agenda Item H (Phase 1 - Update) – February 2026
- Agenda Item A (Phase 1 - Adoption) – March 2026

## Integrated Water Resources Strategy

- 10F – Strengthen and Improve Water Quantity and Water Quality Permitting Programs
- 11B – Develop Additional Instream Protections

# Phase 2 – OAR 690 (Proposed)

Division	Name
052	Decommissioning Rules for Non-FERC Projects
053	Hydroelectric License, Power Claim and Certificate Amendments
054	Conversion of a Hydroelectric Water Right to an Instream Water Right
305	General Map Criteria – conforming amendment
320	Miscellaneous Water Right Provisions (Renamed from Water Right Permits)
330	Proof of Appropriation to Perfect a Water Right (Renamed from Water Right Certificates)

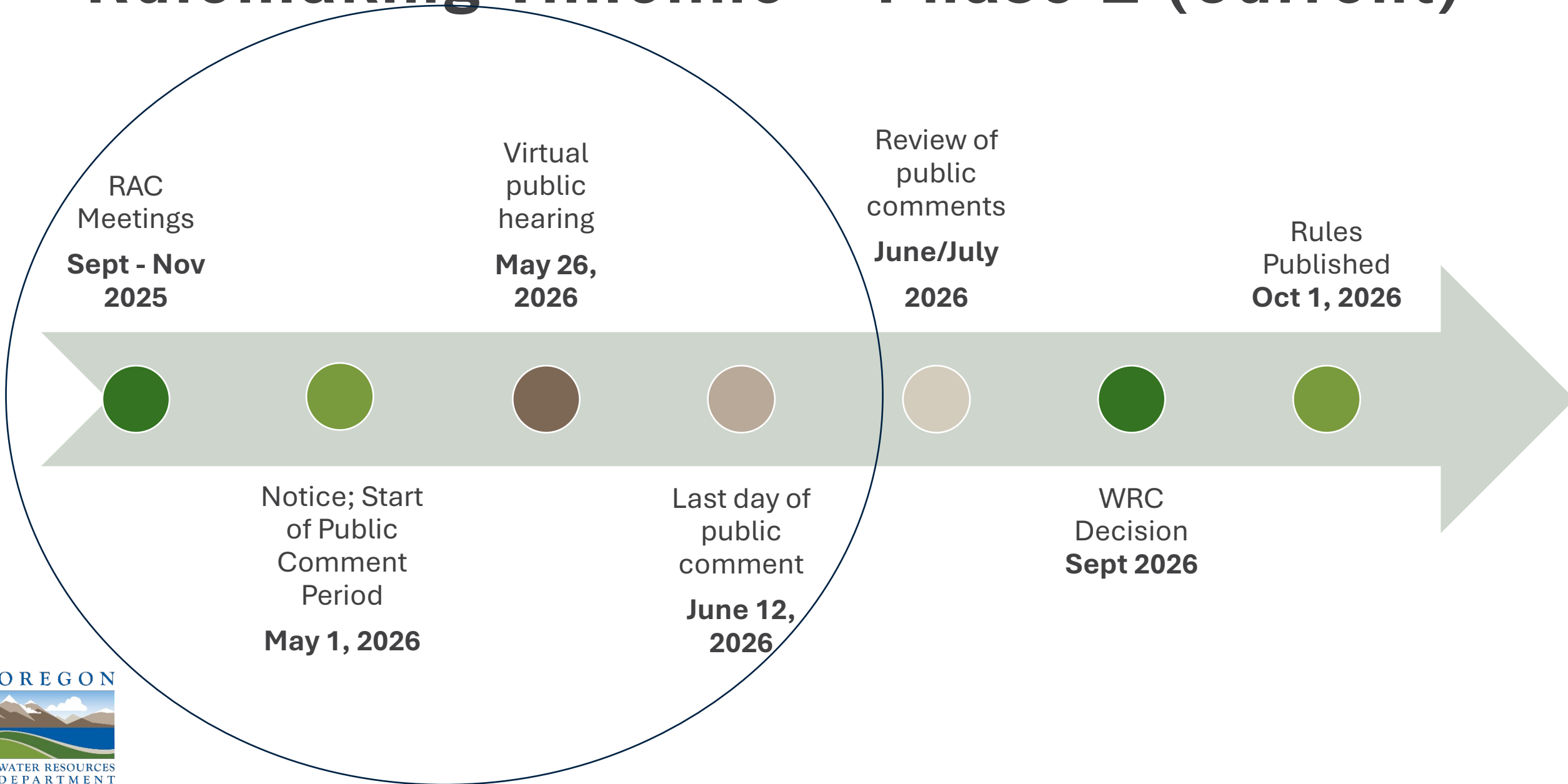
# Phase 2 – Rulemaking Need

- (1) Standardize issuance of orders and notices pertaining to select hydroelectric power generation processes
- (2) Reorganize, repeal, clarify, and align with statute and rule
  - Proof of appropriation/ claims of beneficial use
  - Miscellaneous provisions

# Process

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# Rulemaking Timeline - Phase 2 (Current)



# RAC Roster (22 Members)

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

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

Jeff Stone, Oregon Association of Nurseries

Jessi Talbott, Central Oregon Irrigation District

# Tribal Engagement

## Rules Advisory Committee (RAC)

- Confederated Tribes of the Grand Ronde
- Confederated Tribes of the Umatilla Indian Reservation

## Briefings and Consultation

- Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Klamath Tribes

# Proposed Changes

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# Division 52 – Decommissioning Rules for Non-FERC Projects

Electronic Standardization	
Change	Weekly public notice in lieu of newspaper notice
Contested Case Management	
Add	Automatic final orders if no protest (33 days after deadline for filing protest)
Clarify	Director may choose to not hold hearing upon finding no significant issues, unless the operator has protested; <b>also removes separate request for a hearing period for the operator</b>
Clarify	Action Director takes if exceptions are/are not filed to Administrative Law Judge’s (ALJ) proposed order
Update	<b>Authority re: contested case hearings (ORS 183; OAR 137-003; OAR 690-002)</b>

# Division 53 – Hydroelectric License, Power Claim and Certificate Amendments

Electronic Standardization	
Change	<ul style="list-style-type: none"> <li>Weekly public notice in lieu of newspaper notice</li> <li><b>Electronic notice (public hearing; proposed final order) in lieu of mail notice</b></li> </ul>
Contested Case Management	
Add	Automatic final orders if no protest (33 days after deadline for filing protest))
Clarify	Director may choose to not hold hearing upon finding no significant issues, unless the applicant has protested.
Clarify	Action Director takes if exceptions are/are not filed to ALJ's proposed order
Clarify	<b>Authority to protest/request hearing (ORS 183)</b>
Process Improvements/Housekeeping	
Add	<b>Option to demonstrate water right not subject to forfeiture when applying for amendment (ORS 540.610)</b>

# Division 54 – Conversion of a Hydroelectric Water Right to an Instream Water Right

Contested Case Management	
Add	Automatic final orders if no protest (33 days after deadline for filing protest)
Clarify	Director may choose to not hold hearing upon finding no significant issues, unless the holder has protested.
<b>Clarify</b>	<b>Failure to raise issue with sufficient specificity during protest precludes consideration of issue during contested case proceeding</b>
<b>Clarify</b>	<b>Process/authority for requesting party status (OAR 137); fee for requesting standing removed</b>

# Division 320 – Miscellaneous Water Right Provisions (formerly Water Right Permits)

## Housekeeping

Modify	Title to reflect rules remaining after proposed changes
Repeal	Rules related to proof of appropriation/ claims of beneficial use b/c they belong in Div 330
Repeal	Lapsed rule relating to extension of time limits
Repeal	Rule duplicative of Temperature Control rule in Div 330

# Division 330 – Proof of Appropriation to Perfect a Water Right (formerly Water Right Certificates)

## Housekeeping

Modify

Title to reflect rules remaining after proposed changes

Repeal

Rule duplicative of Primary & Supplemental Rights rule in Div 320

## Rules Moved from Division 320

Update; Adopt

**Cancellation of Permit**

- cite to statute (ORS 536.260; 537.410-537.450)

Update; Adopt

**Final Proof Survey: Claims of Beneficial Use for Applications Filed After July 9, 1987**

- update/correct title
- align w/ Div 14 (CWRE/COBU)

Update; Adopt

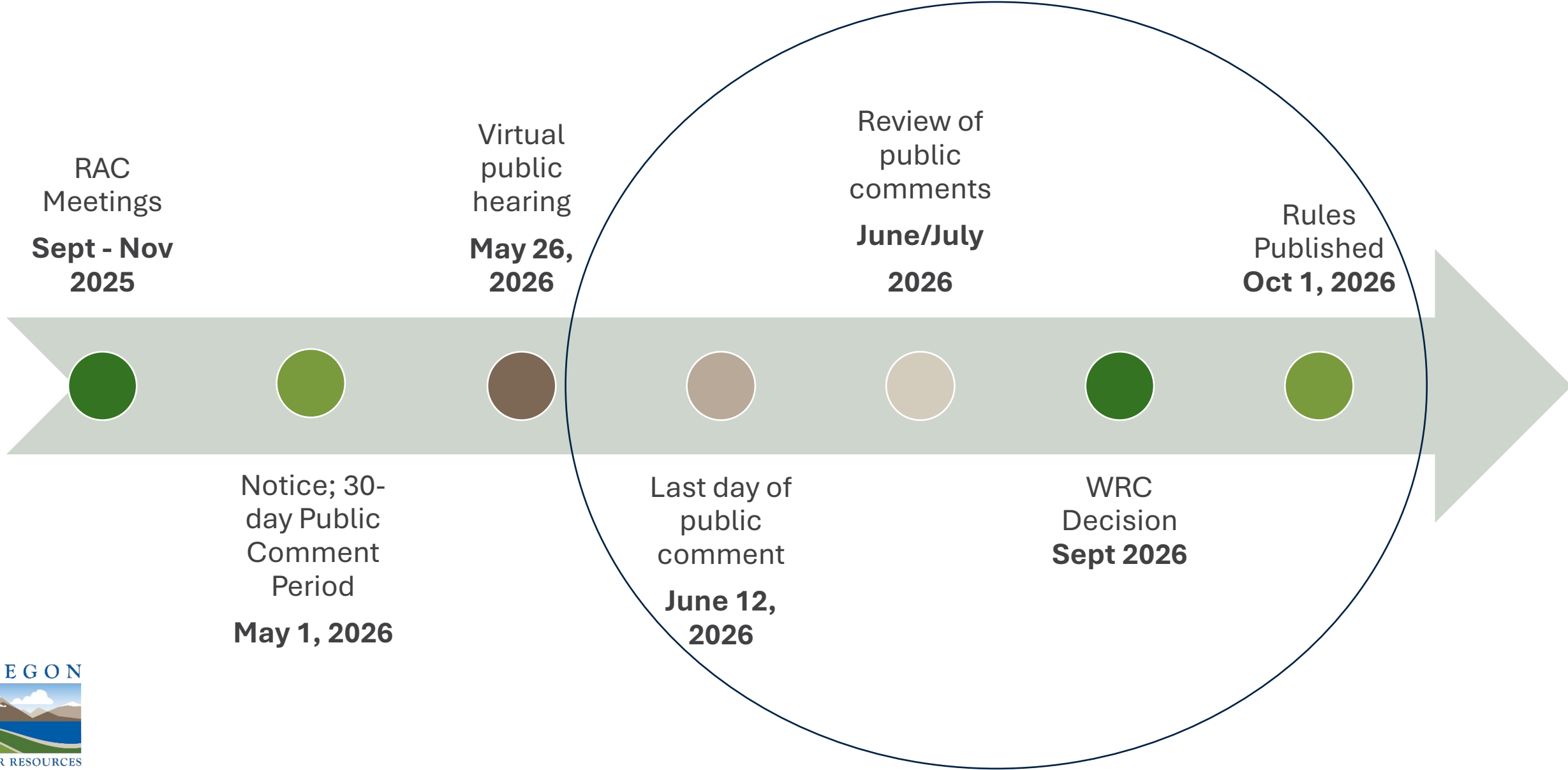
**Incremental Perfection of a Municipal Water Right**

- **add applicability date (Oct 1, 2026)\***
- align w/ Div 14 (CWRE/COBU); remove secondary map requirement
- add max rate diverted under permit
- update extensions rule reference

# Next Steps

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# Rulemaking Timeline – Phase 2 (Next)



# Thank you!

OREGON



WATER RESOURCES  
DEPARTMENT

Laura Hartt

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# What you will receive

<b>Division</b>	<b>Rule Change/ Comment Tracker</b>	<b>Draft Proposed Rules (Track Changes)</b>	<b>Draft Proposed Rules (Clean)</b>
52 – Decommissioning Rules for Non-FERC Projects	Div 52 – Tracker	Div 52 – Track Changes	Div 52 – Clean
53 – Hydroelectric License, Power Claim and Certificate Amendments	Div 53 – Tracker	Div 53 – Track Changes	Div 53 – Clean
54 – Conversion of a Hydroelectric Water Right to an Instream Water Right	Div 54 – Tracker	Div 54 – Track Changes	Div 54 – Clean
305 – General Map Criteria	N/A	Div 305 – Track Changes	Div 305 – Clean
320 – Miscellaneous Water Right Provisions (formerly Water Right Permits)	Div 320 – Tracker	Div 320 – Track Changes	Div 320 – Clean
330 – Proof of Appropriation to Perfect a Water Right (formerly Water Right Certificates)	Div 330 - Tracker	Div 330 – Track Changes	Div 330 – Clean

# OAR 690-320-0020 moved to OAR 690-330-0050

## Cancellation of Permit

~~When it appears from an onsite examination by the Water Resources Department that no appropriation has been made under the terms of the permit, or that use once made has undergone a period of five successive years of nonuse, a certified letter of intent to cancel the permit shall be sent to the permittee, allowing 60 days from the date of the letter for response. Failure to respond during the 60-day period shall result in cancellation of the permit.~~

**The Department may initiate cancellation of a permit pursuant to ORS 537.260 or ORS 537.410 - 537.450.**

# OAR 690-320-0030 moved to OAR 690-330-0060

**Final Proof Survey:** Claims of Beneficial Use for Applications Filed After ~~June 30~~ **July 9**, 1987

**(1)** Except for applications filed under the provisions of OAR 690-340-0220, all final proof surveys and claims of beneficial use for **water right permit** applications filed after July 9, 1987 shall be performed by Certified Water Right Examiners **in accordance with OAR 690-014.**

**(2)** Applicants prior to July 10, 1987, may either wait for the Department to perform the final proof survey on its own schedule or may hire a certified Water Right Examiner.

# OAR 690-320-0040 moved to OAR 690-330-0070

## Incremental Perfection of a Municipal Water Right

**(1) These rules shall apply to requests submitted on or after October 1, 2026, for partial perfection of a municipal water right permit. Requests submitted before this date shall be subject to the rules in effect at the time of submittal.**

**(12)** A municipal supplier may incrementally perfect a portion of the quantity of water authorized by any of its municipal water use permits. For the purpose of incrementally perfecting water rights, a municipal supplier means:

- (a) Any incorporated city, village, or town;
- (b) A port formed under ORS 777.005 to 777.725 and 777.915 to 777.953;
- (c) A domestic water supply district formed under ORS Chapter 264; or
- (d) A water supply authority formed under ORS Chapter 450.

**(23)** The portion of water use that may be incrementally perfected by a municipal supplier shall not be less than 25 percent of the quantity originally authorized by permit. The perfection, or proof of appropriation, of each increment of water shall conform to the proof of appropriation requirements of OAR 690-330-0010.

# OAR 690-320-0040 moved to OAR 690-330-0070 (cont.)

## Incremental Perfection of a Municipal Water Right

**(34)** When a portion of a permit issued for municipal use is perfected by a municipal supplier, the remaining unperfected quantity of water shall remain in permit status without loss of priority. The increment of water perfected and confirmed by certificate shall be subtracted from the quantity of water originally authorized by permit. The remainder shall be the quantity of water subject to future perfection under the terms of the permit.

**(45)** A municipal supplier shall notify the Department, in writing, of its intent to incrementally perfect a portion of its water right. Written notice shall include the following information:

**(a) A claim of beneficial use meeting the standards identified in OAR chapter 690, division 14;**

**(ab)** The quantity of water diverted from each point of diversion, by month, for the preceding three years **and the maximum rate diverted under the permit to date, including the date; and**

**(bc)** A plan of how the municipal supplier intends to develop successive increments of its water right; ~~and~~

# OAR 690-320-0040 moved to OAR 690-330-0070 (cont)

## Incremental Perfection of a Municipal Water Right

~~(c) Maps that show where water will be put to use. Maps accompanying notification of intent to perfect an increment of a water right shall be prepared to the specifications described in OAR 690-310-0050, except that a standard even scale less than 4" = one mile may be used if appropriate.~~

**(56)** Municipal suppliers that incrementally perfect less than the full quantity of water authorized by permit may request further extension of the time limit to complete construction and apply water to beneficial use for the remaining, unperfected quantity of water. OAR 690-~~315 320~~-0010 governing extension of time limits applies to unperfected municipal water rights.