

OREGON



WATER RESOURCES
DEPARTMENT

Preview of Rulemaking

Oregon Water Resources Commission

June 3, 2021

Rulemaking Process




- Develop Rules



- Rulemaking Advisory Committee



- Notice of Proposed Rulemaking



- Public Hearing(s) & Public Comment



- Staff Recommendation & Commission Decision

2021 Rulemaking Priorities

DIVISION	RELATING TO	STATUS
10	Critical Groundwater Areas (CGWAs)	Preparation for RAC
54	Conversions of Hydroelectric Water Rights to Instream Water Rights	RAC complete; Preparing Notice
77	Instream Water Right Leases and Transfers	RAC Meetings
215	Measuring Tube Requirements for Water Supply Wells	On hold

Division 10 Critical Groundwater Areas

Relating to: Designation of Critical Groundwater Areas

Purpose: Update Division 10 to conform to statute (ORS 537.730 to 537.742)

Scope: Proposed changes provide framework for implementing future CGWA designations according to statute

Division 10

Critical Groundwater Areas

The Rules will Address:

- Required conditions and findings for CGWA designations as specified by statute
- Notice and hearing requirements
- Consultation process with local government(s)
- CGWA rule requirements as specified by statute
- Corrective control provisions as specified by statute
- Filing and review requirements
- Contested case process

Division 10

Critical Groundwater Areas

The Rules will not:

- Create basin or subbasin specific CGWAs
- Limit groundwater appropriation
- Implement corrective control provisions

Division 54 (New)

Conversion of Hydro to Instream

Relating to: Conversions of hydroelectric water rights to instream water rights

Purpose: Establish standards and procedures for conversions (ORS 543A.305)

Scope: Proposed changes guide review and decision-making process, establish procedures for notice, and establish standards for approving/denying conversions

Division 77

Instream Water Rights

Relating to: Leases and transfers of existing water rights to instream water rights

Purpose: Clarify application requirements and review processes for leases and transfers of existing water rights instream, improve efficiency of Department review of applications, and implement statutory changes

Division 77

Instream Water Rights

The Rules will:

- Update definitions, correct grammatical and punctuation errors, and clarify application requirements and review process
- Make necessary amendments to implement statutory changes relating to instream leasing
- Streamline process for instream leases involving irrigation districts
- Update lease and transfer sections related to storage rights

Division 215

Water Supply Wells

Relating to: Maintenance, repair, and deepening of water supply wells

Purpose: Replace erroneously repealed section (prior 690-215-0200)

Scope: Proposed change would clarify existing references to repealed section and provide guidance to well owners in three specific geographic locations

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