



Water Right Permit Application Guidebook — Surface Water

Why do I need a water right?

Under Oregon Law, all water belongs to the public. Landowners with water flowing past, through or below their property do not automatically have a right to use that water. With few exceptions, any person wishing to take and use surface water or groundwater must first obtain a permit from the Oregon Water Resources Department (Department). The water right, once developed, is a type of property right and is attached to the land where it was established. Land with an attached water right may be several miles from the actual source of water.

Oregon's water laws are based on the principal of "prior appropriation." That is, the first person to obtain a water right to a water source is the last to be shut off in times of low water availability. In times of water shortage, water users with the oldest water right can demand the amount specified in their right regardless of the needs of junior users. If there is a surplus beyond what is required for the senior right, the person with the next oldest priority date can satisfy their right and so on down the line until there is no surplus. The date of application for a permit usually becomes the priority date of the right. By law, the land use associated with water use must comply with the statewide land-use goals and local land-use plans.

Oregon's water code contains four basic provisions:

- Surface or groundwater may be legally diverted only if it is used according to the terms of a valid water right for a beneficial purpose.
- The more senior the water right, the longer water is available to the right holder in a time of shortage.
- A water right certificate is attached to the land where it was established. If the land is sold, the water right goes with the land to the new owner. (This does not apply to water rights still in permit status.)
- A water right is valid so long as it is used at least once every five years for its intended purpose. If the right is unused for five consecutive years, it is legally forfeited and subject to cancellation, with few exceptions.

How do I obtain a water right?

Most water rights are obtained in a three-step process. It is necessary to obtain a permit from the Department prior to beginning construction of a water delivery system and using water.

1. The applicant first applies to the Department for a permit to use water. Note that the application process can take a year or longer. The guide that follows is focused on assisting with completing an application for a water right permit to appropriate surface water.
2. If a permit is granted, the permittee must construct a water system and begin using water beneficially, consistent with all permit conditions.
3. After water is applied beneficially as described in the permit, the permittee must hire a certified water right examiner (CWRE) to complete a survey detailing how and where water has been applied. If water has been used according to the provisions of the permit, the Department will issue a water right certificate.

Applying for a Permit to Use Water

During the review stage, your application is examined by the Department to ensure that allowing your use will not have the potential to cause injury to existing water rights or to the public interest. It is also during this step in the process that Oregon law allows other water right holders, government agencies and the public to object to issuing the permit. However, once the Department issues the permit, and if you comply with the conditions of the permit, the Department cannot revoke your permit later or decide to impose new standards on the use when a final water right certificate is issued.

The standards by which applications are judged are explained in the administrative rules, Chapter 690, Division 310. Oregon law requires all state agencies to put policies into rule, so the public knows in advance what is required and discourage arbitrary decisions by agencies.

Permit Application Review Process

Before Applying: If you are considering applying for a *Permit to Use Surface Water*, it is recommended that you review this guidebook and *Water Rights in Oregon* (www.oregon.gov/owrd/WRDPublications1/aquabook.pdf). Prospective applicants should also review the list of restricted sources available on the Department's website (www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/Obtain.aspx). If the Department receives an application for a restricted source identified on this list, the application will be returned along with all or a portion of the fees that were submitted. Please contact the Customer Service Group at 503-986-0900 or wr_d_customer service@water.oregon.gov with any questions.

Application Submission: Applications must be submitted using the currently available application forms, which can be found here: www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/Obtain.aspx. These forms contain a checklist of required items that must be submitted in order for an application to be considered complete. Effective April 1, 2026, a portion of the application exam fee is required to be paid when the application is submitted. If the applicant would like the Department to continue processing the application, the remaining portion of the exam fee and the permit recording fee must be paid after the applicant receives the Initial Review (below). Please use the Department's Fee Calculators to determine the fees required for an application (apps.wrd.state.or.us/apps/misc/wrd_fee_calculator/).

Applications submitted to the Department will be screened to identify if the proposed use is restricted under ORS 536.415. A list of sources subject to these restrictions is available online, as described in the "Before Applying" section above. For applications received on or after April 1, 2026, the Department will return the application, and all or a portion of the fees, if the source of water is subject to listed restrictions. If the Department finds the application to be complete and not subject to restricted sources, the application will receive a tentative priority date, an application number, and a Water Rights Caseworker will be assigned.

Initial Review: The Department reviews the application to determine whether water is available during the period of use requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing the Department's preliminary determinations is sent to the applicant electronically by email unless requested otherwise or an applicant email address is not available. Following issuance of the IR, the applicant has 90 days to notify the Department if they would like to continue processing the application and to pay any remaining fees due. If written notification to continue processing and payment of any remaining fees is not received by the due date described in the Initial Review, the Department will close the application file and take no further action on the application.

Public Notice and Comment Period: If the applicant notifies the Department to continue processing the application and any remaining fees due are received, the application will be put on the Department's weekly public notice. This opens a 30-day public comment period. If the IR determined the application will have an impact on surface water flows where sensitive, threatened, or endangered (STE) fish species may be present, the

application will be reviewed by the Oregon Department of Fish and Wildlife and the Oregon Department of Environmental Quality.

Proposed Final Order: The Department will review any comments received, including comments from other state agencies, and issue a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit. The PFO will be put on the Department's weekly public notice, and a 45-day period within which any protests of the PFO must be received by the Department will begin. Information describing protest requirements and fees is provided within the PFO.

Decision Becomes Final: Unless a timely protest is received or the PFO is withdrawn for further consideration by the Department, the PFO shall become a final order on the date that is 33 days after the close of the time period for submitting a protest with no further action required by the Department. If the application is approved, a permit will be issued. The permit will specify the details of the authorized use and any terms, limitations, or conditions that the Department deems appropriate.

Department Communications with the Applicant

Beginning on April 1, 2026, and unless requested otherwise by the applicant, the Department will send most documents and notifications associated with processing of applications in electronic form (i.e., by email). These emails may come from an automated system (wrd_automated_email@water.oregon.gov). Consider adding this email address to your safe sender list. The Department will send Proposed Final Orders by certified mail and any permit that may be issued by standard mail.

Instructions: Completing the Application Form

Application for a Permit to Use Surface Water is available here:

www.oregon.gov/owrd/WRDFormsPDF/surface_water_app.pdf

Note: All information should be typewritten or neatly printed with dark ink. All items must be completed even if parts or all of the required information appears on supplemental maps or drawings. Applications must be submitted on original forms that are provided by the Department or watermaster. Sign the forms in ink. Please note, modification of the application form is not permitted.

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Please include the name(s) of the applicants, which may be an individual(s) or organization(s). For each, please provide the contact mailing address, phone number, and email address. Please note, this should be an address that can receive mail and does not need to be the location where water is being proposed to be used. Each applicant (i.e., each individual or a person authorized to sign on behalf of an organization) must sign the application form.

Beginning on April 1, 2026, and unless requested otherwise by the applicant, the Department will send documents and notifications associated with processing of applications in electronic form (i.e., by email). These emails may come from an automated system (wrd_automated_email@water.oregon.gov). Consider adding this email address to your safe sender list. The Department will continue to send Proposed Final Orders by certified mail and any permit that may be issued by standard mail.

SECTION 2: PROPERTY OWNERSHIP AND SIGNATORY AUTHORITY

You must either own the property or have legal access to the property where you propose to divert, convey, and use surface water.

- If you own all the land that includes the point of diversion, conveyance, and use of the surface water, mark “YES” and identify if encumbrances are or are not present.
- If you do not own all the lands involved, you must provide a list of the names, mailing addresses, and, if available, email addresses of the affected property owners.
- If there are more than 25 landowners, you may be required to file a public notice in a newspaper that circulates in the area of the water use. Contact the Department for more information.

You must provide a copy of the legal description(s) for (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map (OAR 690-310-0040(1)(a)(I)). A legal description is often found on a deed, land sales contract, or title insurance policy.

If the applicant is a public agency, corporation or business, trust, or other organization, you must provide the title or authority of the person who signs the application on behalf of the entity in **Section 1**, and you must provide a copy of evidence of signatory authority or a signed statement that such authority exists.

SECTION 3: SOURCE OF WATER

Proposed Source of the Water: Provide the commonly used name of the body of water from which the water will be diverted and the name of the stream or lake it flows into. If it has no common name, list it as “unnamed.” For example: If you will be diverting water from Willow Creek in the Malheur Basin, indicate it as Source: Willow Creek, Tributary to: Malheur River.

Applications to Use Stored Water: If you are using stored water, check the appropriate box and indicate whether you own or will own the reservoir where water will be stored.

If you are proposing to use exclusively stored water, the Department will review your application using the expedited process provided in ORS 537.147 unless you check the box indicating that you would prefer your application to be processed using the standard process provided in ORS 537.150 and 537.153.

The standard process provides an opportunity to protest the Department’s recommendation. The expedited process allows the Department to process an application more quickly in cases where no public interest concerns are identified. It does not provide an opportunity to protest the Department’s recommendation unless public interest issues are identified, in which case the Department will then evaluate the application using the standard process and a protest opportunity will be available.

If you wish to ensure that you have the ability to protest permit restrictions or conditions that the Department may recommend, you can choose the standard processing option by checking the appropriate box on the application form.

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

In this section, check the appropriate box to indicate which section of the Division 33 rules may apply to your application. Use the Figure at the end of the application to assist you.

SECTION 5: WATER USE

Type(s) of Use(s): In order to receive a water right you must show that you will be using the water beneficially and without waste. Use entries from the following tables to indicate what the beneficial use of your water will be. *Note: The description provided for each use includes a brief list of examples. The uses indicated may include, but are not limited to, the brief list of examples. In addition, some areas of the state are restricted to specific classified uses.*

Category: Agricultural or Land Management
Agriculture use: Water used for the production of agricultural products including construction, operation, and maintenance of agricultural facilities, and livestock sanitation at farms, ranches, dairies, and nurseries. Examples: dust control, temperature control, animal waste management, barn or farm sanitation, dairy operation, and fire control. <u>Agricultural use does not include irrigation.</u>
Irrigation: Water that is applied artificially to crops or plants to promote growth or to nourish. Examples: watering any agricultural crop, commercial garden, tree farm, orchard, park, golf course, play field, or vineyard.
Cranberry use: Use of water for growing, protecting, and harvesting cranberries. Examples: irrigation of cranberries or other crops in rotation, using water for chemical application to crops, flooding for harvesting or to control pests, and temperature control.
Nursery operations: Use of water for operating a commercial nursery. Examples: temperature control, watering of containerized stock, soil preparation, application of chemicals or fertilizers, watering within greenhouses, and uses to construct, operate, and maintain nursery facilities. The use of water within plant nursery operations constitutes a different use from field irrigation, although field irrigation may be part of nursery use. If used for field irrigation for nursery stock, such use is not restricted to the agricultural irrigation season that may be defined for your area.
Stockwater: Use of water for consumption by domesticated animals and wild animals held in captivity as pets or for profit.
Temperature control: Use of water to protect a growing crop from damage caused by extreme temperatures.
Forest and range management: Water use for operations conducted on or pertaining to forest lands and range lands. Examples: reforestation, road construction and maintenance, harvesting, vegetation management, and disposal of slash. Forest and range management does not include irrigation.

Category: Industrial/Commercial
Industrial: Water use associated with the processing or manufacture of a product. Examples: construction, operation, and maintenance of an industrial site, facilities, and buildings. Related uses: general construction, road construction, non-hydroelectric power production, including downhole heat exchange and geothermal, agricultural or forest products processing, and fire protection. Such uses shall not include irrigation or landscape maintenance of more than 1/2 acre.
Commercial: Use of water for the production, sale, or delivery of goods, services, or commodities by a public or private entity. Examples: construction, operation and maintenance of commercial facilities. Examples of commercial facilities include an office, resort, recreational facility, motel, hotel, gas station,

kennel, store, medical facility, and veterinary hospital. Examples of water uses within such facilities include human consumption, sanitation, food processing, and fire protection. Such uses shall not include irrigation or landscape maintenance of more than 1/2 acre.
Fire protection: Use and storage of water for the purpose of extinguishing fires or reducing the potential outbreak of fires.
Mining: Use of water for extraction, preliminary grading, processing of minerals or aggregate at a mining site, or construction, operation, and maintenance of a mining site. These uses include, but are not limited to, general construction, road construction, and dust control.
Power development: Use of water for developing electrical or mechanical power. Examples: water for the operation of a hydraulic ram or water wheel and hydroelectric power generation.

Category: Drinking water supply Note: If using water for domestic purposes (e.g., drinking, cooking, cleaning) you must indicate the number of households that will be supplied.
Human consumption: Use of water for the purposes of drinking, cooking, and sanitation.
Domestic use: Use of water for human consumption, household purposes, domestic animal consumption that is ancillary to residential use of the property or related accessory uses.
Domestic use expanded: Use of water in addition to that allowed for domestic use, for watering up to 1/2 acre of lawn or noncommercial garden.

Category: Community water supply Note: If using water for municipal or quasi-municipal use, you must include Form M with your application. (https://www.oregon.gov/owrd/WRDFormsPDF/muniform.pdf)
Municipal: Delivery and use of water through the water service system of a municipal corporation for all water uses usual and ordinary to such systems. Examples: domestic water use, irrigation of lawns and gardens, commercial water use, industrial water use, fire protection, irrigation and other water uses in park and recreation facilities, and street washing. Such uses shall not include generation of hydroelectric power.
Quasi-municipal: Use of water through the water service system of a corporation other than a public corporation created for the purpose of operating a water supply system and for uses usual and ordinary to municipal water use.
Group domestic use: Use of water for domestic water use by more than one residence or dwelling unit.
Group domestic use expanded: Use of water in addition to that allowed for domestic use by more than one residence or dwelling unit. This use includes watering up to 1/2 acre of lawn or noncommercial garden, and this amount is in total and not per household.
Stormwater management: Use or storage of water in any structure or drainageway that is designed, constructed, and maintained to collect and filter, retain, or detain surface water runoff during and after a storm event for the purpose of water quality improvements, flood control, or property protection. Other

examples: existing features such as wetlands, water quality swales, and ponds that are maintained as storm water quality facilities.

Category: Environmental benefit

Aquatic life: Use of water to support natural or artificial propagation and sustenance of fish and other aquatic life.

Pollution abatement: Use of water to dilute, transport, or prevent pollution.

Recreation: Use of water for play, relaxation or amusement. Examples: boating, fishing, wading, swimming, and scenic values.

Wetland enhancement: Use of water to restore, create, or enhance or maintain wetland resources.

Wildlife: Use of water by or for sustaining wildlife species and their habitat.

Amount of water needed: To process your application, the Department must determine whether the amount of water you are requesting will be available without injuring the supply of senior water right holders. You must indicate the source (river, stream, lake, or reservoir) of the water, what it will be used for, and the amount you intend to divert and use. If you are diverting water directly, you may select one of two ways to express the amount of water you will be using: gallons-per-minute or cubic-feet-per-second. If your use is for storage in a pond or reservoir, you must provide the volume in acre-feet.

Period of Use: Indicate the period of use for each use you are proposing. Some types of uses, such as irrigation, are allowed only during certain months or seasons. For example, in Western Oregon the irrigation season is generally March 1 to October 31. In order to examine your application, it is important for the Department to know which months you are requesting to use the water. If you are requesting to use water year-round, indicate “year-round.” If you will be using it seasonally (i.e., irrigation season) give the beginning date and ending date.

If applying for irrigation use: If you will be using the water for primary or supplemental irrigation, or applying it to land for another reason, indicate the total number of acres of primary irrigation and supplemental irrigation (if applicable) where the water will be applied. If you are proposing supplemental irrigation, include the Permit or Certificate number of the underlying primary water right. Indicate the maximum total number of acre-feet you expect to use in an irrigation season.

If applying for municipal or quasi-municipal use: Attach completed *Form M*.
(www.oregon.gov/owrd/WRDFormsPDF/muniform.pdf)

If applying for domestic use: Indicate the number of households.

If applying for mining use: Describe what is being mined and the method(s) of extraction.

SECTION 6: WATER MANAGEMENT

A. **Diversion and Conveyance:** Please describe the methods you will use to appropriate the proposed water from the well(s) and the method you will use to bring the water from the well(s) to the place of use. For example: size and length of pipelines or ditches. You may attach a diagram or drawing of the assembly if it will help in your description.

- B. **Application Method:** Please describe the methods you will use, individually or in combination, to apply water to the place of use. If you are not applying water to land, leave it blank.
- C. **Conservation:** Explain any methods you will employ to conserve water. For example: special irrigation systems, soil moisture measurements, lined irrigation canals, water audits, or retrofitting more efficient fixtures. To stay within the limits of your water right, you should consider some way to measure the amount of water you are taking on a daily basis during the period of use allowed in your permit. Indicate how you will measure the water you have diverted. Note: your permit, when issued, may require and specify the type of measurement you will need.

SECTION 7: RESOURCE PROTECTION

In granting permission to use water, the state encourages, and in some instances requires, careful control of activities that may affect adjacent waterways or streamside areas. For example, the Department may place a condition on your permit that requires fish screening at your diversion site. Other state or federal agencies may have permit requirements that you need to satisfy. For example, a removal/fill permit from the Department of State Lands may be required for excavating material from the bed or banks of rivers. Use this section of the application form to describe planned actions to protect water quality or additional permits that may be required for project implementation.

SECTION 8: PROJECT SCHEDULE

List the projected dates of your intended progress for construction of the water system and actual use of the water. If the Department issues a permit to use water, it will include time limits to complete construction and begin water use, generally within five or seven years from the date of the permit.

SECTION 9: WITHIN A DISTRICT

Indicate if the point of diversion or place of use are located within or served by an irrigation or other water district.

SECTION 10: REMARKS

You may want to elaborate on circumstances, methods, or systems for your proposed water use. If a prior section of the application form did not contain sufficient space or options for your response, please use this section. If you need additional space, attach a sheet to your application form and indicate the specific item you are addressing.

APPLICATION MAP

In order to properly examine your application, the Department must have an accurate map that meets the criteria described in OAR 690-305-0010, which is provided below for your convenience:

OAR 690-305-0010 General Map Criteria

Each map submitted to the Department shall meet the following general criteria in addition to any specific criteria identified in the rules for the relevant water right transaction:

(1) Drawing

- (a) The map shall be drafted on paper or polyester film with ink or otherwise printed in an indelible form with sufficient clarity so as to be easily reproduced or scanned. Maps may be submitted electronically in portable document format (pdf) and must be prepared consistent with, and include the same information as, a paper map.

- (b) The preferred paper size is 8.5 inches by 11 inches and should be no larger than 30 inches by 30 inches. A map greater than 30 inches by 30 inches may be submitted if the Department grants, by mail or electronic means, advance approval of the larger size.
- (c) Beginning April 1, 2029, regardless of whether the map is submitted electronically, on paper, or on polyester film, for any map that OAR chapter 690 requires be prepared by a Certified Water Right Examiner, a digital file containing the coordinate system and geospatial features of the map as specified by the Department shall be submitted in addition to the map, unless the Department provides a waiver. The digital file shall be submitted as a shapefile or other approved format in a manner required by the Department.
- (d) A platted and recorded subdivision map, deed description survey map, or county assessor map may be submitted as the application map if all of the required information included in sections (2) and (3) of this rule is clearly shown.
- (e) An aerial image may be provided in addition to the map to aid the Department in understanding the proposal.
- (f) The map submitted under subsection (a) shall be the official record of the water right. An aerial image or digital file shall not be the official record of the water right.

(2) Scale

- (a) The map shall be drawn to a standard, even-numbered scale and one-inch shall not exceed 1320 feet.
- (b) The map scale may exceed 1320 feet per inch if the Department grants, by mail or electronic means, advance approval of the requested scale.
- (c) Notwithstanding subsection (a) and (b), for maps identifying the location of a municipal use place of use, one-inch can exceed 1320 feet; provided that the scale is sufficient to identify the quarter-quarters involved in the place of use.

(3) Features: Features shall be clearly identified and labeled. Unless otherwise indicated in rule, the following features must be included in each map submitted to the Department:

- (a) Mapping scale.
- (b) North directional symbol.
- (c) Legend.
- (d) General location of main canals, ditches, flumes, pipelines, pumps, or other water delivery features used to transport water from the point(s) of diversion or appropriation to the place use and to include the delivery features at the place of use.
- (e) Other topographical features such as rivers, creeks, streams, lakes, reservoirs, ponds, roads, or railroads that may be helpful to clarify and identify the location of points of diversion, wells, dams, and places of use.
- (f) Location and flow direction of the water way if the source is surface water. If multiple water ways exist in the area of the proposed diversion and use, the map must identify the location and flow direction of the additional water ways.

- (g) Township, range, section, quarter-quarter, and tax lot(s), donation land claims, or government lots where water will be or has been diverted, conveyed, and used. If the map is for municipal use the map:
 - (A) Must identify but does not need to label the quarter-quarters,
 - (B) Does not need to identify or label tax lots, donation land claims, or government lots.
- (h) Location of each proposed or developed diversion point, well (point of appropriation), or dam by reference to a recognized public land survey corner. For a reservoir without a dam, the center of the reservoir shall be referenced to a recognized public land survey corner.
 - (A) The locations shall be shown by distance and bearing, or by coordinates (distance north or south and distance east or west from the corner). In addition, they shall also include latitude and longitude as established by a global positioning system.
 - (B) Latitude and longitude coordinates shall be expressed as degrees-decimal with five or more digits after the decimal (e.g., 42.53764⁹). The datum used to establish the coordinates shall be indicated on the map. Examples of datums include NAD 83, NAD 27 and WGS84.
- (i) Location of the proposed or developed place of use by township, range, section, and nearest quarter-quarter section.
 - (A) For irrigation or nursery use, the map shall additionally indicate the place of use in each quarter-quarter of a section by shading or hatchuring and indicate the number of acres in each quarter-quarter section, donation land claim, government lot, or other recognized public land survey lines.
 - (B) For places of use that are limited to a point, such as a stock watering tank, the location may also be identified by distance and bearing, or by coordinates (distance north or south and distance east or west from the corner). In addition, they shall include latitude and longitude as established by a global positioning system.
 - (C) Latitude and longitude coordinates shall be expressed as degrees-decimal with five or more digits after the decimal (e.g., 42.53764⁹). The datum used to establish the coordinates shall be indicated on the map. Examples of datums include NAD 83, NAD 27 and WGS84.
 - (D) Where more than one point of diversion or well is included, the map must clearly identify the place(s) of use served by each point of diversion or well.
- (j) If for a supplemental irrigation application or claim of beneficial use, the location and water right reference number of the underlying primary right, registration or claim.
- (k) Any other information the Department requests and considers necessary to evaluate the water right transaction.

QUESTIONS?

Please contact the Customer Service Group at 503-986-0900 or wrd_dl_customerservice@water.oregon.gov with any questions.