



State Drought Declaration Process and Emergency Tools

State Drought Declaration Process

Drought declarations for an area under Oregon Revised Statutes (ORS) Chapter 536 typically go through a three-part process before securing a state drought declaration from the Governor. Note this is distinct from an emergency declaration process under ORS Chapter 401. Contact Oregon Emergency Management for questions about that process. This handout focuses on ORS 536 and Oregon Administrative Rules (OAR) A 690-019 drought declarations.

1. A county or Tribe submits a request for a state drought declaration to the Drought Readiness Council, which is co-chaired by the Office of Emergency Management and Oregon Water Resources Department.
2. The Water Availability Committee, chaired by the Water Resources Department, evaluates information on water supply conditions and subsequently provides an update on conditions to Oregon's Drought Readiness Council. The Drought Readiness Council then assesses the impact of drought conditions and makes recommendations to the Governor's Office on whether to declare drought in an area.
3. The Governor makes the final decision on whether to issue an Executive Order declaring a drought emergency.

The primary benefits of a state drought declaration from the Governor are that it creates greater awareness of drought conditions, facilitates coordination between state agencies, and allows OWRD to provide existing water right holders with access to emergency water management tools. These tools are outlined below. The Governor or the Oregon Water Resources Commission can also direct state agencies and political subdivisions to implement a water conservation plan or water curtailment plan.

OWRD Emergency Drought Tools for Water Right Holders

A state drought declaration allows the Water Resources Department to offer certain tools to water right holders in a drought-declared county or Tribal area of declaration. These tools have an expedited review process, reduced fee schedule, and are intended to be short-term emergency authorizations, not permanent solutions to deal with water supply challenges.

Temporary Emergency Water Use Permit

An approved emergency water use drought permit allows a water user to temporarily replace water not available under an existing water right. The most common drought permit allows the use of groundwater as an alternative to an existing surface water right. A well-prepared application generally takes approximately 10 business days to process. Emergency water use permits are issued through an expedited process and are valid for one year or the term of the drought declaration, whichever is shorter. For more information see OAR 690-019-0040.

Temporary Transfer

A water user can apply to change the type of use, place of use, or the location of the diversion under an existing water right. A temporary drought transfer takes place under an expedited process and is in effect for the duration of the drought declaration or up to one year, whichever is shorter. For more information see OAR 690-019-0055.

Temporary Instream Lease

Once approved, a water user can convert all or a portion of a water right to an instream use for a period of one year or the term of the drought declaration, whichever is shorter. For more information see OAR 690-019-0058.

Temporary Substitution

Any person holding both a primary right originating from a surface water source and a supplemental right from a groundwater source may apply to temporarily use the supplemental right instead. For more information see OAR 690-019-0059.

Temporary Exchange of Water

The Water Resources Commission can approve a temporary exchange of existing rights, such as using stored water instead of a direct-flow surface-water right. For more information see OAR 690-019-0030 (1)(c) and ORS 540.533.

OWRD Drought Emergency Tools that Require Advance Planning

The following tools are best utilized through proactive planning prior to the issuance of a drought declaration as they may have statutory timeline requirements. Once in place however, they can be utilized to mitigate some water use needs during a drought season. See contacts below for more information.

Special Option Agreements

A water-right holder can enter into an agreement that authorizes the use of water at locations, from points of diversion, and for uses other than those described in the water right. Interested parties must first work through the scoping of the need and propose it to the watermaster before ultimately submitting it to the Department for analysis and review. Once approved by the Water Resources Commission, these agreements would be usable the moment a drought declaration under ORS 536 is signed by the Governor and do not require approval each season. Typically, if no changes have been made, the agreement remains in place until terminated by the parties and provides additional water-supply options in times of drought. For more information on the process see OAR 690-019-0080.

Human Consumption or Stock Water Use Preference

The Water Resources Commission has authority to grant a temporary preference to water rights for human consumption and/or stock watering uses. The preference is given over other uses regardless of the priority date (seniority) of water rights associated with the other uses. In order for the preference to go into effect, the Water Resources Commission must approve temporary rules. For more information, see OAR 690-019-0070.

Additional information

Long-term Drought Planning

The best planning for drought is proactive solutions and preparedness that improve resiliency to drought. Water right holders seeking longer-term solutions should first contact their watermaster to help identify options: Find your watermaster at owrd.info/watermaster.

Drought Exception to Forfeiture

Pursuant to ORS 540.610(4), when counting years of non-use to determine whether a water right has been forfeited due to non-use for five successive years, an ORS 536 declared drought year is not included in the accounting as long as the water right holder has a facility capable of handling the entire rate and duty and is ready, willing, and able to make full use of the water right. This drought “exemption” does not apply to the evaluation of transfers.

For More Information

The Water Resources Department maintains a drought website that provides the status of current water conditions and state drought declarations, as well as information on what you can do to use water wisely. Visit our drought website at drought.oregon.gov.

Water Resources Department staff are available to answer questions about emergency applications, the state declaration process, and water supply conditions. For general drought questions in your area, refer to your watermaster. You can use the [“Locate my local watermaster” link](#) on our homepage. For other more specific asks see the below table.

Subject	Subject Matter Expert	Contact Information
Emergency Water Use Permits	Corie Lovrien, Sarah Benham	wrd_dl_customerservice@water.oregon.gov , 503-986-0900
Instream Leases	Sarah Henderson	wrd_dl_instreamlease@water.oregon.gov
Transfers, Substitutions & Exchanges	Arla Davis, Scott Grew, Elyse Hennen, Joan Smith	wrd_dl_transfer@water.oregon.gov
Special Options & Preferences, Statewide Drought	Jake Johnstone	jake.d.johnstone@water.oregon.gov
Water Availability Committee & Drought Readiness Council	Cameron Greenwood	cameron.a.greenwood@water.oregon.gov
Media Inquiries	Jason Cox	wrd_dl_mediaquires@water.oregon.gov
Tribal Liaison	Laura Hartt	laura.a.hartt@water.oregon.gov