



# Oregon Water Law and Enforcement

*Overview*



# W

State of Oregon  
Water Resources Department

# *Our Mission*

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*“To serve the public by practicing and promoting wise long-term water management.”*

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Primary goals:

“Stewardship”



“Supply”



# *Department History*

**1909 Water code established**  
*State Engineer*

**1930s Flood and hydro**

**1955 Water Resources Board created**  
*water planning*

**1975 State Engineer + Board=WRD**  
*Director and Board*

**1985 Water Resources Commission**

**1987 Instream water rights**

**1995 SB 674 water rights processing**

# What we do...

Field/  
technical  
services

Water rights/  
adjudications

Resource  
management

Director's  
office

Administrative  
services



Gather information/  
study the resource



Administer the water  
rights system

Manage the resource

Coordinate law/policy



Equip/support staff to  
implement programs

# Water Availability and Analysis

Gaging stations

Monitoring  
wells

WARS database

Streamflow  
measurement



Program area> Hydrographics

# Water Use Regulation

Water distribution

Streamflow protections

Illegal use



Program area > Enforcement

# Watermaster duties



Local contact/  
technical  
assistance

Measurement/  
monitoring

Enforcement

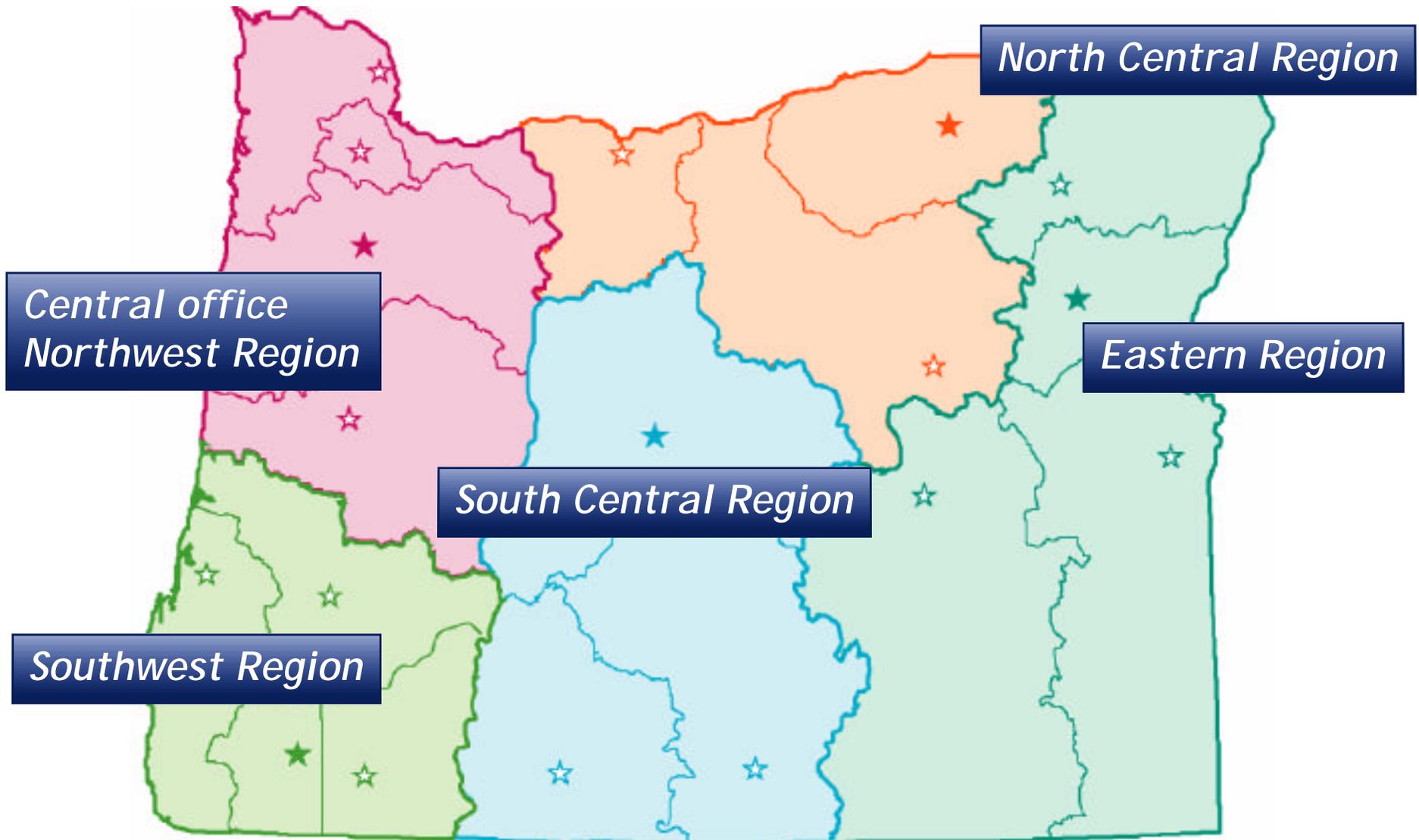
Dam safety

Plan review

Education

Program area > Watermasters

# Regional and Field Offices



# The Oregon Plan for Salmon and Watersheds



Agency  
measures

Education/  
outreach

Strategic  
planning

Policy  
coordination

*Division 33 rules*

Interagency coordination



# *Water Law*

- “Public Water”
  - *all surface and ground water of the state*
- The 1909 water code
  - *four basic provisions*
- Water rights mechanism
  - *applications and permits*
  - *regulation*
  - *fees*



# Oregon's Water is Public Water



This includes:

*“All the surface and the ground water of the state”*



# The 1909 Water Code:

*four basic provisions*

- 1) Beneficial use without waste  
*using water for personal or public good*
- 2) Priority  
*first in time, first in right*
- 3) Appurtenancy  
*attached to the land*
- 4) Must be used  
*at least once every five years*



# Beneficial Use

*major categories of use*

Beneficial use

Priority

Appurtenancy

Must be used



- Irrigation
  - *watering crops...*
- Industrial
  - *manufacturing, etc.*
- Domestic
  - *drinking water*
- Municipal
  - *cities*
- Instream flows
  - *stream/riparian enhancement*



# Priority:

*“prior appropriation”*

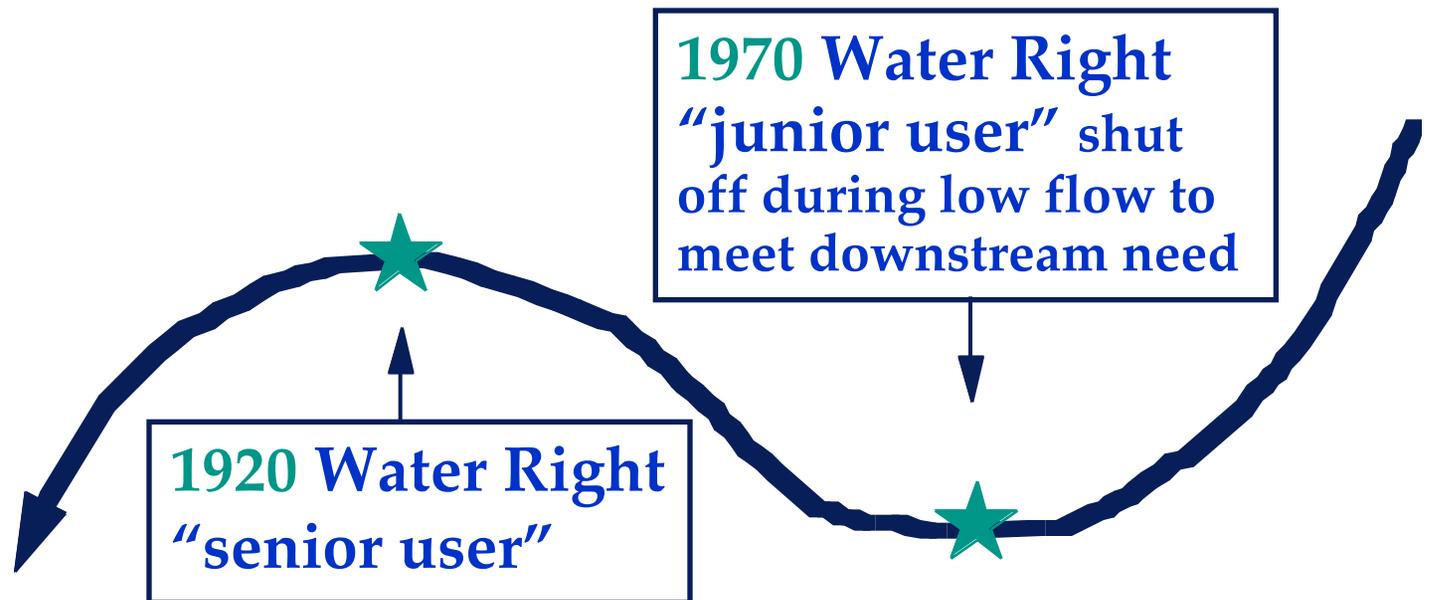
Beneficial use

Priority

Appurtenancy

Must be used

- First in time, first in right





# Appurtenancy

Beneficial use

Priority

Appurtenancy

Must be used

- Attached to the land
- If land is sold, water right stays with the land (not with the previous owner)



# Must be used

Beneficial use

Priority

Appurtenancy

Must be used

- If unused for five consecutive years
  - *subject to cancellation*
- Terms and Conditions
  - *limited to rate, duty, times and conditions of water right*



# Water rights mechanism

- You need a permit to:

*Use*

*Store*

*Divert*

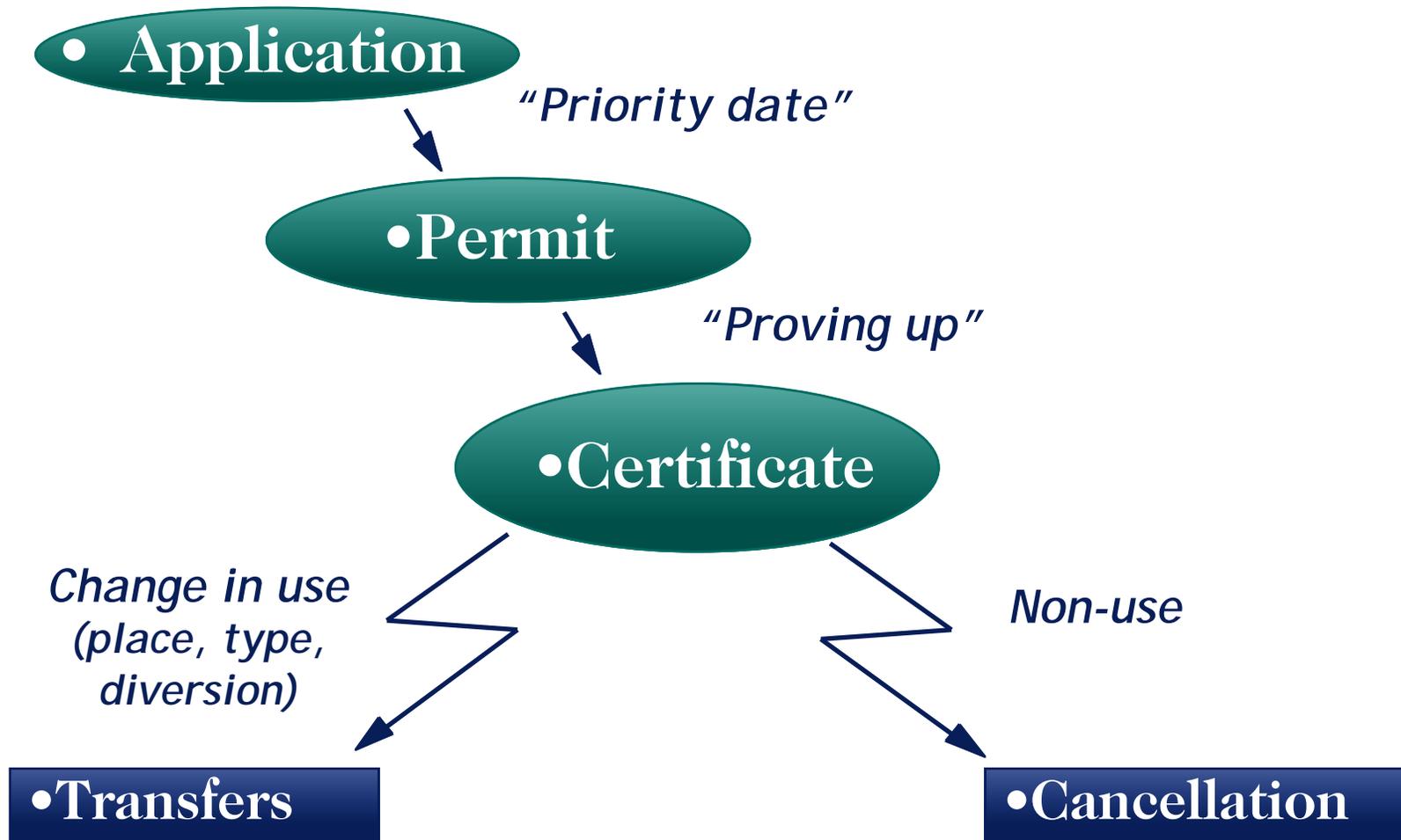


# A water right consists of:

- Point of diversion
  - *where surface water is drawn, or captured*
- Point of appropriation
  - *from ground water source*
- Place of use
  - *where the water is applied*
- Type of use
  - *the "beneficial use" of the water*



# The permit system: *three step process*



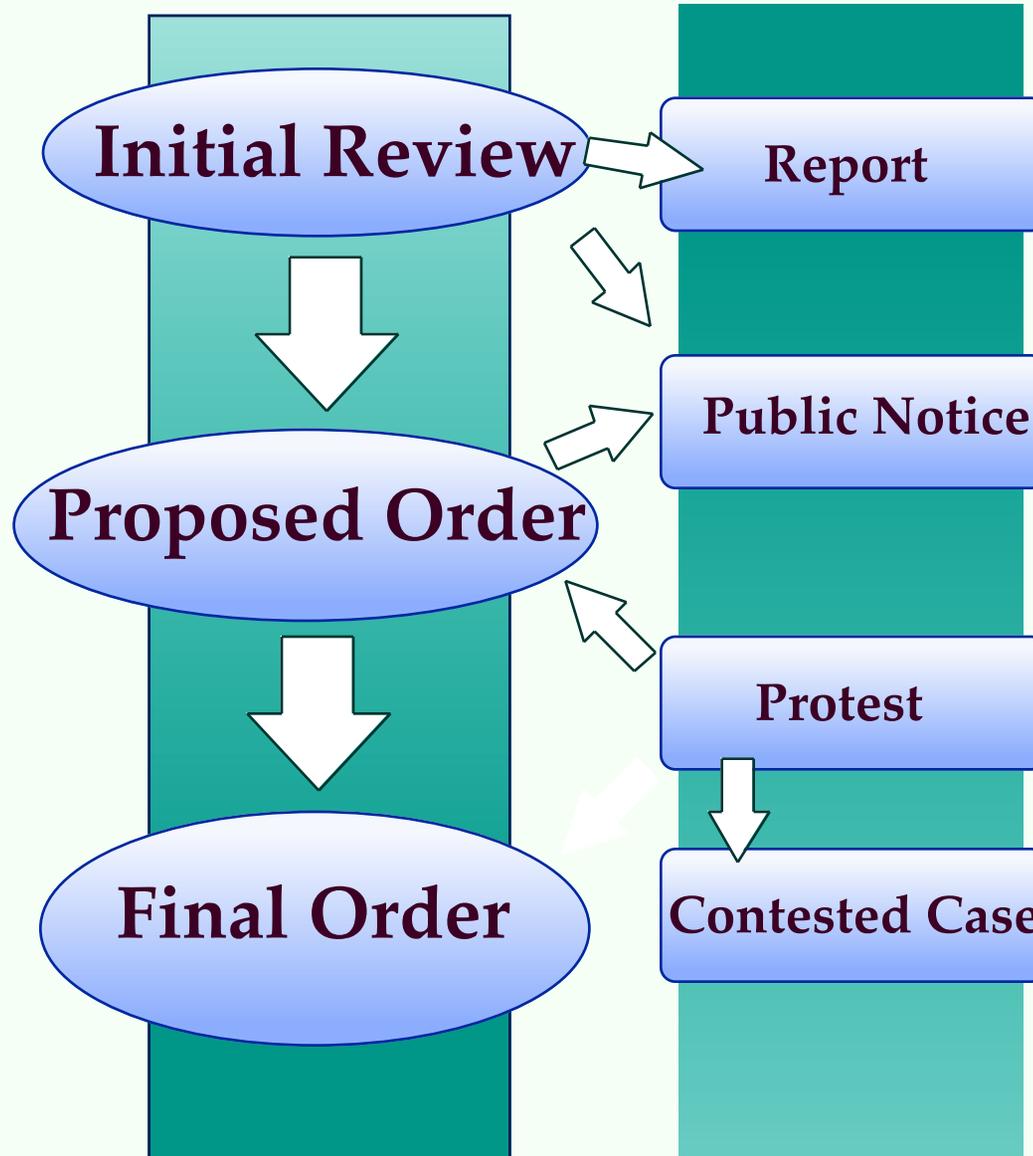


# “Exempt Uses”

- Ground water:
  - *Single and group domestic*
    - 15,000 gallons per day
  - *Commercial/Industrial uses*
    - 5,000 gallons per day
  - *Lawn and garden*
    - up to 1/2 acre
- Livestock watering
- Certain small ponds
- Some others



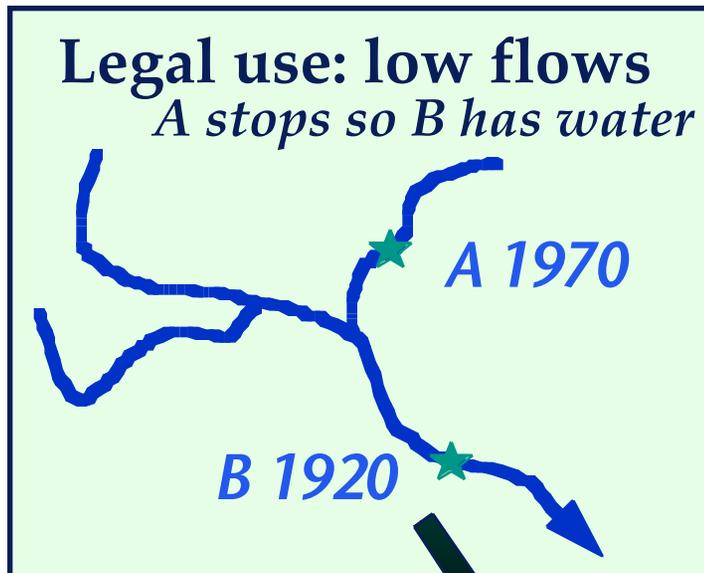
# Water right application process





# Regulation

*protecting rights and resources*



## Illegal water uses

- *use without a permit*
- *violating terms*

- 1) **Attempt voluntary compliance**
- 2) **Invoke civil penalties**
- 3) **Go to the DA**



# Instream Water Rights

- Recreation ← Parks and Rec
- Pollution abatement ← DEQ
- Fish & Wildlife ← ODFW

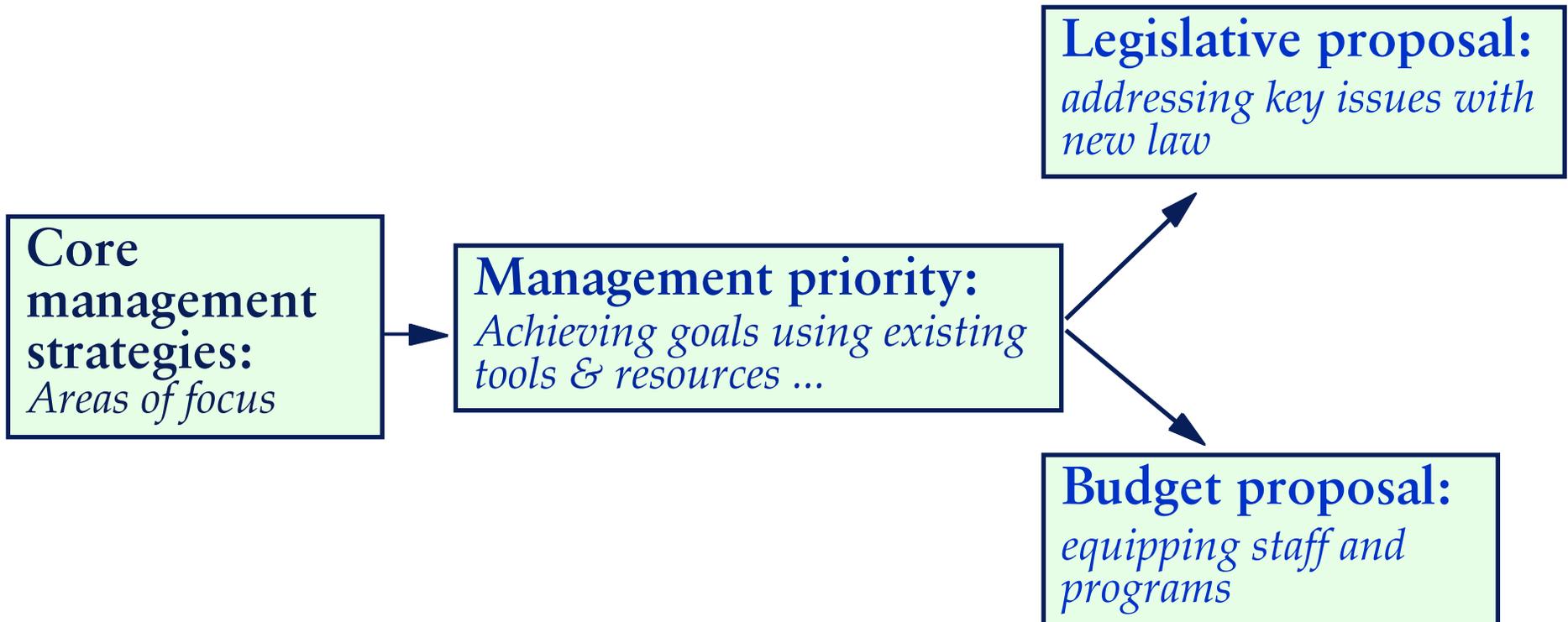
*Instream rights are held in trust by WRD*

# Strategic Management Plan

*planning and prioritizing for the future*

**Idea**

**Action**



# Water Right Violations: Enforcement Procedure

