

Frequently Asked Questions

Updated Rules for Allocation of New Groundwater Rights



Who do these rules affect?

The updated rules impact anyone applying for new groundwater rights in Oregon following Commission adoption and filing with the Oregon Secretary of State's Office.

Under Oregon law, all water belongs to the public. With some exceptions, cities, irrigators, businesses, and other water users must obtain a permit or license from the Oregon Water Resources Department (OWRD) to use water from any source - whether it is underground (known as groundwater), or from lakes or streams (known as surface water). The updated rules detail how OWRD assesses groundwater availability for new groundwater water rights.

Who is not affected by these rules?

Applicants that had groundwater applications submitted to OWRD prior to the effective date of the rules will be evaluated using the rules in effect at the time of their application. Existing water rights holders and uses exempt from permitting under statute are not impacted by the rule update. Uses exempt under statute include self-served domestic supply, irrigation of noncommercial lawns or gardens up to a half-acre, stock watering, a single industrial or commercial use not exceeding 5,000 gallons per day, and fire control.

Why did OWRD update the rules?

Oregon's groundwater levels have dropped over time due to excessive pumping and a changing climate. These declines led to higher costs for groundwater users to pump water, more wells going dry across the state, additional impacts to already over-appropriated surface waters, and the worsening of water quality in some areas. Prior rules have been inadequate for addressing declining groundwater levels and the cumulative impacts to streams and surface water from groundwater pumping.

What do the new rules change?

The new rules guide one component of how OWRD grants new groundwater rights. The new rules are designed to promote sustainable groundwater use. This means that when evaluating a new use application, OWRD is looking to determine whether water is available for further appropriation, including:

- Determine if groundwater levels are reasonably stable.
- Prioritize existing water rights over new groundwater rights that will interfere with surface water rights.
- Confirm the target aquifer is capable of physically producing the requested new rate of use.

This is largely achieved through defining reasonably stable groundwater levels and expanding the evaluation of impacts to surface water; this will alter the criteria OWRD uses for evaluating new groundwater use applications.

What if OWRD doesn't have the data to determine if water is available for further appropriation in my area?

When applying for a new groundwater right, applicants may submit data and information that water is available in the area that they wish to develop for groundwater use. OWRD will take the submitted information along with existing agency data under consideration when evaluating the application.

What impact will the updated rules have?

The new rules will result in fewer permits being issued for new groundwater uses. This will protect existing wells from going dry and will better protect existing water users. Alternative tools such as conservation, mitigation strategies, and water reuse are expected to be required to meet new or expanded water demands, which may be more costly.

How did OWRD involve the public during the rulemaking process?

In fall 2022, OWRD held several outreach meetings around the state to gather public input on the current process for issuing new groundwater rights, including ideas for improving the process. [A final report summarizing the effort and findings is available online.](#)

In April 2023, OWRD convened a Rules Advisory Committee (RAC), which brought together 30 representatives from Tribes, local governments, water justice organizations, conservation groups, agricultural interests, consultants, climatologists, economists, and water rights experts to provide input on the draft rules. The RAC met eight times between April 2023 and January 2024. These meetings were open to the public with opportunities for public comment. [Video recordings and meeting materials are available online.](#) OWRD has provided informational presentations to other groups, including Tribes, local governments, water utility associations, and agricultural associations.

What are the economic impacts of these rules?

OWRD conducted a qualitative assessment of foreseeable economic impacts, noting uncertainties about future water availability. This information is available in the [Fiscal and Economic Impact Statement section of the Notice of Proposed Rulemaking](#) submitted to the Oregon Secretary of State. The RAC provided input on the potential economic and fiscal impacts of the rule changes.

How are groundwater and surface water connected?

Groundwater plays a crucial role in the water cycle. When it rains, the water seeps into the ground and refills the groundwater. This water then moves underground and often comes up as springs or goes straight into rivers or other surface water bodies. This movement of groundwater into rivers is called "baseflow." In many rivers in Oregon, baseflow is a big part of the total water in the river, especially summer-time flow in rivers that don't get water from reservoirs or melting snow. These connections in the water cycle are often called "hydraulic connections."

How does OWRD assess hydraulic connection?

A hydrogeologist determines hydraulic connections through data analysis, scientific observation, and professional judgment. Common site-specific data that informs a hydraulic connection finding includes the local hydrogeology as described in published reports, relative groundwater and surface water elevations, and stream periodicity (e.g., whether the stream is perennial, intermittent, or ephemeral).

How do the updated rules address basin-specific groundwater availability concerns?

The rules apply statewide and are supported by a robust statistical analysis of data from all Oregon counties and administrative basins. While these statewide rules establish a consistent method for assessing groundwater availability, each application will be reviewed based on a site-specific evaluation using local data.

What alternatives are available for securing new water rights for housing, cities, and farms?

There are several pathways to access water for health and safety, population growth, economic development, and housing. Some examples include:

- Efficiency and conservation measures to offset water needs.
- Transfer of water rights.
- Water sharing agreements.
- Market-based solutions.
- Designing for water reuse and reclamation.
- Aquifer storage and recovery.

On a larger scale, planning initiatives can help communities explore multifaceted solutions to their long-term water needs.