

**LU-24-027 IN-PERSON TESTIMONY  
SUBMITTAL COVER SHEET**

Received From: Joel Geier

Date: Oct 29 2025

Email: joel.geier@peut.org

Phone: 541 745-5821

Address: 38566 Hwy 99W

City, State, Zip: Corvallis OR 97330

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**FOR BOC OFFICE STAFF USE ONLY**

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October 29, 2025

Benton County Commissioners

LU-24-027

This letter is submitted in response to matters raised on the record of the Board's hearing of October 22 and 23, 2025.

1. The Applicant continues to assert that Oregon Department of Environmental Quality (DEQ) is the only state agency responsible for issues related to water quantity and water quality. This is incorrect. I am appending a document by the Legislative Policy and Research Office which clearly states that the Oregon Water Resources Department is responsible for issues of groundwater quantity.

2. I would like to reiterate my request for you to disregard my statement of October 19, 2025, regarding my conversation with Yamhill Commissioner Bubba King. Based on a follow-up conversation on October 22nd, clearly he disagreed with my interpretation of his rationale for his position on this application. He did not expect to be quoted for the record on the two-year figure regarding the life of the current landfill, so I would ask you to respect his wishes.

Once again, I urge you to uphold the unanimous decision of your Planning Commission and deny this application.

Yours sincerely,  
Joel Geier  
38566 Hwy 99W  
Corvallis, Oregon 97330-9320



# GROUNDWATER MANAGEMENT IN OREGON: AN OVERVIEW



**LPRO**  
LEGISLATIVE POLICY  
AND RESEARCH OFFICE

## About this Report

This is a publication of Oregon's [Legislative Policy and Research Office \(LPRO\)](#) in response to a research request from the [Water Caucus](#) in April 2024:

**What are the jurisdictional authorities of agencies involved in groundwater quality and quantity policies in Oregon, focusing specifically on the roles of the Department of Environmental Quality (DEQ), Oregon Health Authority (OHA), Department of Human Service (DHS), Oregon Department of Agriculture (ODA), and the Oregon Water Resources Department (OWRD)?**

This report outlines the current statutes related to groundwater quantity, quality, and drinking water in Oregon and describes the agencies involved in addressing drinking water issues (via public systems and self-supplied drinking water) and groundwater quality protection, including pollution prevention, remediation, and well construction.

A draft of this report was provided to DEQ, the Governor's Office (Office of Natural Resources, Climate, and Energy), OHA, ODA, and OWRD. LPRO thanks their staff, as well as staff at the University of Oregon's Environmental and Natural Resources Law Center and Oregon State University's Institute for Water and Watersheds, for providing helpful feedback.

### Authors

Anna Glueder, Analyst

Erin Pischke, Analyst

### Additional Contributors

Morgan DuVal, Assistant

### Legislative Policy and Research Office

Oregon State Capitol | (503) 986-1813 | [www.oregonlegislature.gov/lpro](http://www.oregonlegislature.gov/lpro)

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# Report: Groundwater Management in Oregon

Date: January 10, 2025

## Executive Summary

In April 2024, the Oregon Legislature's [Water Caucus](#) asked the Legislative Policy and Research Office (LPRO) this research question:

**What are the jurisdictional authorities of agencies in Oregon involved in groundwater quality and quantity policies?**

## Overview

Oregon's statutory framework governing groundwater management involves a complex division of responsibilities among multiple state agencies, including the Oregon Water Resources Department (OWRD), the Department of Environmental Quality (DEQ), the Oregon Health Authority (OHA), and the Oregon Department of Agriculture (ODA). Collectively, these agencies manage aspects of groundwater quantity, quality, and drinking water protection, ensuring sustainability and safety. Approximately 95 percent of Oregon's available freshwater is stored underground.

**Table 1: Key Agency Authorities by Policy Area<sup>1</sup>**

| Policy Area          | Key Agencies                                                                                                         |
|----------------------|----------------------------------------------------------------------------------------------------------------------|
| Groundwater Quantity | Oregon Water Resources Department (OWRD)                                                                             |
| Groundwater Quality  | Department of Environmental Quality (DEQ)<br>Oregon Health Authority (OHA)<br>Oregon Department of Agriculture (ODA) |
| Drinking Water       | Oregon Health Authority (OHA)<br>Department of Environmental Quality (DEQ)<br>Department of Human Services (DHS)     |

Source: Legislative Policy and Research Office

<sup>1</sup> Please note that this table presents a very simplified overview of Oregon's often complicated groundwater policy landscape and should not be construed as exclusive and/or exhaustive.



**Groundwater Quantity.** OWRD is the lead agency responsible for issues related to water quantity. It develops an integrated, coordinated state water resources strategy, which includes the following roles:

- issuing and managing water rights
- providing water resources data, and
- administering statutes and rules governing the construction, usage, monitoring, and abandonment of water supply wells

**Groundwater Quality.** The primary agency overseeing groundwater quality issues is DEQ, but specific protection activities and program authorities are distributed over the three key agencies that implement most federal and state programs relating to groundwater quality:

- Department of Environmental Quality (DEQ)
- Oregon Department of Agriculture (ODA)
- Oregon Health Authority (OHA)

**Drinking Water.** OHA's Drinking Water Services has the authority to oversee groundwater intended for public consumption via public water systems. In this role, OHA undertakes the following activities to implement the Safe Drinking Water Act in Oregon:

- public water system monitoring
- treatment to ensure tap water quality standards are met
- public notifications
- review of plans to modify a public water system
- infrastructure funding
- (with DEQ) drinking water source protection program
- technical assistance to public drinking water system managers on constructing wells used for public water systems

Further, OHA's Section of Environmental Public Health in the Public Health Division

- receives private domestic well test results at the time of real estate transactions and
- reviews Recycled Water Use Plans for public health and source water protection.

As part of emergency response procedures, the Department of Human Services (DHS) is involved with water provisioning and the immediate testing of domestic wells.

## Access to Full Report

The full report, with references, can be found online on LPRO's Research and Analysis webpage: <https://www.oregonlegislature.gov/lpro/Pages/research-analysis.aspx>





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**Table 1: List of Commonly Used Acronyms in This Report**

| Acronym | Meaning                                      |
|---------|----------------------------------------------|
| CGA     | Critical Groundwater Area                    |
| DEQ     | Department of Environmental Quality          |
| DOGAMI  | Department of Geology and Mineral Industries |
| EPA     | Environmental Protection Agency              |
| GWMA    | Groundwater Management Area                  |
| LPRO    | Legislative Policy and Research Office       |
| ODA     | Oregon Department of Agriculture             |
| OHA     | Oregon Health Authority                      |
| OWRD    | Oregon Water Resources Department            |
| PWS     | Public Water System                          |
| WPCF    | Water Pollution Control Facilities           |

*Source: Legislative Policy and Research Office*



## Introduction

In April 2024, the Oregon Legislature's [Water Caucus](#) requested the Legislative Policy and Research Office (LPRO) respond to the following research question:

**What are the jurisdictional authorities of agencies in Oregon involved in groundwater quality and quantity policies?**

Oregon's statutory framework governing groundwater management involves a complex division of responsibilities among multiple state agencies, including the Oregon Water Resources Department (OWRD), the Department of Environmental Quality (DEQ), the Oregon Health Authority (OHA), and the Oregon Department of Agriculture (ODA). As part of emergency response procedures, the Department of Human Services (DHS) is involved with water provisioning and the immediate testing of domestic wells. Collectively, these agencies manage aspects of groundwater quality and quantity, as well as drinking water protection, ensuring sustainability and safety. Approximately 95 percent of Oregon's available freshwater is stored underground.

This report describes how these agencies address drinking water issues (via public systems and self-supplied drinking water) and groundwater quality protection, including pollution prevention, remediation, and well construction. [Appendix A](#) further adds a historical view by giving a chronological timeline of selected federal and state-level legislation.

[Appendix B](#) lists the current statutes related to groundwater quantity, quality, and drinking water, in Oregon. It also includes relevant statutory authorities of involved agencies and their interactions and collaborations with other state agencies.

## Overview of Groundwater

Groundwater is defined in Oregon administrative rule as "any water, except capillary moisture, beneath the land surface or the bed of any stream, lake, reservoir, or other body of surface water within the boundaries of this state, whatever may be the geologic formation or structure in which such water stands, flows, percolates, or otherwise moves."<sup>2</sup> Where these geologic formations hold enough groundwater to yield usable amounts of well water and springs they are referred to as aquifers. In Oregon, the most productive aquifers (i.e., those that yield the most usable amounts of water) are located in the sands and gravels of the Willamette Valley and the basalts of northern Oregon.

While groundwater, by definition, is stored underground, its ultimate origins are rain and melting snow, which can directly supply an aquifer, or pass through other parts of the water cycle first. Groundwater and surface water are closely interconnected, with water flowing between these systems. In much of Oregon, water that starts as groundwater is a substantial component of surface water during parts of the year. In Oregon, most

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<sup>2</sup> OAR 333-061-0020(68)



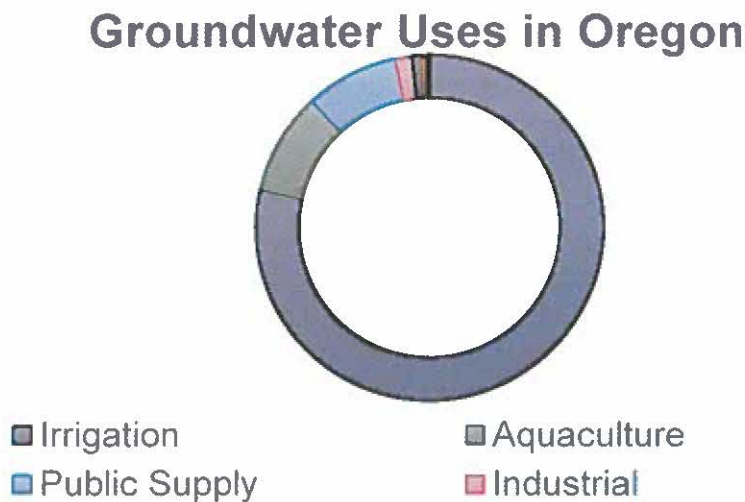


aquifers are governed by state law. A single exception is the North Florence Dunal Aquifer, protected at the federal level via the Sole Source Aquifer Petition.<sup>3</sup>

## Groundwater Quantity in Oregon

Approximately 95 percent of available freshwater sources in Oregon are estimated to be groundwater.<sup>4</sup> The Oregon Water Resources Department (OWRD) maintains a statewide observation network of over 400 wells and measures more than 1,200 additional observation wells throughout the state,<sup>5</sup> but the total quantity of stored and recoverable groundwater in Oregon is unknown. The relative breakdown of how Oregon's annual groundwater withdrawal is used is shown in Figure 1, highlighting that about 80 percent of withdrawn groundwater is used for irrigation.<sup>6</sup>

Figure 1 Oregon Annual Water Withdrawals in 2015



Source: Legislative Policy and Research Office

Data: Cheryl A. Dieter, Molly A. Maupin, Rodney R. Caldwell, Melissa A. Harris, Tamara I. Ivahnenko, John K. Lovelace, Nancy L. Barber, and Kristin S. Linsey, *Estimated use of water in the United States in 2015: U.S. Geological Survey Circular 1441*, <https://doi.org/10.3133/cir1441>.

<sup>3</sup> 42 U.S.C. sect. 1423(c); 40 C.F.R. section 149.

<sup>4</sup> Department of Environmental Quality, Water Quality Program, *Report on Groundwater Quality Protection in Oregon* (2021), <https://www.oregon.gov/deq/FilterDocs/gwLegislativeReport2021.pdf> (last visited January 6, 2025).

<sup>5</sup> Oregon Water Resources Department, Groundwater Monitoring, <https://www.oregon.gov/OWRD/programs/GWWL/GW/Pages/GWMonitoring.aspx> (last visited January 6, 2025).

<sup>6</sup> Cheryl A. Dieter, Molly A. Maupin, Rodney R. Caldwell, Melissa A. Harris, Tamara I. Ivahnenko, John K. Lovelace, Nancy L. Barber, and Kristin S. Linsey, *Estimated use of water in the United States in 2015: U.S. Geological Survey Circular 1441*, <https://doi.org/10.3133/cir1441>.





If groundwater is extracted faster than the aquifer can recharge, groundwater levels decline. Once groundwater levels fall below a certain threshold, OWRD can apply the following designations. (See Figure 2.)

- **Groundwater limited/classified areas** are established by rule in a Water Resources Commission basin program and may result in limited issuance of new groundwater rights. As such, a Groundwater limited/classified area is less restrictive than a Critical groundwater area as it does not include authority to impose limitations on water use under existing water rights.
- **Critical groundwater area (CGA)** is a statutory designation that allows the Water Resources Commission, in rule, to not only limit the issuance of new groundwater rights, but also impose a range of restrictions on existing groundwater rights. Oregon currently has seven CGAs. At the time of writing this report, OWRD is actively updating its Division 512 rules to establish an additional CGA in the Greater Harney Valley Groundwater Area of Concern.<sup>7</sup>
- **Groundwater mitigation areas** are areas where OWRD provides technical input for mitigation opportunities. The only current example of this is the Deschutes Basin, where a mitigation program allows the development of groundwater using mitigation credits to maintain or improve streamflow.
- **Withdrawn from appropriation** designations apply to specific streams in Oregon that, by statute, states diversion is not allowed or is only allowed by a specific entity. Reasons for withdrawal may be the protection of certain waterfalls, the preservation of municipal water supplies, or to protect fish life. Currently, legislative protections under ORS Chapter 538 have not been applied to groundwater.

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<sup>7</sup> Oregon Water Resources Department, Groundwater Report for the Harney Basin Critical Groundwater Area Rulemaking (2024), <https://www.oregon.gov/owrd/Documents/Groundwater%20Report%20for%20the%20Harney%20Basin%20CGWA%20Rulemaking.pdf> (last visited January 10, 2024).



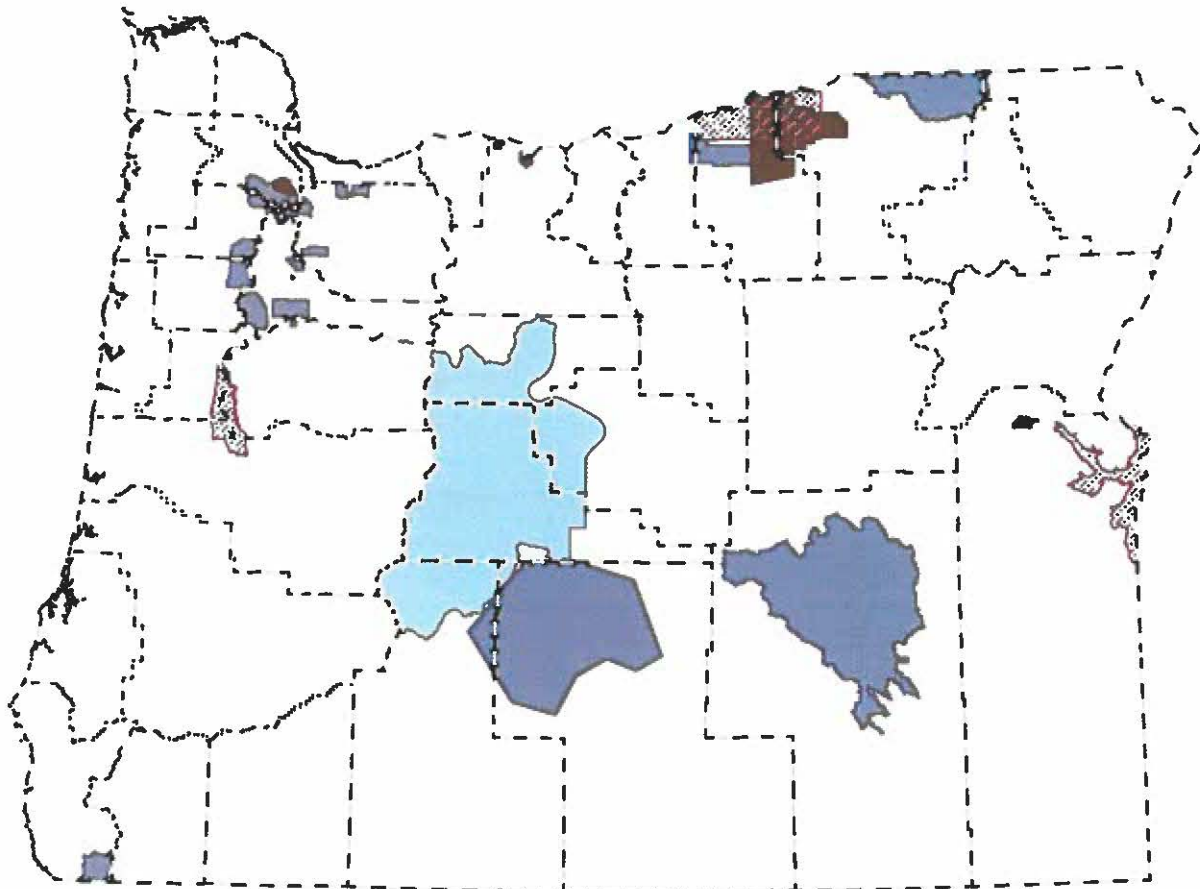
**Figure 2: Groundwater Administrative Areas and Groundwater Management Areas in Oregon**

When **Water Quantity** is a problem, OWRD can designate:

- |                                                                                                                        |                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
|  Groundwater Mitigation Areas         |  Critical Groundwater Areas         |
|  Groundwater Limited/Classified Areas |  Areas Withdrawn from Appropriation |

When **Water Quality** is a problem, DEQ can designate:

-  Groundwater Management Areas



Source: Legislative Policy and Research Office

Data: Oregon Water Resources Department, Groundwater Restricted Areas, <https://geohub.oregon.gov/datasets/oregon-geo:groundwater-restricted-areas/about> (March 2021); Oregon Department of Environmental Quality, Groundwater Management Area Lower Umatilla, <https://geohub.oregon.gov/datasets/oregon-geo:groundwater-management-area-lower-umatilla/about> (January 2007); Oregon Department of Environmental Quality, Groundwater Management Area So Willamette Valley, <https://geohub.oregon.gov/datasets/oregon-geo:groundwater-management-area-so-willamette-valley/about> (June 2023); Oregon Department of Environmental Quality, Groundwater Management Area No Malheur Co, <https://geohub.oregon.gov/datasets/oregon-geo:groundwater-management-area-no-malheur-co/about> (February 2007).





## Groundwater & Water Rights

In Oregon, all water belongs to the public and may be appropriated for beneficial use under a permit issued by OWRD. A water right is the right to use water for a beneficial purpose. Water rights have been regulated since 1909 via Oregon's water code, which consists of several fundamental provisions. Permits for groundwater use were first required in 1927 for eastern Oregon and in 1955 for western Oregon. Oregon's water code is driven by several key principals.

**Appurtenancy:** Generally, a water right is attached to the land described in the right, instead of a person or organization, referred to as the principle of **appurtenancy**. In other words, when land is sold, the water right typically remains attached to the land, rather than its owner.

**Prior Appropriation:** In Oregon, water is allocated under the **Prior Appropriation Doctrine**—often expressed as “first in time, first in right.” This means the first person to obtain a water right on a stream or in groundwater is considered senior compared to a person who obtained their water right later in time (and as such is considered a junior water right holder). In times of low streamflow senior water right holders will be the last to be mandated to shut off and can demand the water specified in their right regardless of the needs of junior users.

**Beneficial Use:** Finally, with some exceptions, a water right must be put to **beneficial use** at least once every five years, or it may be subject to cancellation. Beneficial use is the reasonably efficient use of water without waste for a purpose consistent with the laws, rules, and best interests of the people of Oregon. This means that a water right holder is required by law to use only the amount necessary for the intended purpose and no more, up to the limits of the water right.<sup>8</sup> Examples of beneficial uses include irrigation, fish, wildlife, industrial, municipal, recreation, hydropower, and pollution control.

In Oregon, groundwater and surface water are managed conjunctively in cases where hydrologic conductivity is presumed. As such, OWRD can permit “**hydrologically connected transfers**” between surface and groundwater if the department determines there will be no injury to existing priority water right holders and the transfer passes a public-interest review.<sup>9</sup>

## Permit Exempt Uses

Certain water uses do not require a permit or license from OWRD. An exempt use is subject to the same privileges and restrictions as any water right permit or certificate

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<sup>8</sup> Oregon Water Resources Department, *Conservation*, <https://www.oregon.gov/OWRD/programs/WaterRights/Conservation/Pages/default.aspx#:~:text=Oregon%20law%20requires%20that%20all%20water%20that%20is,up%20to%20the%20limits%20of%20the%20water%20right>. (last visited January 10, 2025).

<sup>9</sup> Laura A. Schroeder, Brian R. Sheets, *Conjunctive management: Changing water regulation and evolving strategies*, [https://water-law.com/wp-content/uploads/2016/03/Conjunctive\\_Management.pdf](https://water-law.com/wp-content/uploads/2016/03/Conjunctive_Management.pdf), 8 (2016).



holder. Oregon has approximately 230,000 exempt-use wells, with approximately 3,800 new ones drilled annually.<sup>10</sup> While well users are not required to report on the quantity of water use, a \$300 groundwater use recording fee is required before constructing a new exempt well.<sup>11</sup> Additionally, the well driller must submit a map showing the exact location of the well on the tax lot to OWRD.

Uses exempt from the permitting process include the following:<sup>12</sup>

- Group or Single Domestic Use (Household).** The amount cannot exceed 15,000 gallons per day. Well owners are not required to obtain a water quality permit and are responsible individually for testing and monitoring water quality. Water quality testing for specified contaminants in domestic wells must only be reported to the new owner and OHA upon property sale. While OWRD oversees well-construction standards and may provide financial assistance via the Well Abandonment, Replacement, and Repair Fund,<sup>13</sup> individuals are responsible for maintaining their infrastructure.
- **Stock Watering.** Stock water includes drinking water for livestock animals, unless they are part of a newly permitted confined animal feeding operation (CAFO), or part of a CAFO that is expanding operations located in a Critical Groundwater Area. In these cases, the stock water exemption is limited to 12,000 gallons per day.
  - **Irrigation of Lawn and/or Non-commercial Garden of ½ Acre or Less.** The area cannot exceed more than one-half acre. Commercial garden irrigation requires a water use authorization and is not exempt.
  - **Single Industrial or Commercial Purposes.** The amount for these uses cannot exceed 5,000 gallons per day and cannot include irrigation or watering to promote plant growth.
  - **Watering School Grounds.** While school ground irrigation is generally exempt, school grounds irrigation located within a critical groundwater area is limited to ten acres.
  - **Closed Geothermal Systems.** For down-hole heat exchange purposes to provide source heat.

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<sup>10</sup> Oregon Water Resources Department, *Exempt Water Uses in Oregon*, <https://www.oregon.gov/owrd/WRDReports/ExemptUseHandout.pdf> (last visited January 10, 2025).

<sup>11</sup> Oregon Water Resources Department, *Recording Fees for Exempt Use Wells Frequently Asked Questions*, [https://www.oregon.gov/owrd/programs/GWWL/WCC/EXWL/Documents/FAQ\\_ExemptUseRecordingFees.pdf](https://www.oregon.gov/owrd/programs/GWWL/WCC/EXWL/Documents/FAQ_ExemptUseRecordingFees.pdf) (last visited January 10, 2025).

<sup>12</sup> Oregon Water Resources Department, *Exempt Water Uses in Oregon*, <https://www.oregon.gov/owrd/WRDReports/ExemptUseHandout.pdf> (last visited January 10, 2025).

<sup>13</sup> Oregon Water Resources Department, *Well Abandonment, Repair and Replacement Fund (WARRF)* <https://www.oregon.gov/owrd/programs/GWWL/WARRF/Pages/default.aspx> (last visited January 10, 2025).





- **Fire Control.** Allows withdrawal of water for emergency firefighting or firefighting training purposes.
- **Reuse of Recycled Water or Wastewater for Land Application.** DEQ and ODA grant permits for applying recycled water or wastewater to land for irrigation previously obtained under a permit or certificate and not discharged into waters to the state.

## Groundwater Quality in Oregon

At the state level, the main agency responsible for groundwater quality control is the Department of Environmental Quality (DEQ). However, other agencies, such as the Oregon Department of Agriculture (ODA), play specific roles in this area. ODA oversees agricultural water quality management plans and rules along with the application of nutrients through wastewater under the Agriculture Water Quality Management Act. Another example under ODA's purview is a water quality permit required for confined animal feeding operations (CAFOs). DEQ and ODA can issue these water quality permits under a Memorandum of Understanding between the agencies.

Property owners hold the following responsibilities for private wells:

- location
- condition
- use
- maintenance
- decommissioning when no longer in use

While Oregon law does not require regular testing of private wells, the Domestic Well Testing Act mandates that the seller test for nitrate, arsenic, and E. coli as part of a real estate transaction.

In some cases, OHA may require additional tests for specific contaminants via administrative rule in areas of public health concern. The seller must then provide test all results to the buyer and OHA. Note, however, that no enforcement provisions are contained in the Domestic Well Testing Act.

OHA does not routinely process or share test results with DEQ. However, the agency provides test results to DEQ periodically, as staff resources allow for processing submitted test results and in response to public record requests.



### ***Contaminated Groundwater***

Groundwater contaminants are classified into two categories: (1) point source pollution and (2) nonpoint source pollution.

**Point source pollution** generally refers to pollutants discharged into water or onto lands through a pipe or a discernible channel. DEQ's wastewater management program regulates and minimizes adverse impacts of pollution on Oregon's waters from point sources of pollution. Operating under the terms of a federal National Pollutant Discharge Elimination System (NPDES) or state Water Pollution Control Facilities (WPCF) wastewater discharge permit issued by DEQ, these point sources include wastewater treatment plants, various industries such as pulp and paper plants, food processors, and stormwater discharges.

**Nonpoint source pollution** is created by indirect sources that cannot be attributed to a discernable pipe or channel. The Nonpoint Source Program is housed within DEQ and aims to "prevent and eliminate water pollution from nonpoint sources in all waterbodies in the state."<sup>14</sup>

Groundwater contamination is a persistent issue due to underground water systems' complex nature and slow movement, making restoration challenging. Since 1989, the Oregon Groundwater Quality Protection Act has aimed to prevent such contamination with broad anti-degradation authority, as well as specific protection for current and future beneficial uses.

### ***Groundwater Management Areas (GWMAs)***

Once an area shows evidence of elevated contaminant concentrations above certain thresholds, resulting, at least in part, from nonpoint sources, DEQ may declare a **groundwater management area (GWMA)**. Once a GWMA is declared, a local groundwater management committee is formed to work with and advise involved state agencies in developing an action plan. DEQ coordinates these follow-up activities, including interagency management of the GWMAs and the regulatory activities of the involved state agencies.

Oregon has three designated GWMAs (Figure 2), all caused by elevated nitrate concentrations in groundwater:

- the Lower Umatilla Basin GWMA
- Northern Malheur County GWMA
- Southern Willamette Valley GWMA

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<sup>14</sup> Department of Environmental Quality, Nonpoint Source Program, <https://www.oregon.gov/deq/wq/programs/Pages/Nonpoint.aspx> (last visited January 10, 2025).





Three other areas of concern have received coverage in the media but have not been officially designated as a GWMA:

- elevated concentrations of manganese in groundwater near Prineville<sup>15</sup>
- elevated concentrations of nitrate in groundwater near LaPine<sup>16</sup>
- elevated concentrations of arsenic in groundwater in Jackson County<sup>17</sup>

## Groundwater as a Source of Drinking Water

Authorized to administer the Safe Drinking Water Act in Oregon Water, OHA oversees drinking water quality in public water systems (PWS). PWSs must regularly test and if needed, treat drinking water to meet maximum contaminant levels established by the US Environmental Protection Agency rules and adopted state rules by OHA. Further, OHA also develops source water assessments and drinking water protection plans with support from DEQ.

While domestic uses make up only a small percentage of Oregon's groundwater uses by volume, in rural areas, over 90 percent of Oregonians rely on groundwater for drinking water.<sup>18</sup> Compared to approximately 3,300 public drinking water systems,<sup>19</sup> an estimated 350,000 private domestic wells exist in Oregon.<sup>20</sup> which are relied upon by 17 to 23% of the state's population.<sup>21</sup> This indicates that approximately 703,000–975,000 people rely on domestic wells for their drinking water needs and are not connected to a

<sup>15</sup> Oregon Health Authority, Crook County Domestic Wells, <https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/TRACKINGASSESSMENT/ENVIRONMENTALHEALTHASSESSMENT/Pages/Crook-County-Domestic-Wells.aspx> (last visited January 6, 2025).

<sup>16</sup> John S. Williams, David S. Morgan, Stephen R. Hinkle, Oregon Water Science Center, Questions and Answers About the Effects of Septic Systems on Water Quality in the La Pine Area, Oregon, <https://www.usgs.gov/publications/questions-and-answers-about-effects-septic-systems-water-quality-la-pine-area-oregon#:~:text=Nitrate%20levels%20in%20the%20ground-water%20aquifer%20underlying%20the,increasing%20due%20to%20contamination%20from%20residential%20septic%20systems>. (last visited January 6, 2025).

<sup>17</sup> Kara Goodwin and Paige Evans, Oregon Department of Environmental Quality Laboratory & Environmental Assessment Program, *Statewide Groundwater Monitoring Program: Mid-Rogue Basin 2015 17* (2016), <https://www.oregon.gov/deq/FilterDocs/gw-DEQ16-LAB-0042-TR.pdf> (last visited January 6, 2025).

<sup>18</sup> Department of Environmental Quality, *DEQ Report to the Legislature: Groundwater Quality in Oregon 2* (2005), [https://www.oregonlegislature.gov/citizen\\_engagement/Reports/2005\\_DEQ\\_Groundwater%20quality%20protection%20in%20Oregon.pdf](https://www.oregonlegislature.gov/citizen_engagement/Reports/2005_DEQ_Groundwater%20quality%20protection%20in%20Oregon.pdf) (last visited January 10, 2025).

<sup>19</sup> Oregon Health Authority, Water System Inventory, <https://yourwater.oregon.gov/inventorylist.php> (last visited January 10, 2025).

<sup>20</sup> Department of Environmental Quality, Water Quality Program, *Report on Groundwater Quality Protection in Oregon* (2021), <https://www.oregon.gov/deq/FilterDocs/gwLegislativeReport2021.pdf> (last visited January 10, 2025).

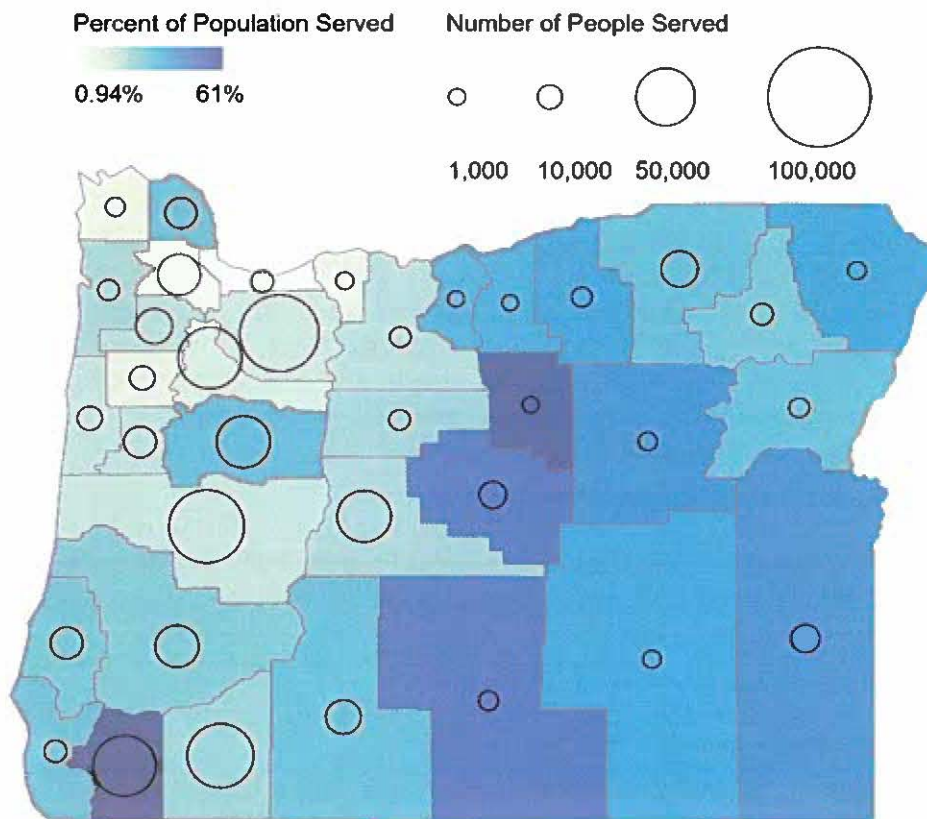
<sup>21</sup> Oregon Health Authority, Water System Inventory, <https://yourwater.oregon.gov/inventorylist.php> (last visited January 10, 2025).





community water system (Figure 3). Clackamas (72,991), Lane (68,319), and Jackson (57,536) Counties have the highest number of people who rely on domestic wells. However, Josephine (60.8 percent), Wheeler (60.3 percent), Lake (54.4 percent), and Crook (54.2 percent) Counties have the highest percentage of their population that relies on domestic wells.

**Figure 3: 2020 Estimated Domestic Well Use by Number and Percent of County Population Served**



Source: Legislative Policy and Research Office

Data: Environmental Protection Agency,

<https://experience.arcgis.com/experience/be9006c30a2148f595693066441fb8eb/page/Map/> pulled 11/28/2023



## Other Resources

This research relied heavily on information from the *Oregon Water Handbook*.<sup>22</sup> For more in-depth information about Oregon's groundwater, please consult this book. For more in-depth information about groundwater quality, refer to the Oregon Department of Environmental Quality's Report on *Groundwater Quality Protection in Oregon* (2023).<sup>23</sup>

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<sup>22</sup> Bastasch, Rick. *Oregon water handbook*. Oregon State University Press, 2006.

<sup>23</sup> Groundwater Quality Protection in Oregon, 2021–2022 Report, DEQ.



## Appendix A: Selected Federal and State Legislation for Groundwater Management

Blue – Federal Legislation   Green – State Legislation

- 1955 | Oregon Groundwater Act:** Established the authority for groundwater management and monitoring statewide to ensure the preservation of the public welfare, safety, and health (Oregon Revised Statute [ORS] 537.505 to 537.795 and ORS 537.992).
- 1972 | Clean Water Act (also known as the Water Pollution Control Act):** Enacted to restore and maintain clean and healthy waters by regulating the discharge of pollutants and setting requirements for water quality standards. Major revision of 1948 Water Pollution Control Act. Amended several times with significant amendments in 1987. The Safe Drinking Water Act does not provide authorities to prevent pollution in source waters. Protecting water quality in source waters for public water systems requires implementation of federal Clean Water Act authorities and state law. DEQ is responsible for implementation of the federal Clean Water Act and state water quality law in Oregon. Because of this authority, DEQ is responsible for addressing pollutants from point and nonpoint sources of pollution that affect the water quality throughout the state.
- 1974 | Safe Drinking Water Act:** Intended to protect and ensure safe and high-quality drinking water. Authorizes the U.S. Environmental Protection Agency (EPA) to regulate PWSs by setting national drinking water standards for the 91 most common drinking water pollutants and establishing drinking water testing methods. It requires states to develop source water assessments for public water supply systems, which DEQ and OHA implement via the Drinking Water Protection Program. Amended in 1986 and 1996.
- 1976 | Resource Conservation and Recovery Act (RCRA):** Governs the disposal of solid and hazardous waste and acts as an amendment to the Solid Waste Disposal Act (1956). Amendments to RCRA allow the US EPA to address water-related environmental problems stemming from storing petroleum and other hazardous substances in underground tanks.
- 1980 | Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).** Also known as “Superfund.” Taxes collected on chemical and petroleum industries are used to respond to hazardous substance spills and releases—or potential releases—into the environment and clean up hazardous waste sites.





- 1981 | Oregon Drinking Water Quality Act:** Ensures all Oregonians have access to safe drinking water, provides simple and effective regulatory program for drinking water systems, and provides a means to improve inadequate drinking water systems ([ORS 448.119 to 448.285](#); [454.235](#); and [454.255](#)).
- 1989 | Oregon's Groundwater Quality Protection Act:** Seeks to preserve and enhance the quality of groundwater resources through conservation, restoration, and contamination prevention. Requires DEQ to conduct a statewide monitoring and assessment program to identify and characterize the quality of Oregon's groundwater sources, provide public information and outreach, declare groundwater management areas as needed and authorize DEQ to fund research and development projects related to groundwater quality (ORS 468B.150 to 468B.190).
- 1989 | Oregon's Domestic Well Testing Act:** Requires sellers of a property with a domestic well to test water for nitrate, arsenic, and e. coli and, within 90 days of the sale, report results to the buyer and OHA (ORS 448.271).
- 1993 | Oregon's Agricultural Water Quality Management Act:** Mandates ODA to take measures to reduce water pollution from agricultural sources (Senate Bill 1010, 1993; ORS 568.900 to 568.933).



## Appendix B: Oregon Revised Statutes, Activities, Agencies, and Entities Related to Groundwater

The following tables group groundwater-related Oregon Revised Statutes (ORS) into seven categories and provide the activity, agencies, and entities responsible for carrying out the statutes, and ORS numbers.

| Activity                                                                                                      | Coordinating Agencies                                                                  | Relevant Oregon Revised Statutes                                                       |
|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <b>Water Allocation</b>                                                                                       |                                                                                        |                                                                                        |
| Certification of Registration of Vested Water Rights and Determination of Reserved Water Rights; Adjudication | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                               | ORS 537.585 to 537.610, 537.690 to 537.695, 537.665 to 537.695, and 539.005 to 539.240 |
| Critical Ground Water Areas Designation                                                                       | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                               | ORS 537.730 to 537.742                                                                 |
| Flow Rates and Duties                                                                                         | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                               | ORS 537.621                                                                            |
| Irrigation Season Extensions                                                                                  | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• ODA</li> <li>• OWRD</li> </ul> | ORS 537.385                                                                            |
| Irrigation Water Rights                                                                                       | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                               | ORS 540.520                                                                            |
| Mitigation Credit Program for Hydraulically Connected Surface Water and Groundwater                           | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                               | ORS 537.746                                                                            |
| Permanent Transfers of Place of Water Use                                                                     | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                               | ORS 540.580                                                                            |
| Supplemental Rights                                                                                           | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                               | ORS 540.505 and 540.524                                                                |
| Surface Water and Groundwater Classification and Withdrawal                                                   | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                               | ORS 536.340                                                                            |
| Withdrawing Unappropriated Water from Further Appropriation                                                   | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                               | ORS 536.410                                                                            |



| Activity                                            | Coordinating Agencies                                                                                                                                                                    | Relevant Oregon Revised Statutes                                     |
|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| <b>Water Information Gathering and Analysis</b>     |                                                                                                                                                                                          |                                                                      |
| Drinking Water Sampling                             | <ul style="list-style-type: none"> <li>• OHA</li> <li>• Public Water Systems</li> </ul>                                                                                                  | ORS 448.150, 448.271                                                 |
| Carrying out Water Resource Compacts and Agreements | <ul style="list-style-type: none"> <li>• OWRD, as designated by the Governor</li> </ul>                                                                                                  | ORS 536.420                                                          |
| Streamflow, Groundwater Levels                      | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• OWRD</li> <li>• OSU Agricultural Experiment Station</li> </ul>                                                                   | ORS 537.665                                                          |
| Surface Water and Groundwater Quality Sampling      | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• ODA</li> <li>• OHA</li> <li>• OWRD</li> <li>• OSU Agricultural Experiment Station</li> <li>• U.S. EPA</li> <li>• USGS</li> </ul> | ORS 448.150, 448.271, 468B.150 to 468B.190, and 568.900 to 568.933   |
| <b>Water Quality Control</b>                        |                                                                                                                                                                                          |                                                                      |
| Agricultural Water Quality Management Plans         | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• ODA</li> </ul>                                                                                                                   | ORS 568.900 to 568.933                                               |
| Civil Penalties for Violation                       | <ul style="list-style-type: none"> <li>• DEQ</li> </ul>                                                                                                                                  | ORS 459.995, 468.020, 468.996, 468B, 468.020, 468A.025, and 468A.045 |





| Activity                                                                         | Coordinating Agencies                                                                                                                                                                                                                                                               | Relevant Oregon Revised Statutes                                                         |
|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| Confined Animal Feeding Operations & Agricultural Water Quality Management Plans | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• ODA</li> </ul>                                                                                                                                                                                                              | ORS 468.050, 468.217, 468B.015 to 468B.155, 468B.200 to 468B.230, and 568.900 to 568.933 |
| Coordinating Groundwater Quality Protection                                      | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• DLCD</li> <li>• DOGAMI</li> <li>• ODA</li> <li>• OHA</li> <li>• OWRD</li> <li>• Counties</li> <li>• OSU Agricultural Experiment Station</li> <li>• Special Districts</li> <li>• Other appropriate state agencies</li> </ul> | ORS 448.271, 448.150, and 468B.160 to 468B.230                                           |
| Declaring Groundwater Management Areas, Areas of Concern                         | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• OHA</li> </ul>                                                                                                                                                                                                              | ORS 468B.150 to 468B.190 and 448.268                                                     |
| Drinking Water Quality (Public Water Systems)                                    | <ul style="list-style-type: none"> <li>• OHA</li> </ul>                                                                                                                                                                                                                             | ORS 448.127 to 448.285                                                                   |
| Enforce Well Construction Standards Related to Ground Water Contamination        | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                                                                                                                                                                                                                            | ORS 468B.015 to 468B.155, 537.780, 537.535, 537.775, 537.777, and 537.787                |
| General Surface Water and Groundwater Quality Authority                          | <ul style="list-style-type: none"> <li>• DEQ</li> </ul>                                                                                                                                                                                                                             | ORS 468.005 to 468B.600                                                                  |
| Geothermal Wells                                                                 | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• OWRD</li> </ul>                                                                                                                                                                                                             | ORS 468B.055, 537.783, and 537.796                                                       |



| Activity                                                                   | Coordinating Agencies                                                                                                                 | Relevant Oregon Revised Statutes                                                                                                                                           |
|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Groundwater Monitoring (Nitrates, Pesticides, Organic Compounds, Bacteria) | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• OHA</li> <li>• OWRD</li> <li>• OSU Agricultural Experiment Station</li> </ul> | ORS 448.271, 448.150, 468B.150 to 468B.190                                                                                                                                 |
| Industrial/CAFO Water Reuse                                                | <ul style="list-style-type: none"> <li>• OWRD</li> <li>• DEQ</li> <li>• ODA</li> </ul>                                                | ORS 537.141, 537.545, 540.510(8), and 540.610(2)(i)                                                                                                                        |
| Land Application of Nutrients to Land via Wastewater                       | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• ODA</li> </ul>                                                                | ORS 468B.025 to 468B.053, 468B.215, and 468B.219                                                                                                                           |
| Oil and Other Spills                                                       | <ul style="list-style-type: none"> <li>• DEQ</li> </ul>                                                                               | ORS 468B.300 to 468B.500                                                                                                                                                   |
| Point Source Pollution (Non-Forestry)                                      | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• OWRD</li> </ul>                                                               | ORS 468B.005 to 468B.055 and 468B.195                                                                                                                                      |
| Reclaimed Water and Recycled Water Reuse                                   | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• ODFW</li> <li>• OWRD</li> </ul>                                               | ORS 468.020, 468.705, 468.710, 468B.005, 468B.030, 468B.050, and 537.132                                                                                                   |
| Require Contaminant Testing Related to Groundwater and Aquifers            | <ul style="list-style-type: none"> <li>• OHA</li> <li>• DEQ</li> </ul>                                                                | ORS 448.271 and 537.532                                                                                                                                                    |
| Source Water Assessments                                                   | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• OHA</li> </ul>                                                                | ORS 338.277 and 448.119 to 448.285                                                                                                                                         |
| Well Construction and Abandonment                                          | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                                                                              | ORS 536.090, 537.535, 537.595, 537.743, 537.750, 537.753, 537.747, 537.762, 537.765, 537.769, 537.772, 537.775, 537.777, 537.780, 537.789, 537.791, and 537.880 to 537.890 |
| Well Identification, Location and Requirements When Selling                | <ul style="list-style-type: none"> <li>• OHA</li> <li>• OWRD</li> </ul>                                                               | ORS 537.789, 537.765, 537.791                                                                                                                                              |
| Water Quality Permits (CAFOs)                                              | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• ODA</li> </ul>                                                                | ORS 468.050, 468.217, 468B.015 to 468B.155, 468B.200 to 468B.230                                                                                                           |



| Activity                                                                      | Coordinating Agencies                                                                                                                                                                                                                     | Relevant Oregon Revised Statutes                                                                                                  |
|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <b>Water Supply Planning</b>                                                  |                                                                                                                                                                                                                                           |                                                                                                                                   |
| Regional and Local Water Supply Planning                                      | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• ODA</li> <li>• ODFW</li> <li>• OHA</li> <li>• OWEB</li> <li>• OWRD</li> <li>• Counties</li> <li>• Special districts</li> <li>• Cities</li> <li>• OSU Extension Service</li> </ul> | ORS 536.220, 537.872, and 537.873                                                                                                 |
| Statewide Water Supply Planning                                               | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• DLCD</li> <li>• ODA</li> <li>• ODFW</li> <li>• OHA</li> <li>• OWRD</li> <li>• Other appropriate state agencies</li> <li>• OSU Agricultural Experiment Station</li> </ul>          | ORS 448.271, 468B.150 to 468B.200, 536.220, 536.231, 536.241, 536.238, 536.300 to 536.310, 536.470, 536.710, 537.801, and 537.873 |
| Water Management (Conservation) Plan Approval - Agricultural Water Management | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                                                                                                                                                                                  | ORS 540.572 and 541.659                                                                                                           |
| Water Management (Conservation) Plan Approval - Municipal Water Management    | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                                                                                                                                                                                  | ORS 537.211 and 541.659                                                                                                           |





| Activity                                                         | Coordinating Agencies                                                                                                                                                                                                                    | Relevant Oregon Revised Statutes                                                                                            |
|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <b>Water Use Monitoring &amp; Enforcement</b>                    |                                                                                                                                                                                                                                          |                                                                                                                             |
| Criminal and Civil Penalties for Violation                       | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                                                                                                                                                                                 | ORS 183.310 to 183.550, 536.027, 536.090, 536.900, 537.505 to 537.795, 537.990, and 537.992                                 |
| Declare Serious Water Management Problem Areas                   | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                                                                                                                                                                                 | ORS 540.435                                                                                                                 |
| Determination of Groundwater Use Interference with Surface Water | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                                                                                                                                                                                 | ORS 537.525 and 540.531                                                                                                     |
| Distribution                                                     | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                                                                                                                                                                                 | ORS 537.777, 540.020, 540.030, 540.045, 540.080, 540.100, 540.140, 540.145, 540.150, 540.210, 540.230, 540.270, and 541.010 |
| Exempt Use Reporting                                             | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                                                                                                                                                                                 | ORS 537.545                                                                                                                 |
| Waste Prevention                                                 | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                                                                                                                                                                                 | ORS 540.720 and 537.775                                                                                                     |
| Water Use Reporting                                              | <ul style="list-style-type: none"> <li>• Cities</li> <li>• Counties</li> <li>• Irrigation/special districts</li> <li>• Schools</li> <li>• State/federal agencies</li> <li>• Water right holders with measurement requirements</li> </ul> | ORS 537.099 and 537.101                                                                                                     |
| <b>Water Use Permitting and Approval</b>                         |                                                                                                                                                                                                                                          |                                                                                                                             |
| Appeals and Contested Cases                                      | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                                                                                                                                                                                 | ORS 537.621 to 537.628                                                                                                      |



| Activity                                                                                                | Coordinating Agencies                                                                                                                                        | Relevant Oregon Revised Statutes               |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| Aquifer Recharge/Aquifer Storage and Recovery                                                           | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• OHA</li> <li>• OWRD</li> </ul>                                                                       | ORS 537.135, 537.531 to 537.534                |
| Assignment of Groundwater Application, Certificate of Registration, or Permit                           | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                                                                                                     | ORS 537.635                                    |
| Claims of Groundwater Use Prior to 1955                                                                 | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                                                                                                     | ORS 537.585 to 537.610                         |
| Drought Options and Agreements for Use of Existing Rights                                               | <ul style="list-style-type: none"> <li>• Drought Readiness Council</li> <li>• Governor's office</li> <li>• OWRD</li> <li>• Water Supply Committee</li> </ul> | ORS 536.720 to 536.780                         |
| Exemptions from Requirement to Obtain a Groundwater Water Right                                         | <ul style="list-style-type: none"> <li>• DEQ</li> <li>• ODA</li> <li>• OWRD</li> </ul>                                                                       | ORS 468B.050, 468B.215, and 537.545            |
| Full or Partial Assignment of Water Right Permit and Issuance of Replacement Permits ("Split a Permit") | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                                                                                                     | ORS 537.225 to 537.227                         |
| Groundwater Permits & Certificates                                                                      | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                                                                                                     | ORS 537.505 to 537.525, and 537.535 to 537.630 |
| Groundwater Registration Modification                                                                   | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                                                                                                     | ORS 537.610                                    |
| Instream Water Right Requests                                                                           | <ul style="list-style-type: none"> <li>• DEQ</li> </ul>                                                                                                      | ORS 536.235, 536.310, and 537.332 to 537.360   |
| Instream Water Right Requests                                                                           | <ul style="list-style-type: none"> <li>• ODFW</li> <li>• OPRD</li> <li>• OWRD</li> </ul>                                                                     | ORS 536.235, 536.310, and 537.332 to 537.360   |
| Low Temperature Geothermal Water-Use Approval                                                           | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                                                                                                     | ORS 537.796 and 537.783                        |
| Manage Interference Between Geothermal and Other Water Users                                            | <ul style="list-style-type: none"> <li>• DOGAMI</li> <li>• OWRD</li> </ul>                                                                                   | ORS 537.095 and 537.629                        |

| Activity                                                                            | Coordinating Agencies                                                             | Relevant Oregon Revised Statutes                                                   |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| Permit Amendment                                                                    | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                          | ORS 537.211                                                                        |
| Process for Negotiating Reserved Water Rights of Federally Recognized Indian Tribes | <ul style="list-style-type: none"> <li>• OWRD</li> <li>• Oregon Courts</li> </ul> | ORS 539.300 to 539.350                                                             |
| Use of Conserved Water Program                                                      | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                          | ORS 537.455 to 537.500                                                             |
| Water Exchanges                                                                     | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                          | ORS 540.533 to 540.537                                                             |
| Water Quality, Construction and Installation Standards for Public Water Systems     | <ul style="list-style-type: none"> <li>• OHA</li> </ul>                           | ORS 448.131                                                                        |
| Water Right Cancellation                                                            | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                          | ORS 537.260, 537.410 to 537.450, and 540.610 to 540.670                            |
| Water Right Transfers                                                               | <ul style="list-style-type: none"> <li>• OWRD</li> </ul>                          | ORS 536.750, 537.705, 537.801 to 537.870, 540.505 to 540.585, 541.327, and 541.329 |





