

November 26, 2025

Oregon Water Resources Department
Ivan Gall, Director
Laura Hartt, Rules Coordinator
Raquel Rancier, Deputy Director

RE: 2025-26 Water Rights Rulemaking

We are writing to express concern about the scope of the Water Rights Rulemaking being conducted by the Oregon Water Resources Department (the Department). All of our organizations serve on the Rules Advisory Committee (RAC) and we are gravely concerned that the overly broad scope of the rulemaking under an extremely short timeframe will lead to negative outcomes rather than greater efficiencies. As clearly stated by Department staff when the RAC was convened in September, this rulemaking process represents the most extensive rulemaking ever undertaken by the Department, currently covering eighteen different divisions. Likewise, the principal, stated purpose of the current rulemaking process is to address necessary administrative rules implementing provisions contained in House Bill 3342 and House Bill 3544 enacted during the state's 2025 legislative session. However, there are only a few rule divisions directly related to legislative implementation, and more than half of the chapters currently under debate have no connection to either bill.

Considering the extensive nature of the proposed rules, we urge the Department to segregate proposed rules deemed necessary for the clear implementation of the noted 2025 legislative measures from all other proposed rules. We strongly believe proposed rules outside the scope of the provisions associated with the two measures previously identified should be addressed in a separate rulemaking process, or be placed on a list of recommended updates to be taken on by the Commission when/if resources and priorities warrant.

Without question, the volume of materials presented to the RAC over the course of three months has been immense. Members of the RAC have been requested to provide input as the proposed changes are being drafted, with some interconnected divisions being revised at the same time. We do not believe this process provides the opportunity to closely and adequately review all details of the proposed rules and implications resulting from such rules, which will undoubtedly lead to unintended consequences, including confusion and less efficient processes. Many of these unintended consequences are legal in nature, therefore leading to clarification by the courts at the expense of both private & public projects on the ground and to the state's legal budget. There are many rules that could use a language clean-up; however, it is important to strategically focus limited state resources on rulemaking that is required or will clearly lead to improved outcomes.

It is also worth noting that statutory language remains the source of Department authority and we are not aware of any statutory conflicts compelling this broad of a rulemaking effort. Lastly, the law is the law and the provisions of the bill will come into effect in April 2026 regardless if this rulemaking is completed or not. We, collectively, believe the rulemaking was designed to better clarify the legislation, but do not collectively agree that the rulemaking deadline of April 2026, is necessary for the substantive provisions of the above referenced legislation to become law.

As a result, we request the Department modify the scope of the current rules process, focusing on rules necessary for the implementation of the 2025 legislation and postpone rule revisions that merit additional conversations or require more resources to implement. Additional issues would be more appropriately addressed in future rulemaking undertakings. We appreciate your consideration of our request.

Sincerely,
Glenn Barrett, Water for Life
J.R. Cook, Northeast Oregon Water Association
Ryan Krabill, Oregon Farm Bureau
Mark Landauer, Special Districts Association of Oregon
Michael Martin, League of Oregon Cities
April Snell, Oregon Water Resources Congress
Jeff Stone, Oregon Association of Nurseries