

Criteria for Reviewing An Application For a Permit Amendment

A water right permit can be amended by the permit holder to change the point of diversion (POD) or point of appropriation (POA), to include an additional POD(s) or POA (s), or to change the place of use. The standards and procedures used by the Water Resources Department (WRD) in evaluating an application for a permit amendment are described in Oregon Revised Statute (ORS) 537.211 (<http://landru.leg.state.or.us/ors/>).

This is a summary, prepared by the Water Resources Department, of criteria and procedures that are generally applicable to applications for a permit amendment. The summary is necessarily general, and may not specifically address every applicant's fact situation. The summary is intended as general guidance for applicants, and not as a substitute for reference to applicable statutes and rules.

In reviewing applications for a permit amendment under ORS 537.211, the Department will consider the following criteria:

- Validity of water right permit [ORS 537.211(4)]
- Injury to existing water rights [ORS 537.211(4)(a)]
- For a change in place of use, proposed place of use must be owned or controlled by the holder of the permit [ORS 537.211(4)(b)]
- For a change in place of use, land on which the water is to be used must be contiguous to the land to which the permit is appurtenant [ORS 537.211(4)(b)] unless the change in use to noncontiguous land is in furtherance of mitigation or conservation efforts benefiting sensitive, threatened, or endangered species [ORS 537.211(5)(a)]
- If the water is transported or conveyed by an irrigation district, drainage district, water improvement district, water control district or a district improvement company, then prior approval must be obtained from the district [ORS 537.211(4)(d)]

Processing and Reviewing An Application For a Permit Amendment

The Water Resources Department processes an application for a permit amendment using the following procedure:

1. The permit holder provides permit amendment application at least 60 days before making any changes.
2. Upon receipt of the amendment application, the Department publishes notice in its weekly public notice.
3. Permit holder must publish a notice of a change in POD, POA, or additional POD(s) or POA(s) in a local newspaper if the proposed new or additional diversion points are greater than $\frac{1}{4}$ mile from the permitted diversion points and/or there are intervening diversion points.
4. For a change in point of diversion, the proposed diversion must be outfitted with a proper fish screen if requested by Oregon Department of Fish and Wildlife.
5. Following public notice, the Department issues a permit amendment order approving or denying the application.