

Why do I need water rights for irrigation?

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Many landowners are unaware that a legal right is needed to use surface water and groundwater for irrigation purposes.

There are many demands on the Oregon's water resources, which are publicly owned. Even though the water, a stream for example runs through your property, it doesn't belong to you; it belongs to everyone in Oregon. The same is true with groundwater in aquifers deep in the soil. There are many beneficial uses of water. Irrigation for crops is just one. Water is needed domestic use for people and animals, city drinking water, industrial uses like manufacturing, and some is needed to remain available in-stream use for fish and other aquatic life and even for recreation purposes.

Oregon water law dates back to 1909 and includes four basic provisions.

1. Beneficial use without waste, by using water for personal and public good
2. Priority of the water right, "first in time, first in right" concept
3. The right to use the water is attached to the land
4. Maintain rights by using the water, at least once every five years

Water rights clearly define the specific use of the water. The right will indicate the specific source, where the water can be used and how much (rate) of water use.

The domestic well that supplies your home with water is not available to irrigate more a ½ acre, which is intended to

water a lawn and family garden, not any crops grown to sell! If you intend to grow irrigated crops including pastures, you need to try to obtain a water right if your property doesn't have one.

The Oregon Water Resources Department (OWRD) regulates water law, including water rights. To find out if a specific property has water rights to surface water, go to <http://www.oregon.gov/owrd/> and click on Water Rights. To look up a well log to determine if a property has a well drilled specially for irrigation or to learn about more about a domestic well, go to the same website and click on Well Construction and Compliance.

Applying for new water rights is a possibility depending on where the property is located. We suggest contacting your local OWRD Watermaster to find out if applying for a water right seems like a feasible option, if having trouble searching for specific water rights or well logs or if you want to better understand Oregon water law.

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