

## **IRRIGATION AND OREGON WATER LAWS**

Oregon's unusual, dry winter is causing some unusual happenings. We're learning that Oregon water laws weren't necessarily written with this kind of weather in mind. For example, the Willamette Valley's established irrigation season is from April 1, or May 1, depending on specific water rights, through September 30 -- and this includes greenhouses unless a specialty use permit has been obtained.

There has been no need for concern about off-season irrigation until now! BUT, this year is different. Water must be conserved in case of a water shortage this summer and fall. The watermaster could turn your irrigation off if you irrigate other than during your "permitted irrigation season."

### **Winter-Time Water Use in Greenhouses**

Your water right or well registration should indicate that you irrigate in your greenhouse year-round. If, where your form asks for water use, your registration form indicates greenhouse crops, or nursery and greenhouse crops, you are probably all right. If it indicates only nursery crops or stock, you should check to determine your "permitted irrigation season."

### **Special Use Permit:**

If you need to irrigate in herbicides after application, water in fertilizer, soak soil so you can dig and ball plants, apply pesticides through irrigation water, or need irrigation water for similar uses -- apply for a "Special Use Permit." Make application to the State Department of Water Resources, 1178 Chemeketa St. NE, Salem, OR 97310 (phone: 378-3739). Mr. Bud Bartel, Planning Supervisor for the Oregon State Department of Water Resources, has indicated that requests for out-of-season irrigation will receive priority processing. If granted, the "Special Permit" is good until established "Irrigation Season" begins, after which there currently are no restrictions, other than priority and the regular limitations of your permits and registrations.

**All-Season Use Permit:** If your well registration or water right indicates irrigation on year-round basis, you're O.K. If not, and you need irrigation water other than during the established irrigation season, contact the State Department of Water Resources.

If you question whether your well is registered or your water rights established, find out the status from the State Department of Water Resources. Use priorities in the future, if they must be exercised, will relate to well registration and/or water right dates.

Note the following statement of clarification prepared by the Water Resources Department.

## **Water Resources Department: Out of Season Irrigation**

The Water Resources Department has received several inquiries about the legality and effectiveness of beginning the irrigation season early. The normal irrigation season begins either April 1 or May 1, depending on specific water rights.

*Normally, no irrigation is permitted outside the established irrigation season* since it cannot usually be demonstrated that such irrigation would be of any benefit and beneficial use is the criteria which must be met under Oregon Law.

There is, however, provision for granting permits for the use of water outside the normal irrigation season if such use of water can be justified. Specialty uses which require a different rate, duty of water, *or season* can be applied for. Substantial data justifying the need for such a permit must be submitted with the application. A permit thus granted could contain any special conditions or restrictions deemed proper by the Water Resources Director.

Any applications for out-of-season use are subject to review for possible protest by any interested individual or agency. The Water Resources Director must consider all other uses of water that may be affected by an out-of-season filing in his determination of whether or not to grant such a permit. For example, all existing full-time water and minimum streamflow uses would have to be met before any beneficial out-of-season irrigation water would be available.

Additional information from Vestal R. Garner (water rights engineer for the Water Resources Department, Salem) reported in the Feb./March 1977 OAN Digger included: "The special permit forms can be obtained from any watermaster in the 18 district offices in Oregon. Garner advised taking the application to Salem, rather than mailing it, if the farmer wants immediate action on the permit... make certain it is correctly filled out, including the map and proper justification... check with your local watermaster for details."

Now is the time to ensure your water rights for now and the future.

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