

**Enrolled**  
**House Bill 2295**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Water Resources Department)

CHAPTER .....

AN ACT

Relating to fees charged for Water Resources Department services; creating new provisions; amending ORS 536.050, 537.150, 537.610, 537.620 and 539.081; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 536.050 is amended to read:

536.050. (1) The Water Resources Department may collect the following fees in advance:

(a) For examining an application for a permit:

(A) To appropriate water, except as provided under ORS 543.280 for an application for a hydroelectric project:

(i) A base fee of [~~\$800~~] **\$930** for an appropriation of water through a single use, point of diversion or point of appropriation;

(ii) [~~\$300~~] **\$350** for the first second-foot or fraction thereof appropriated under the permit;

(iii) [~~\$300~~] **\$350** for each additional second-foot or fraction thereof appropriated under the permit;

(iv) [~~\$300~~] **\$350** for each additional use, point of diversion or point of appropriation included in the application;

(v) If appropriating stored water, [~~\$30~~] **\$35** for the first acre-foot or fraction thereof up to 20 acre-feet, plus [~~\$1~~] **\$1.20** for each additional acre-foot or fraction thereof; and

(vi) If appropriating ground water, in addition to any other fees, [~~\$350~~] **\$410** for each application filed.

(B) To store water under ORS 537.400 or 537.534 (4):

(i) A base fee of [~~\$800~~] **\$930**;

(ii) [~~\$30~~] **\$35** for the first acre-foot or fraction thereof up to 20 acre-feet, plus [~~\$1~~] **\$1.20** for each additional acre-foot or fraction thereof; and

(iii) [~~\$125~~] **\$140** for each additional storage location.

(C) To exclusively appropriate stored water:

(i) A base fee of [~~\$450~~] **\$520**; and

(ii) [~~\$30~~] **\$35** for the first acre-foot or fraction thereof up to 20 acre-feet, plus [~~\$1~~] **\$1.20** for each additional acre-foot or fraction thereof.

(b) For a permit issued under ORS 537.147, 537.211, 537.409 or 537.625 to appropriate or store water:

(A) A base fee of [~~\$450~~] **\$520** for recording the permit; and

(B) An additional fee of [~~\$575~~] **\$670** if the permit is issued pursuant to a final order that contains provisions requested by the applicant for mitigating impacts to the proposed water source.

(c) For filing and recording the assignment or partial assignment of a water right application, permit or license under ORS 537.220 or 537.635, [~~\$85~~] **\$100**.

(d) For copying records in the department, [~~\$2~~] **\$2.30** for the first page and [~~50~~] **60** cents for each additional page.

(e) For certifying copies, documents, records or maps, [~~\$10~~] **\$12** for each certificate.

(f) For a blueprint copy of any map or drawing, the actual cost of the work.

(g) For a computer-generated map, the actual cost of the work.

(h) For examining an application for approval of a change to an existing water right or permit:

(A) A base fee of [~~\$1,000~~] **\$1,160** for a change to a single water right or permit;

(B) [~~\$800~~] **\$930** for each additional type of change requested;

(C) For a request for a change in place of use or type of use or for a water exchange under ORS 540.533, [~~\$300~~] **\$350** for each second-foot or fraction thereof requested beyond the first second-foot;

(D) [~~\$450~~] **\$520** for each additional water right or permit included in the application; and

(E) An additional fee of [~~\$350~~] **\$410** per application, if the application is for an additional point of appropriation, a change in a point of appropriation or a change from surface water to ground water or for substitution as described in ORS 540.524.

(i) For examining an application for a temporary change in place of use under ORS 540.523, for a temporary transfer under ORS 540.585 or for a temporary change in place of use, a change in the point of diversion to allow for the appropriation of ground water or a change of a primary right to a supplemental right under ORS 540.570, a base fee of [~~\$700~~] **\$810** for the first water right or permit, plus [~~\$225~~] **\$260** for each additional water right or permit included in the application and:

(A) For nonirrigation uses, [~~\$175~~] **\$200** for each second-foot or fraction thereof requested beyond the first second-foot; or

(B) For irrigation uses, [~~\$2~~] **\$2.30** per acre of land irrigated or, if the application and required map are submitted to the department in a department-approved digital format, [~~50~~] **60** cents per acre of land irrigated.

(j) For submitting a protest to the department:

(A) [~~\$700~~] **\$810** if the protest is by a nonapplicant; and

(B) [~~\$350~~] **\$410** if the protest is by an applicant.

(k) For filing an application for extension of time within which irrigation or other works shall be completed or a water right perfected, [~~\$575~~] **\$670**.

(L) For a limited license under ORS 537.143 or 537.534 (2), the fee established by rule by the Water Resources Commission.

(m) For filing, examining and certifying a petition under ORS 541.329, [~~\$350~~] **\$410** plus 10 cents per acre of water involved in the application. For purposes of computing this fee, when any acreage within a quarter quarter of a section is involved, the 10 cents per acre shall apply to all acres in that quarter quarter of a section. Notwithstanding the fee amount established in this paragraph, a district notifying the department under ORS 541.327 (4) shall pay the actual cost of filing, examining and certifying the petition.

(n) For requesting standing under ORS 537.153, 537.621 or 543A.120, [~~\$200~~] **\$230**.

(o) For participating in a contested case proceeding under ORS 537.170, 537.622 or 543A.130, [~~\$500~~] **\$580**.

(p) Except for an applicant, for obtaining a copy of both a proposed final order and a final order for a water right application under ORS 537.140 to 537.252, 537.505 to 537.795 or 543A.005 to 543A.300 or an extension issued under ORS 537.230, 537.248 or 537.630, [~~\$25~~] **\$30**.

(q) For examining an application to store water under ORS 537.409:

(A) A base fee of [~~\$350~~] **\$410**; and

(B) [~~\$30~~] **\$35** for each acre-foot or fraction thereof.

(r) For submitting a notice of intent under ORS 543A.030 or 543A.075, the amount established by the Water Resources Director under ORS 543A.410.

(s) For examining an application for a substitution made under ORS 540.524:

(A) A base fee of [~~\$725~~] **\$840** for the first well substitution; and

- (B) A fee of [~~\$350~~] **\$410** for each additional well substitution.
- (t) For examining an application for an allocation of conserved water under ORS 537.455 to 537.500:
- (A) A base fee of [~~\$1,000~~] **\$1,160** for the first water right that is part of the allocation; and
- (B) An additional fee of [~~\$350~~] **\$410** for each water right that is part of the allocation beyond the first water right.
- (u) For submitting a water management and conservation plan pursuant to rules of the commission:
- (A) [~~\$500~~] **\$580**, if the plan is submitted by an agricultural water supplier;
- (B) [~~\$900~~] **\$1,040**, if the plan is submitted by a municipal water supplier serving a population of 1,000 or fewer persons; or
- (C) [~~\$1,800~~] **\$2,090**, if the plan is submitted by a municipal water supplier serving a population of more than 1,000 persons.
- (v) For examining a new application for an in-stream water right lease under ORS 537.348:
- (A) [~~\$450~~] **\$520** for an application for a lease with four or more landowners or four or more water rights; or
- (B) [~~\$300~~] **\$350** for all other applications.
- (w) For examining an application for an in-stream water right lease renewal, [~~\$110~~] **\$130**.
- (x) For submitting a claim of beneficial use under a permit or transfer having a priority date of July 9, 1987, or later, [~~\$175~~] **\$200**.
- (y) For submitting a request no later than 60 days after cancellation of a permit under ORS 537.260 to reinstate the permit, [~~\$450~~] **\$520**.
- (z) For submitting a request for a basin program exception under ORS 536.295, [~~\$575~~] **\$670**.
- (aa) For processing an application under ORS 537.225 for an assignment of water right to one or more landowners and issuance of replacement water right permits, the actual cost of the work.
- (2)(a) The department may charge a dam owner an annual fee based upon the dam's hazard rating as determined by the department. The fees the department may charge the dam owner are:
- (A) [~~\$85~~] **\$100** for a dam with a low hazard rating.
- (B) [~~\$170~~] **\$200** for a dam with a significant hazard rating.
- (C) [~~\$575~~] **\$670** for a dam with a high hazard rating.
- (D) If the dam owner fails to pay an annual fee on or before six months after the billing date, a late fee of [~~\$100~~] **\$120**.
- (b) If a dam owner fails to pay an annual fee or a late fee charged by the department, the department may, after giving the dam owner notice by certified mail, place a lien on the real property where the dam is located for the fees owed by the dam owner.
- (3) Notwithstanding the fees established under subsection (1) of this section, the commission may establish lower examination and permit fees by rule for:
- (a) The right to appropriate water for a storage project of five acre-feet or less; or
- (b) The right to appropriate water for the purpose of allowing the applicant to water livestock outside of a riparian area, as that term is defined in ORS 541.890.
- (4)(a) The director may refund all or part of a fee paid to the department under this section if the director determines that a refund of the fee is appropriate in the interests of fairness to the public or necessary to correct an error of the department.
- (b) The director may refund all or part of the protest fee described in subsection (1)(j) of this section to the legal owner or occupant who filed a protest under ORS 540.641 if an order of the Water Resources Commission establishes that all or part of a water right has not been canceled or modified under ORS 540.610 to 540.650.
- (5) The director may waive all or part of a fee for a change to a water right permit under ORS 537.211 (4), a change to a water right subject to transfer under ORS 540.520 or 540.523 or an allocation of conserved water under ORS 537.470, if the change or allocation of conserved water is:
- (a) Made pursuant to ORS 537.348;
- (b) Necessary to complete a project funded under ORS 541.932; or

(c) Approved by the State Department of Fish and Wildlife as a change or allocation of conserved water that will result in a net benefit to fish and wildlife habitat.

(6) Notwithstanding the fees established pursuant to this section, the commission may adopt by rule reduced fees for persons submitting materials to the department in a digital format approved by the department.

(7) All moneys received under this section, less any amounts refunded under subsection (4) of this section, shall be deposited in the Water Resources Department Water Right Operating Fund.

(8) Notwithstanding subsection (7) of this section, all fees received by the department for power purposes under ORS 543.280 shall be deposited in the Water Resources Department Hydroelectric Fund established by ORS 536.015.

**SECTION 2.** ORS 536.050, as amended by section 2, chapter 644, Oregon Laws 2013, is amended to read:

536.050. (1) The Water Resources Department may collect the following fees in advance:

(a) For examining an application for a permit:

(A) To appropriate water, except as provided under ORS 543.280 for an application for a hydroelectric project:

(i) A base fee of [~~\$700~~] **\$930** for an appropriation of water through a single use, point of diversion or point of appropriation;

(ii) [~~\$250~~] **\$350** for the first second-foot or fraction thereof appropriated under the permit;

(iii) [~~\$250~~] **\$350** for each additional second-foot or fraction thereof appropriated under the permit;

(iv) [~~\$250~~] **\$350** for each additional use, point of diversion or point of appropriation included in the application;

(v) If appropriating stored water, [~~\$25~~] **\$35** for the first acre-foot or fraction thereof up to 20 acre-feet, plus [~~\$1~~] **\$1.20** for each additional acre-foot or fraction thereof; and

(vi) If appropriating ground water, in addition to any other fees, [~~\$300~~] **\$410** for each application filed.

(B) To store water under ORS 537.400 or 537.534 (4):

(i) A base fee of [~~\$700~~] **\$930**;

(ii) [~~\$25~~] **\$35** for the first acre-foot or fraction thereof up to 20 acre-feet, plus [~~\$1~~] **\$1.20** for each additional acre-foot or fraction thereof; and

(iii) [~~\$100~~] **\$140** for each additional storage location.

(C) To exclusively appropriate stored water:

(i) A base fee of [~~\$400~~] **\$520**; and

(ii) [~~\$25~~] **\$35** for the first acre-foot or fraction thereof up to 20 acre-feet, plus [~~\$1~~] **\$1.20** for each additional acre-foot or fraction thereof.

(b) For a permit issued under ORS 537.147, 537.211, 537.409 or 537.625 to appropriate or store water:

(A) A base fee of [~~\$400~~] **\$520** for recording the permit; and

(B) An additional fee of [~~\$500~~] **\$670** if the permit is issued pursuant to a final order that contains provisions requested by the applicant for mitigating impacts to the proposed water source.

(c) For filing and recording the assignment or partial assignment of a water right application, permit or license under ORS 537.220 or 537.635, [~~\$75~~] **\$100**.

(d) For copying records in the department, [~~\$2~~] **\$2.30** for the first page and [~~50~~] **60** cents for each additional page.

(e) For certifying copies, documents, records or maps, [~~\$10~~] **\$12** for each certificate.

(f) For a blueprint copy of any map or drawing, the actual cost of the work.

(g) For a computer-generated map, the actual cost of the work.

(h) For examining an application for approval of a change to an existing water right or permit:

(A) A base fee of [~~\$900~~] **\$1,160** for a change to a single water right or permit;

(B) [~~\$700~~] **\$930** for each additional type of change requested;

(C) For a request for a change in place of use or type of use or for a water exchange under ORS 540.533, [~~\$250~~] **\$350** for each second-foot or fraction thereof requested beyond the first second-foot;

(D) [~~\$400~~] **\$520** for each additional water right or permit included in the application; and

(E) An additional fee of [~~\$300~~] **\$410** per application, if the application is for an additional point of appropriation, a change in a point of appropriation or a change from surface water to ground water or for substitution as described in ORS 540.524.

(i) For examining an application for a temporary change in place of use under ORS 540.523, for a temporary transfer under ORS 540.585 or for a temporary change in place of use, a change in the point of diversion to allow for the appropriation of ground water or a change of a primary right to a supplemental right under ORS 540.570, a base fee of [~~\$600~~] **\$810** for the first water right or permit, plus [~~\$200~~] **\$260** for each additional water right or permit included in the application and:

(A) For nonirrigation uses, [~~\$150~~] **\$200** for each second-foot or fraction thereof requested beyond the first second-foot; or

(B) For irrigation uses, [~~\$2~~] **\$2.30** per acre of land irrigated or, if the application and required map are submitted to the department in a department-approved digital format, [~~50~~] **60** cents per acre of land irrigated.

(j) For submitting a protest to the department:

(A) [~~\$600~~] **\$810** if the protest is by a nonapplicant; and

(B) [~~\$300~~] **\$410** if the protest is by an applicant.

(k) For filing an application for extension of time within which irrigation or other works shall be completed or a water right perfected, [~~\$500~~] **\$670**.

(L) For a limited license under ORS 537.143 or 537.534 (2), the fee established by rule by the Water Resources Commission.

(m) For filing, examining and certifying a petition under ORS 541.329, [~~\$300~~] **\$410** plus 10 cents per acre of water involved in the application. For purposes of computing this fee, when any acreage within a quarter of a section is involved, the 10 cents per acre shall apply to all acres in that quarter of a section. Notwithstanding the fee amount established in this paragraph, a district notifying the department under ORS 541.327 (4) shall pay the actual cost of filing, examining and certifying the petition.

(n) For requesting standing under ORS 537.153, 537.621 or 543A.120, [~~\$150~~] **\$230**.

(o) For participating in a contested case proceeding under ORS 537.170, 537.622 or 543A.130, [~~\$350~~] **\$580**.

(p) Except for an applicant, for obtaining a copy of both a proposed final order and a final order for a water right application under ORS 537.140 to 537.252, 537.505 to 537.795 or 543A.005 to 543A.300 or an extension issued under ORS 537.230, 537.248 or 537.630, [~~\$20~~] **\$30**.

(q) For examining an application to store water under ORS 537.409:

(A) A base fee of [~~\$300~~] **\$410**; and

(B) [~~\$25~~] **\$35** for each acre-foot or fraction thereof.

(r) For submitting a notice of intent under ORS 543A.030 or 543A.075, the amount established by the Water Resources Director under ORS 543A.410.

(s) For examining an application for a substitution made under ORS 540.524:

(A) A base fee of [~~\$630~~] **\$840** for the first well substitution; and

(B) A fee of [~~\$300~~] **\$410** for each additional well substitution.

(t) For examining an application for an allocation of conserved water under ORS 537.455 to 537.500:

(A) A base fee of [~~\$850~~] **\$1,160** for the first water right that is part of the allocation; and

(B) An additional fee of [~~\$300~~] **\$410** for each water right that is part of the allocation beyond the first water right.

(u) For submitting a water management and conservation plan pursuant to rules of the commission:

(A) [~~\$400~~] **\$580**, if the plan is submitted by an agricultural water supplier;

(B) [~~\$800~~] **\$1,040**, if the plan is submitted by a municipal water supplier serving a population of 1,000 or fewer persons; or

(C) [~~\$1,600~~] **\$2,090**, if the plan is submitted by a municipal water supplier serving a population of more than 1,000 persons.

(v) For examining a new application for an in-stream water right lease under ORS 537.348:

(A) [~~\$400~~] **\$520** for an application for a lease with four or more landowners or four or more water rights; or

(B) [~~\$250~~] **\$350** for all other applications.

(w) For examining an application for an in-stream water right lease renewal, [~~\$100~~] **\$130**.

(x) For submitting a claim of beneficial use under a permit or transfer having a priority date of July 9, 1987, or later, [~~\$150~~] **\$200**.

(y) For submitting a request no later than 60 days after cancellation of a permit under ORS 537.260 to reinstate the permit, [~~\$400~~] **\$520**.

(z) For submitting a request for a basin program exception under ORS 536.295, [~~\$500~~] **\$670**.

(aa) For processing an application under ORS 537.225 for an assignment of water right to one or more landowners and issuance of replacement water right permits, the actual cost of the work.

(2)(a) The department may charge a dam owner an annual fee based upon the dam's hazard rating as determined by the department. The fees the department may charge the dam owner are:

(A) [~~\$75~~] **\$100** for a dam with a low hazard rating.

(B) [~~\$150~~] **\$200** for a dam with a significant hazard rating.

(C) [~~\$500~~] **\$670** for a dam with a high hazard rating.

(D) If the dam owner fails to pay an annual fee on or before six months after the billing date, a late fee of [~~\$100~~] **\$120**.

(b) If a dam owner fails to pay an annual fee or a late fee charged by the department, the department may, after giving the dam owner notice by certified mail, place a lien on the real property where the dam is located for the fees owed by the dam owner.

(3) Notwithstanding the fees established under subsection (1) of this section, the commission may establish lower examination and permit fees by rule for:

(a) The right to appropriate water for a storage project of five acre-feet or less; or

(b) The right to appropriate water for the purpose of allowing the applicant to water livestock outside of a riparian area, as that term is defined in ORS 541.890.

(4)(a) The director may refund all or part of a fee paid to the department under this section if the director determines that a refund of the fee is appropriate in the interests of fairness to the public or necessary to correct an error of the department.

(b) The director may refund all or part of the protest fee described in subsection (1)(j) of this section to the legal owner or occupant who filed a protest under ORS 540.641 if an order of the Water Resources Commission establishes that all or part of a water right has not been canceled or modified under ORS 540.610 to 540.650.

(5) The director may waive all or part of a fee for a change to a water right permit under ORS 537.211 (4), a change to a water right subject to transfer under ORS 540.520 or 540.523 or an allocation of conserved water under ORS 537.470, if the change or allocation of conserved water is:

(a) Made pursuant to ORS 537.348;

(b) Necessary to complete a project funded under ORS 541.932; or

(c) Approved by the State Department of Fish and Wildlife as a change or allocation of conserved water that will result in a net benefit to fish and wildlife habitat.

(6) Notwithstanding the fees established pursuant to this section, the commission may adopt by rule reduced fees for persons submitting materials to the department in a digital format approved by the department.

(7) All moneys received under this section, less any amounts refunded under subsection (4) of this section, shall be deposited in the Water Resources Department Water Right Operating Fund.

(8) Notwithstanding subsection (7) of this section, all fees received by the department for power purposes under ORS 543.280 shall be deposited in the Water Resources Department Hydroelectric Fund established by ORS 536.015.

**SECTION 3.** ORS 537.150 is amended to read:

537.150. (1) Within 15 days after receiving an application, the Water Resources Department shall determine whether the application contains the information listed under ORS 537.140 (1) and is complete and not defective, including the payment of all fees required under ORS 537.140 (5). If the department determines that the application is incomplete or defective or that not all fees have been paid, the department shall return the fees paid and the application.

(2) Upon determining that an application contains the information listed under ORS 537.140 (1) and is complete and not defective, the department shall indorse on the application the date upon which the application was received at the department, which shall be the priority date for any water right issued in response to the application. All applications that comply with the provisions of law shall be recorded in a suitable book kept for that purpose.

(3) If an application is complete and not defective, the department shall determine whether the proposed use is prohibited by ORS chapter 538. If the proposed use is prohibited by ORS chapter 538, the department shall reject the application and return all fees to the applicant with an explanation of the statutory prohibition.

(4) If the proposed use is not prohibited by ORS chapter 538, the department shall undertake an initial review of the application and make a preliminary determination of:

(a) Whether the proposed use is restricted or limited by statute or rule;

(b) The extent to which water is available from the proposed source during the times and in the amounts requested; and

(c) Any other issue the department identifies as a result of the initial review that may preclude approval of or restrict the proposed use.

(5) Upon completion of the initial review and no later than 30 days after determining an application to be complete and not defective as described in subsection (1) of this section, the department shall notify the applicant of its preliminary determinations and allow the applicant 14 days from the date of mailing within which to notify the department to stop processing the application or to proceed with the application. If the applicant notifies the department to stop processing the application, the department shall return the application and all fees paid in excess of [\$225] **\$260**. If the department receives no timely response from the applicant, the department shall proceed with the application.

(6) Within seven days after proceeding with the application under subsection (5) of this section, the department shall give public notice of the application in the weekly notice published by the department. The notice shall include a request for comments on the application and information pertaining to how an interested person may obtain future notices about the application and a copy of the proposed final order.

(7) Within 30 days after the public notice under subsection (6) of this section, any person interested in the application shall submit written comments to the department. Any person who asks to receive a copy of the department's proposed final order shall submit to the department the fee required under ORS 536.050 (1).

**SECTION 4.** ORS 537.150, as amended by section 4, chapter 644, Oregon Laws 2013, is amended to read:

537.150. (1) Within 15 days after receiving an application, the Water Resources Department shall determine whether the application contains the information listed under ORS 537.140 (1) and is complete and not defective, including the payment of all fees required under ORS 537.140 (5). If the department determines that the application is incomplete or defective or that not all fees have been paid, the department shall return the fees paid and the application.

(2) Upon determining that an application contains the information listed under ORS 537.140 (1) and is complete and not defective, the department shall indorse on the application the date upon which the application was received at the department, which shall be the priority date for any water

right issued in response to the application. All applications that comply with the provisions of law shall be recorded in a suitable book kept for that purpose.

(3) If an application is complete and not defective, the department shall determine whether the proposed use is prohibited by ORS chapter 538. If the proposed use is prohibited by ORS chapter 538, the department shall reject the application and return all fees to the applicant with an explanation of the statutory prohibition.

(4) If the proposed use is not prohibited by ORS chapter 538, the department shall undertake an initial review of the application and make a preliminary determination of:

(a) Whether the proposed use is restricted or limited by statute or rule;

(b) The extent to which water is available from the proposed source during the times and in the amounts requested; and

(c) Any other issue the department identifies as a result of the initial review that may preclude approval of or restrict the proposed use.

(5) Upon completion of the initial review and no later than 30 days after determining an application to be complete and not defective as described in subsection (1) of this section, the department shall notify the applicant of its preliminary determinations and allow the applicant 14 days from the date of mailing within which to notify the department to stop processing the application or to proceed with the application. If the applicant notifies the department to stop processing the application, the department shall return the application and all fees paid in excess of [~~\$200~~] **\$260**. If the department receives no timely response from the applicant, the department shall proceed with the application.

(6) Within seven days after proceeding with the application under subsection (5) of this section, the department shall give public notice of the application in the weekly notice published by the department. The notice shall include a request for comments on the application and information pertaining to how an interested person may obtain future notices about the application and a copy of the proposed final order.

(7) Within 30 days after the public notice under subsection (6) of this section, any person interested in the application shall submit written comments to the department. Any person who asks to receive a copy of the department's proposed final order shall submit to the department the fee required under ORS 536.050 (1).

**SECTION 5.** ORS 537.610 is amended to read:

537.610. (1) The Water Resources Commission shall accept all registration statements referred to in ORS 537.605 completed and returned to the commission in proper form, endorse on the registration statement the date of the return and record each statement. Upon recording the statement, the commission shall issue to the registrant a certificate as evidence that the registration is completed.

(2) The issuance of the certificate of registration serves as prima facie evidence that the registrant is entitled to a right to appropriate ground water and apply it to beneficial use to the extent and in the manner disclosed in the recorded registration statement and in the certificate of registration.

(3) A certificate of registration issued under this section may not be construed as a final determination of any matter stated in the certificate of registration. The right of the registrant to appropriate ground water under a certificate of registration is subject to determination under ORS 537.670 to 537.695, and is not final or conclusive until so determined and a ground water right certificate issued. A right to appropriate ground water under a certificate of registration has a tentative priority from the date when the construction of the well was begun.

(4) The commission shall adopt by rule the process and standards by which the commission will recognize changes in the place of use, type of use or point of appropriation for claims to appropriate ground water registered under this section. The commission shall adopt fees not to exceed [~~\$1,250~~] **\$1,450** for actions taken to modify a certificate of registration.

**SECTION 6.** ORS 537.610, as amended by section 7, chapter 644, Oregon Laws 2013, is amended to read:

537.610. (1) The Water Resources Commission shall accept all registration statements referred to in ORS 537.605 completed and returned to the commission in proper form, endorse on the registration statement the date of the return and record each statement. Upon recording the statement, the commission shall issue to the registrant a certificate as evidence that the registration is completed.

(2) The issuance of the certificate of registration serves as prima facie evidence that the registrant is entitled to a right to appropriate ground water and apply it to beneficial use to the extent and in the manner disclosed in the recorded registration statement and in the certificate of registration.

(3) A certificate of registration issued under this section may not be construed as a final determination of any matter stated in the certificate of registration. The right of the registrant to appropriate ground water under a certificate of registration is subject to determination under ORS 537.670 to 537.695, and is not final or conclusive until so determined and a ground water right certificate issued. A right to appropriate ground water under a certificate of registration has a tentative priority from the date when the construction of the well was begun.

(4) The commission shall adopt by rule the process and standards by which the commission will recognize changes in the place of use, type of use or point of appropriation for claims to appropriate ground water registered under this section. The commission shall adopt fees not to exceed [~~\$1,125~~] **\$1,450** for actions taken to modify a certificate of registration.

**SECTION 7.** ORS 537.620 is amended to read:

537.620. (1) The Water Resources Department shall accept all applications for permits submitted under ORS 537.615 in proper form.

(2) Within 15 days after receiving the application, the department shall determine whether the application contains the information listed under ORS 537.615 (2) and is complete and not defective, including the payment of all fees required under ORS 537.615 (5). If the department determines that the application is incomplete or defective or that not all fees have been paid, the department shall return the fees paid and the application to the applicant to remedy the defect. If an application is complete and not defective, the department shall indorse on the application the date upon which the application was received at the department, which shall be the priority date for any water right issued in response to the application.

(3) Upon determining that an application is complete and not defective, the department shall determine whether the proposed use is prohibited by statute. If the proposed use is prohibited by statute, the department shall reject the application and return all fees to the applicant with an explanation of the statutory prohibition.

(4) If the proposed use is not prohibited by statute, the department shall undertake an initial review of the application and make a preliminary determination of:

(a) Whether the proposed use is restricted or limited by statute or rule or because the proposed use is located within a designated critical ground water area;

(b) The extent to which water is available from the proposed source during the times and in the amounts requested; and

(c) Any other issue the department identifies as a result of the initial review that may preclude approval of or restrict the proposed use.

(5) Upon completion of the initial review and no later than 30 days after determining an application to be complete and not defective as described in subsection (2) of this section, the department shall notify the applicant of its preliminary determinations and allow the applicant 14 days from the date of mailing within which to notify the department to stop processing the application or to proceed with the application. If the applicant notifies the department to stop processing the application, the department shall return the application and all fees paid in excess of [~~\$225~~] **\$260**. If the department receives no timely response from the applicant, the department shall proceed with the application.

(6) Within seven days after proceeding with the application under subsection (5) of this section, the department shall give public notice of the application in the weekly notice published by the

department. The notice shall include a request for comments on the application and information pertaining to how an interested person may obtain future notices about the application and a copy of the proposed final order.

(7) Within 30 days after the public notice under subsection (6) of this section, any person interested in the application shall submit written comments to the department. Any person who asks to receive a copy of the department's proposed final order shall submit to the department the fee required under ORS 536.050 (1)(p).

**SECTION 8.** ORS 537.620, as amended by section 9, chapter 644, Oregon Laws 2013, is amended to read:

537.620. (1) The Water Resources Department shall accept all applications for permits submitted under ORS 537.615 in proper form.

(2) Within 15 days after receiving the application, the department shall determine whether the application contains the information listed under ORS 537.615 (2) and is complete and not defective, including the payment of all fees required under ORS 537.615 (5). If the department determines that the application is incomplete or defective or that not all fees have been paid, the department shall return the fees paid and the application to the applicant to remedy the defect. If an application is complete and not defective, the department shall indorse on the application the date upon which the application was received at the department, which shall be the priority date for any water right issued in response to the application.

(3) Upon determining that an application is complete and not defective, the department shall determine whether the proposed use is prohibited by statute. If the proposed use is prohibited by statute, the department shall reject the application and return all fees to the applicant with an explanation of the statutory prohibition.

(4) If the proposed use is not prohibited by statute, the department shall undertake an initial review of the application and make a preliminary determination of:

(a) Whether the proposed use is restricted or limited by statute or rule or because the proposed use is located within a designated critical ground water area;

(b) The extent to which water is available from the proposed source during the times and in the amounts requested; and

(c) Any other issue the department identifies as a result of the initial review that may preclude approval of or restrict the proposed use.

(5) Upon completion of the initial review and no later than 30 days after determining an application to be complete and not defective as described in subsection (2) of this section, the department shall notify the applicant of its preliminary determinations and allow the applicant 14 days from the date of mailing within which to notify the department to stop processing the application or to proceed with the application. If the applicant notifies the department to stop processing the application, the department shall return the application and all fees paid in excess of [~~\$200~~] **\$260**. If the department receives no timely response from the applicant, the department shall proceed with the application.

(6) Within seven days after proceeding with the application under subsection (5) of this section, the department shall give public notice of the application in the weekly notice published by the department. The notice shall include a request for comments on the application and information pertaining to how an interested person may obtain future notices about the application and a copy of the proposed final order.

(7) Within 30 days after the public notice under subsection (6) of this section, any person interested in the application shall submit written comments to the department. Any person who asks to receive a copy of the department's proposed final order shall submit to the department the fee required under ORS 536.050 (1)(p).

**SECTION 9.** ORS 539.081 is amended to read:

539.081. (1) At the time the owner or registrant submits a registration statement under ORS 539.240 or, if a registration statement is not filed, when a statement and proof of claim is filed

pursuant to notice by the Water Resources Director under ORS 539.030, the owner or registrant shall pay a fee as follows:

(a) If for irrigation use, [~~\$2~~] **\$2.30** for each acre of irrigated lands up to 100 acres and [~~\$1~~] **\$1.20** for each acre in excess of 100 acres. The minimum fee for any owner or registrant for irrigation use shall be [~~\$100~~] **\$120**.

(b) If for power use, [~~\$2~~] **\$2.30** for each theoretical horsepower up to 100 horsepower, [~~75~~] **90** cents for each horsepower in excess of 100 up to 500 horsepower, [~~50~~] **60** cents for each horsepower in excess of 500 horsepower up to 1,000 horsepower and [~~35~~] **40** cents for each horsepower in excess of 1,000 horsepower, as set forth in the proof. The minimum fee for any owner or registrant for power use shall be [~~\$300~~] **\$350**.

(c) If for mining or any other use, [~~\$500~~] **\$580** for the first second-foot or fraction of the first second-foot and [~~\$100~~] **\$120** for each additional second-foot.

(2) The fees under subsection (1) of this section shall not apply to any federally recognized Indian tribe, or to the United States acting as trustee for such a tribe, claiming, under ORS 539.010, an undetermined vested right to the use of surface water for any nonconsumptive and nondiverted in-stream use to satisfy tribal hunting, fishing or gathering rights.

(3) If the registration statement shows that the water right was initiated by making application for a permit under the provisions of ORS chapter 537, the owner or registrant shall be given credit for the money paid as examination and recording fees. A credit under this subsection shall be allowed only if the application under ORS chapter 537 was for a permit to appropriate water to be applied to the same parcel of land or for the same use as set forth in the registration statement.

(4) All fees paid under this section shall be deposited into the General Fund of the State Treasury and credited to an account of the Water Resources Department. The fees shall be used to pay for the expenses of the department to:

(a) Register claims to undetermined vested rights or federal reserved rights under ORS 539.230 and 539.240; and

(b) Determine claims filed or registered under ORS 539.230 and 539.240.

(5) No registration statement or statement and proof of claim shall be accepted for filing unless the registration statement or claim is accompanied by the fee in the amount set forth in this section. If the federal government is determined to be immune from the payment of such fees, the director may elect to accept a federal claim for filing without the accompanying fees.

**SECTION 10.** ORS 539.081, as amended by section 12, chapter 644, Oregon Laws 2013, is amended to read:

539.081. (1) At the time the owner or registrant submits a registration statement under ORS 539.240 or, if a registration statement is not filed, when a statement and proof of claim is filed pursuant to notice by the Water Resources Director under ORS 539.030, the owner or registrant shall pay a fee as follows:

(a) If for irrigation use, [~~\$2~~] **\$2.30** for each acre of irrigated lands up to 100 acres and [~~\$1~~] **\$1.20** for each acre in excess of 100 acres. The minimum fee for any owner or registrant for irrigation use shall be [~~\$30~~] **\$120**.

(b) If for power use, [~~\$2~~] **\$2.30** for each theoretical horsepower up to 100 horsepower, [~~50~~] **90** cents for each horsepower in excess of 100 up to 500 horsepower, [~~35~~] **60** cents for each horsepower in excess of 500 horsepower up to 1,000 horsepower and [~~25~~] **40** cents for each horsepower in excess of 1,000 horsepower, as set forth in the proof. The minimum fee for any owner or registrant for power use shall be [~~\$200~~] **\$350**.

(c) If for mining or any other use, [~~\$200~~] **\$580** for the first second-foot or fraction of the first second-foot and [~~\$50~~] **\$120** for each additional second-foot.

(2) The fees under subsection (1) of this section shall not apply to any federally recognized Indian tribe, or to the United States acting as trustee for such a tribe, claiming, under ORS 539.010, an undetermined vested right to the use of surface water for any nonconsumptive and nondiverted in-stream use to satisfy tribal hunting, fishing or gathering rights.

(3) If the registration statement shows that the water right was initiated by making application for a permit under the provisions of ORS chapter 537, the owner or registrant shall be given credit for the money paid as examination and recording fees. A credit under this subsection shall be allowed only if the application under ORS chapter 537 was for a permit to appropriate water to be applied to the same parcel of land or for the same use as set forth in the registration statement.

(4) All fees paid under this section shall be deposited into the General Fund of the State Treasury and credited to an account of the Water Resources Department. The fees shall be used to pay for the expenses of the department to:

(a) Register claims to undetermined vested rights or federal reserved rights under ORS 539.230 and 539.240; and

(b) Determine claims filed or registered under ORS 539.230 and 539.240.

(5) No registration statement or statement and proof of claim shall be accepted for filing unless the registration statement or claim is accompanied by the fee in the amount set forth in this section. If the federal government is determined to be immune from the payment of such fees, the director may elect to accept a federal claim for filing without the accompanying fees.

**SECTION 11. The amendments to ORS 536.050, 537.150, 537.610, 537.620 and 539.081 by sections 1 to 10 of this 2017 Act become operative July 1, 2017. If this 2017 Act becomes law after July 1, 2017, the amendments to ORS 536.050, 537.150, 537.610, 537.620 and 539.081 by sections 1 to 10 of this 2017 Act apply retroactively to July 1, 2017, for any fees charged by the Water Resources Department under ORS 536.050, 537.150, 537.610, 537.620 and 539.081 for services provided on or after July 1, 2017.**

**SECTION 12. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.**

Passed by House June 21, 2017

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

Passed by Senate June 29, 2017

.....  
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

.....  
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

.....  
Dennis Richardson, Secretary of State

# Enrolled Senate Bill 865

Sponsored by Senator HANSELL; Senator ROBLAN (at the request of Oregon Water Resources Congress)

CHAPTER .....

AN ACT

Relating to approval of plats by certain special districts.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** Section 2 of this 2017 Act is added to and made a part of ORS chapter 92.

**SECTION 2.** (1) Prior to approving a tentative plan for a proposed plat of a proposed subdivision or partition that is subject to review under ORS 92.044, and that is located in whole or in part within the boundaries, an easement or a right of way of an irrigation district, drainage district, water control district or water improvement district, a city or a county shall submit notice of the tentative plan to the district.

(2) Within 15 days of receiving notice under subsection (1) of this section, the district may submit to the city or the county a statement containing any information or recommended conditions for approval of the tentative plan for the proposed plat relating to:

- (a) The structural integrity of irrigation facilities;
- (b) District water supply;
- (c) Public safety;
- (d) Potential liabilities of the district; or
- (e) Other potential exposures to the district.

(3) The district shall base the information and recommended conditions of approval included in the statement described in subsection (2) of this section on rules and regulations adopted by the district.

(4) The city or the county may include the conditions for approval described in subsection (2) of this section in the final decision approving the tentative plan of the proposed plat.

**SECTION 3.** Section 4 of this 2017 Act is added to and made a part of ORS chapter 198.

**SECTION 4.** (1) For the purposes of providing cities and counties with the necessary information to fulfill the requirements of section 2 of this 2017 Act, each irrigation district, drainage district, water control district and water improvement district shall submit a report detailing the locations of the district boundaries, district facilities and any easements and rights of way held by the district to each city and county in which any part of the district is located.

(2) A irrigation district, drainage district, water control district or water improvement district that submits a report to a city or a county under subsection (1) of this section shall give notice to the city or the county within 90 days of any change to the location of a district boundary, district facility or any easement or right of way held by the district.

**SECTION 5. Each irrigation district, drainage district, water control district and water improvement district shall submit the report required under section 4 (1) of this 2017 Act on or before January 1, 2019.**

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**Passed by Senate April 19, 2017**

.....  
Lori L. Brocker, Secretary of Senate

.....  
Peter Courtney, President of Senate

**Passed by House June 1, 2017**

.....  
Tina Kotek, Speaker of House

**Received by Governor:**

.....M,....., 2017

**Approved:**

.....M,....., 2017

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2017

.....  
Dennis Richardson, Secretary of State

# House Bill 2705

Sponsored by Representative HELM (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires water appropriator to install device at point of diversion or appropriation to measure amount, and allow determination of rate and duty, of water being used. Creates exception for water being used for exempt purpose. Requires reporting measurements to Water Resources Department.

Allows civil penalty for violation, not to exceed \$500 per day.

## A BILL FOR AN ACT

1  
2 Relating to the measurement of appropriated water.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 4 of this 2017 Act:**

5 (1)(a) **"Claim of right" means a certificate, decree, determination, exemption, permit,**  
6 **statute or other legal authorization to divert or appropriate waters of this state for benefi-**  
7 **cial use.**

8 (b) **"Claim of right" does not mean an authorization under ORS 537.545 to use ground**  
9 **water for a purpose that is exempt.**

10 (2)(a) **"Water appropriator" means an entity that diverts or appropriates water for ben-**  
11 **eficial use under a claim of right.**

12 (b) **"Water appropriator" does not mean:**

13 (A) **The holder of an in-stream water right; or**

14 (B) **A customer, district member or other secondary user of water that another entity**  
15 **has diverted or appropriated under a claim of right.**

16 **SECTION 2. (1) The Legislative Assembly finds and declares that:**

17 (a) **Water use data is a fundamental tool to ensure efficient management, ensure effec-**  
18 **tive water distribution and help plan for future water needs; and**

19 (b) **The measurement and reporting of water use benefits all water appropriators and is**  
20 **critical to the effective management of the water resources of this state.**

21 (2) **It is the policy of this state to:**

22 (a) **Actively promote measurement and reporting of water use by water appropriators;**  
23 **and**

24 (b) **Encourage federal, state and local government coordination and cooperation in pro-**  
25 **viding financial support to water appropriators for water use measurement and reporting.**

26 **SECTION 3. (1) A water appropriator shall install, operate and maintain a device to**  
27 **measure the amount, and allow determination of the rate and duty, of water used by the**  
28 **water appropriator under a claim of right. A device must measure the amount, and allow**  
29 **determination of the rate and duty, of water for each point of diversion or point of appro-**  
30 **priation utilized for water use under the claim of right.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1       **(2) A water appropriator shall maintain a device required under subsection (1) of this**  
 2 **section in good working order for the period of water use. A device must be capable of con-**  
 3 **tinuously measuring the amount, and allow the continuous determination of rate, of water**  
 4 **diversion or appropriation using the best practicable technologies and practices available, as**  
 5 **determined by the Water Resources Commission, at the time the device is installed. The**  
 6 **commission shall adopt rules establishing accuracy requirements and other requirements for**  
 7 **devices required under this section.**

8       **(3) A water appropriator shall provide evidence satisfactory to the Water Resources De-**  
 9 **partment that a device required under subsection (1) of this section has been properly in-**  
 10 **stalled and is properly functioning. The evidence must accompany the first report submitted**  
 11 **under section 4 of this 2017 Act following installation of the device. Evidence demonstrating**  
 12 **to the satisfaction of the department that the device continues to function properly must**  
 13 **accompany each subsequent report under section 4 of this 2017 Act.**

14       **SECTION 4. (1) A water appropriator shall report water amount, rate and duty informa-**  
 15 **tion collected by a device under section 3 of this 2017 Act to the Water Resources Depart-**  
 16 **ment. The information must include, but need not be limited to, daily maximum rates of**  
 17 **diversion or appropriation. A report concerning ground water must also include any infor-**  
 18 **mation required by the department concerning ground water levels. A report concerning a**  
 19 **diversion or appropriation for in-channel storage must report both inflow and outflow for the**  
 20 **reservoir.**

21       **(2) A water appropriator shall submit reports under this section in accordance with a**  
 22 **schedule approved by the Water Resources Commission. The schedule shall require at least**  
 23 **annual reporting, but may require more frequent reporting.**

24       **SECTION 5. The Water Resources Department may assess a civil penalty for violation**  
 25 **of section 3 or 4 of this 2017 Act, not to exceed \$500. For a continuing violation, each day the**  
 26 **violation continues is a separate violation.**

27       **SECTION 6. (1) Except as provided in subsection (2) of this section, sections 3 and 4 of**  
 28 **this 2017 Act apply to:**

29       **(a) Water use that utilizes a point of diversion or point of appropriation placed in service**  
 30 **on or after the effective date of this 2017 Act; and**

31       **(b) Water use after December 31, 2020, that utilizes a point of diversion or point of ap-**  
 32 **propriation placed in service prior to the effective date of this 2017 Act.**

33       **(2) The Water Resources Commission may, by order, require a water appropriator or**  
 34 **group of water appropriators that utilize points of diversion or points of appropriation de-**  
 35 **scribed in paragraph (1)(b) of this section to comply with sections 3 and 4 of this 2017 Act**  
 36 **by a date earlier than December 31, 2020.**

37

**A-Engrossed**  
**House Bill 2706**

Ordered by the House April 21  
Including House Amendments dated April 21

Sponsored by Representative HELM (Presession filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Imposes annual management fee on each primary or supplemental water right. Provides for deposit of management fee moneys into Water Resources Department Water Right Operating Fund. Revises permissible use of moneys from fund.

Authorizes collection and assessment for annual periods beginning on or after July 1, 2017. Allows phased imposition of assessment and collection during period beginning July 1, 2017, and ending July 1, 2019, subject to constitutional restrictions.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to management fees for water rights; creating new provisions; amending ORS 536.009; and  
3 declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 536.**

6 **SECTION 2. (1) Subject to subsection (2) of this section, an annual management fee of**  
7 **\$\_\_\_\_\_ is imposed on each primary and each supplemental water right held for waters of**  
8 **this state under a water right permit, water right certificate, decree or groundwater regis-**  
9 **tration. Each water right is subject to a single management fee regardless of the number**  
10 **of documents setting forth the water right.**

11 **(2) If a water right holder is other than a municipality or provider of water for municipal**  
12 **purposes, the total amount of water right management fees that may be imposed on the**  
13 **water right holder under this section may not exceed \$\_\_\_\_\_ annually regardless of the**  
14 **number of water rights held. If a water right holder is a municipality or provider of water**  
15 **for municipal purposes, the total amount of water right management fees that may be im-**  
16 **posed on the water right holder under this section may not exceed \$\_\_\_\_\_ annually re-**  
17 **gardless of the number of water rights held.**

18 **(3) The Water Resources Commission shall adopt rules providing for the Water Re-**  
19 **sources Department to assess and collect the water right management fee imposed under**  
20 **this section. Moneys collected under this section shall be deposited into the Water Resources**  
21 **Department Water Right Operating Fund.**

22 **(4) If a water right management fee imposed under this section is not paid when due,**  
23 **after providing the water right holder with notice and opportunity for hearing under ORS**  
24 **chapter 183, the department may issue an order for payment of the delinquent amount and**  
25 **forward the order for enforcement through collection. The department may not regulate or**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **limit water use due to nonpayment of a water right management fee.**

2 **SECTION 3.** ORS 536.009 is amended to read:

3 536.009. (1) There is established in the State Treasury the Water Resources Department Water  
4 Right Operating Fund, separate and distinct from the General Fund[, *to provide for the payment of*  
5 *the program and administrative expenses of the Water Resources Commission and the Water Resources*  
6 *Department in carrying out the provisions of ORS chapters 536, 537, 540 and 541*]. Interest earned by  
7 the **Water Resources Department Water Right Operating** Fund shall be credited to the fund.

8 (2) The fund shall consist of:

9 (a) All moneys received under ORS 536.050 and 537.747 **and section 2 of this 2017 Act.**

10 (b) All moneys received on behalf of the fund by gift, grant or appropriation from whatever  
11 source.

12 (3) [All] Moneys in the fund are continuously appropriated to the Water Resources Department  
13 [*for payment of expenses as described in this section.*] **to provide for the payment of the program**  
14 **and administrative expenses of the Water Resources Commission and the department in**  
15 **carrying out the provisions of ORS chapters 536, 537, 540 and 541. However, moneys deposited**  
16 **into the fund from water right management fees imposed under section 2 of this 2017 Act**  
17 **may be used only to fund field, technical, scientific and administrative activities of the de-**  
18 **partment that are directly related to water rights management, including, but not limited**  
19 **to, the undertaking of groundwater investigations in coordination with the United States**  
20 **Geological Survey.**

21 **SECTION 4.** (1) **Section 2 of this 2017 Act first applies to the period beginning July 1, 2017.**  
22 **If this 2017 Act does not become effective until after July 1, 2017, the Legislative Assembly**  
23 **intends that the Water Resources Commission and the Water Resources Department be au-**  
24 **thorized to apply section 2 of this 2017 Act and the amendments to ORS 536.009 by section 3**  
25 **of this 2017 Act retroactively to allow assessment and collection of the water right manage-**  
26 **ment fee for the period beginning July 1, 2017.**

27 (2) **Subject to the class and uniformity requirements imposed by Article I, section 32, of**  
28 **the Oregon Constitution, notwithstanding subsection (1) of this section, the commission and**  
29 **the department may implement the assessment and collection of the fees described in section**  
30 **2 of this 2017 Act in stages during the period beginning July 1, 2017, and ending July 1, 2019.**

31 (3) **No later than 90 days after the effective date of this 2017 Act, the commission shall**  
32 **adopt temporary rules to:**

33 (a) **Subject to subsection (2) of this section, enable the department to assess and collect**  
34 **the water right management fees owed for the period beginning July 1, 2017; and**

35 (b) **Guide the geographic distribution of department expenditures of water right man-**  
36 **agement fees under ORS 536.009 (3).**

37 **SECTION 5.** **This 2017 Act being necessary for the immediate preservation of the public**  
38 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
39 **on its passage.**

40

**A-Engrossed**  
**House Bill 2707**

Ordered by the House April 17  
Including House Amendments dated April 17

Sponsored by Representative HELM (Pre-session filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Appropriates moneys from General Fund to Water Resources Department for ground water studies and investigations, or other ground water data gathering and analysis, [*conducted in cooperation with United States Geological Survey*] in priority basins determined by department.

Declares emergency, effective July 1, 2017.

**A BILL FOR AN ACT**

1  
2 Relating to state financial administration; and declaring an emergency.

3       Whereas the state integrated water resources strategy recognizes that Oregon has a need for  
4 additional ground water investigations to further understand the relationship between ground water  
5 and surface water and the availability of both; and

6       Whereas the state integrated water resources strategy provides that conducting ground water  
7 investigations is a priority of this state; now, therefore,

8 **Be It Enacted by the People of the State of Oregon:**

9       **SECTION 1.** **In addition to and not in lieu of any other appropriation, there is appropri-**  
10 **ated to the Water Resources Department, for the biennium beginning July 1, 2017, out of the**  
11 **General Fund, the amount of \$8,200,000, for ground water studies and investigations, or other**  
12 **ground water data gathering and analysis needed to assess and manage Oregon's ground**  
13 **water resources, in priority basins determined by the department.**

14       **SECTION 2.** **This 2017 Act being necessary for the immediate preservation of the public**  
15 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
16 **July 1, 2017.**

17  

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

# House Bill 2241

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Extends sunset for Task Force on Drought Emergency Response. Applies retroactively. Validates lawful actions taken, or lawful obligations incurred, on or after original sunset date and prior to effective date of Act.

Requires task force to report findings regarding water conservation issues on or before November 1, 2018.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to water conservation; creating new provisions; amending section 2, chapter 80, Oregon  
3 Laws 2016; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. In addition to any report described in section 1 (11), chapter 80, Oregon Laws**  
6 **2016, the Task Force on Drought Emergency Response shall submit a report regarding water**  
7 **conservation issues in the manner provided in ORS 192.245, and may include recommen-**  
8 **dations for legislation, to an interim committee of the Legislative Assembly related to na-**  
9 **tural resources no later than November 1, 2018. The task force shall provide a copy of the**  
10 **report to the Water Resources Commission.**

11 **SECTION 2. Section 2, chapter 80, Oregon Laws 2016 is amended to read:**

12 **Sec. 2.** Section 1 [*of this 2016 Act*], **chapter 80, Oregon Laws 2016**, is repealed on December  
13 31, [*2016*] **2018**.

14 **SECTION 3. The amendments to section 2, chapter 80, Oregon Laws 2016, by section 2**  
15 **of this 2017 Act apply retroactively to December 31, 2016, and the operation and effect of**  
16 **section 1, chapter 80, Oregon Laws 2016, shall continue unaffected from December 31, 2016,**  
17 **to the effective date of this 2017 Act and thereafter as specified in section 2, chapter 80,**  
18 **Oregon Laws 2016. Any otherwise lawful action taken or otherwise lawful obligation incurred**  
19 **under the authority of section 1, chapter 80, Oregon Laws 2016, on or after December 31,**  
20 **2016, and before the effective date of this 2017 Act, is ratified and approved.**

21 **SECTION 4. This 2017 Act being necessary for the immediate preservation of the public**  
22 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
23 **on its passage.**

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

# House Bill 2297

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Water Resources Department)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Extends sunset for Task Force on Drought Emergency Response. Applies retroactively. Validates lawful actions taken, or lawful obligations incurred, on or after original sunset date and prior to effective date of Act.

Requires task force to report findings on or before November 1, 2018.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1 Relating to drought; creating new provisions; amending section 2, chapter 80, Oregon Laws 2016;  
2 and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. In addition to any report described in section 1 (11), chapter 80, Oregon Laws**  
5 **2016, the Task Force on Drought Emergency Response shall submit a report in the manner**  
6 **provided in ORS 192.245, and may include recommendations for legislation, to an interim**  
7 **committee of the Legislative Assembly related to natural resources no later than November**  
8 **1, 2018. The task force shall provide a copy of the report to the Water Resources Commis-**  
9 **sion.**

10 **SECTION 2. Section 2, chapter 80, Oregon Laws 2016 is amended to read:**

11 **Sec. 2.** Section 1 [*of this 2016 Act*], **chapter 80, Oregon Laws 2016**, is repealed on December  
12 31, [*2016*] **2018.**

13 **SECTION 3. The amendments to section 2, chapter 80, Oregon Laws 2016, by section 2**  
14 **of this 2017 Act apply retroactively to December 31, 2016, and the operation and effect of**  
15 **section 1, chapter 80, Oregon Laws 2016, shall continue unaffected from December 31, 2016,**  
16 **to the effective date of this 2017 Act and thereafter as specified in section 2, chapter 80,**  
17 **Oregon Laws 2016. Any otherwise lawful action taken or otherwise lawful obligation incurred**  
18 **under the authority of section 1, chapter 80, Oregon Laws 2016, on or after December 31,**  
19 **2016, and before the effective date of this 2017 Act, is ratified and approved.**

20 **SECTION 4. This 2017 Act being necessary for the immediate preservation of the public**  
21 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
22 **on its passage.**

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

# House Bill 3053

Sponsored by COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates Task Force on Water Infrastructure Investment. Specifies duties of task force. Requires task force to report to interim committee of Legislative Assembly on or before September 15, 2018. Sunsets task force December 31, 2018. Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to water infrastructure investment; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The Task Force on Water Infrastructure Investment is established.**

5 **(2) The task force consists of seven members appointed as follows:**

6 **(a) The President of the Senate shall appoint:**

7 **(A) One nonvoting member from among members of the Senate.**

8 **(B) One voting member who has education, experience or other expertise relevant to in-**  
9 **vestments, water diversion or delivery infrastructure or local or special government opera-**  
10 **tion of water infrastructure.**

11 **(b) The Speaker of the House of Representatives shall appoint:**

12 **(A) One nonvoting member from among members of the House of Representatives.**

13 **(B) One voting member who has education, experience or other expertise relevant to in-**  
14 **vestments, water diversion or delivery infrastructure or local or special government opera-**  
15 **tion of water infrastructure.**

16 **(c) The Governor shall appoint three voting members who have education, experience or**  
17 **other expertise relevant to investments, water diversion or delivery infrastructure or local**  
18 **or special government operation of water infrastructure.**

19 **(3) The task force shall identify efficient and practical authorizations, mechanisms and**  
20 **safeguards favorable for promoting private investment in water diversion and delivery**  
21 **infrastructure owned or operated, or anticipated to be owned or operated, by an irrigation**  
22 **district, drainage district, water improvement district or water control district or other**  
23 **public body as defined in ORS 174.109.**

24 **(4) The task force may take all lawful actions the task force deems reasonable for car-**  
25 **rying out the work of the task force.**

26 **(5) A majority of the voting members of the task force constitutes a quorum for the**  
27 **transaction of business.**

28 **(6) Official action by the task force requires the approval of a majority of the voting**  
29 **members of the task force.**

30 **(7) The task force shall elect one of its voting members to serve as chairperson.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (8) If there is a vacancy for any cause, the appointing authority shall make an appoint-  
2 ment to become immediately effective.

3 (9) The task force shall meet at times and places specified by the call of the chairperson  
4 or of a majority of the voting members of the task force.

5 (10) The task force may adopt rules necessary for the operation of the task force.

6 (11) The task force shall submit a report in the manner provided by ORS 192.245, and  
7 may include recommendations for legislation, to an interim committee of the Legislative  
8 Assembly related to economic development no later than September 15, 2018.

9 (12) The Water Resources Department shall provide staff support to the task force.

10 (13) Members of the task force who are not members of the Legislative Assembly are not  
11 entitled to compensation or reimbursement for expenses and serve as volunteers on the task  
12 force.

13 (14) All agencies of state government, as defined in ORS 174.111, are directed to assist  
14 the task force in the performance of the task force's duties and, to the extent permitted by  
15 laws relating to confidentiality, to furnish information and advice the members of the task  
16 force consider necessary to perform their duties.

17 SECTION 2. Section 1 of this 2017 Act is repealed on December 31, 2018.

18 SECTION 3. This 2017 Act being necessary for the immediate preservation of the public  
19 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect  
20 on its passage.

21

# Senate Bill 866

Sponsored by Senator HANSELL; Senator ROBLAN (at the request of Oregon Water Resources Congress)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires certain public entities to ensure that discharge of storm water into canal or infrastructure of other entity complies with state and federal water quality standards.

Requires certain public entities to obtain written permission for discharge. Imposes liability on discharging entity for discharge without written permission. Creates exception to liability.

Becomes operative July 1, 2019.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to discharge of storm water; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 and 3 of this 2017 Act are added to and made a part of ORS**  
5 **chapter 195.**

6 **SECTION 2. A state agency that discharges storm water into the canals or other**  
7 **infrastructure of a special district or local government, and a special district or local gov-**  
8 **ernment that discharges storm water into the canals or other infrastructure of another**  
9 **special district or local government, shall take reasonable steps to ensure that the discharge**  
10 **complies with state water quality standards and the requirements of the Clean Water Act,**  
11 **33 U.S.C. 1251 et seq.**

12 **SECTION 3. (1) A state agency may not discharge storm water into the canals or other**  
13 **infrastructure of a special district or local government, and a special district or local gov-**  
14 **ernment may not discharge storm water into the canals or other infrastructure of another**  
15 **special district or local government, without first obtaining permission in writing for the**  
16 **discharge from the affected special district or local government.**

17 **(2) A state agency, special district or local government that discharges storm water into**  
18 **the canals or infrastructure of a special district or local government in violation of sub-**  
19 **section (1) of this section is liable to the affected special district or local government for**  
20 **actual damages, losses, costs and attorney fees resulting from the discharge.**

21 **(3) A state agency, special district or local government that does not obtain permission**  
22 **in writing to discharge storm water into the canals or other infrastructure of a special dis-**  
23 **trict or local government as required by subsection (1) of this section may avoid liability**  
24 **under subsection (2) of this section if:**

25 **(a) The affected special district or local government refuses to grant its permission or**  
26 **grants but later revokes its permission; and**

27 **(b) The discharging state agency, special district or local government devises a detailed**  
28 **plan for infrastructure improvements that will:**

29 **(A) Provide a method to convey and discharge storm water without affecting the water**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 conveyance infrastructure or imposing additional liability on the affected special district or  
2 local government; and

3 (B) Be fully implemented within five years of the date of refusal or revocation.

4 (4) A state agency, special district or local government that does not implement a plan  
5 described in subsection (3)(b) of this section within five years of discharging storm water  
6 without written permission from the affected special district or local government is liable  
7 under subsection (2) of this section.

8 SECTION 4. Section 3 of this 2017 Act becomes operative on July 1, 2019.

9 SECTION 5. This 2017 Act being necessary for the immediate preservation of the public  
10 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect  
11 on its passage.

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