

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass and Be Placed on the Consent Calendar

Vote: 5 - 0 - 2

Yeas: Beyer, Burley, Cannon, Macpherson, Dingfelder

Nays: 0

Exc.: Jenson, Smith G.

Prepared By: Beth Patrino, Administrator

Meeting Dates: 2/9

WHAT THE MEASURE DOES: Provides that the Water Resources Department director may refund all or part of a protest fee if an order of the Commission establishes that all or a part of a water right is not cancelled or modified.

ISSUES DISCUSSED:

- The water rights system
- Potential forfeiture of a water right after five years of non-use

EFFECT OF COMMITTEE AMENDMENT: No amendment

BACKGROUND: The use of water in Oregon generally requires written authorization in the form of a court decree, or a permit or certificate issued by the Water Resources Department. If the use of water under a decree or certificate is not made for a period of five consecutive years within the last 15 years, it may be subject to cancellation.

The Water Resources Commission issues a notice of proceedings to cancel a forfeited water right to the legal owner or occupant of the lands to which a water right is appurtenant. The notice gives the owner/occupant 60 days to protest the cancellation. The protest fee is \$250. The process then moves to a contested case proceeding. Current law does not allow the Water Resources Director to refund a protest fee if the landowner or occupant successfully defends the validity of their water right. HB 2099 allows the Department director to provide a full or partial fee refund.