

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by prior reference
Vote:	4 - 3 - 0
Yeas:	Beyer, Cannon, Macpherson, Dingfelder
Nays:	Burley, Jenson, Smith G.
Exc.:	0
Prepared By:	Beth Patrino, Administrator
Meeting Dates:	4/27, 4/30

WHAT THE MEASURE DOES: Lowers volume allowance for exempt groundwater use for single domestic uses to 5,000 gallons per day (gpd), including watering one-half acre of lawn or noncommercial garden. Includes one-half acre lawn or noncommercial garden watering per well or water system under volume limitation for group domestic (15,000 gpd) and single industrial or commercial purpose (5,000 gpd). Defines “water system” to mean multiple wells used to irrigate a single lot or parcel, whether or not the wells are physically connected. Authorizes the Water Resources Department (WRD) to collect a \$250 fee for recording the use of certain exempt groundwater uses. Directs funds to conduct groundwater studies, groundwater monitoring and implementation of permitting requirement in certain areas. Authorizes the Water Resources Commission to require by rule permit applications for exempt groundwater uses after an area is designated as a groundwater limited area or a critical groundwater area. Specifies that amendments to exempt groundwater statutes do not apply to uses for which a well log is submitted prior to the effective date of the Act. Establishes Task Force on Exempt Uses appointed by the Governor. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Existing Water Resources Commission authority to regulate groundwater use
- Extent of problem caused by exempt wells, including well interference issues
- Establishment of task force to study groundwater issues

EFFECT OF COMMITTEE AMENDMENT: Replaces original bill.

BACKGROUND: Some uses of water in Oregon are exempt from the requirement to apply for a water right from the Water Resources Department. These uses are called “exempt uses.” Under ORS 537.545, there are seven exempt groundwater uses: (1) stock watering, (2) lawn or non-commercial garden watering of not more than one-half acre, (3) single or group domestic purposes not exceeding 15,000 gpd, (4) single industrial or commercial purposes not exceeding 15,000 gpd, (5) down-hole heat exchange uses, (6) watering school grounds of 10 acres or less of schools located within a critical groundwater area, and (7) certain land applications associated with water reuse and confined animal feeding operations. Wells supplying water for exempt groundwater uses must comply with Oregon’s minimum well construction standards for the construction, maintenance, and abandonment of any well.

HB 2566-A lowers the volume allowance for single domestic exempt groundwater use from 15,000 gpd to 5,000 gpd. The measure establishes a \$250 recording fee for certain exempt groundwater uses and directs that revenues be used to conduct groundwater studies and monitoring. The Water Resources Commission is authorized to require by rule permits for exempt groundwater uses in groundwater limited and critical groundwater areas. The provisions of the measure are applicable to the use of exempt groundwater that begins after the effective date of the bill. A Task Force on Exempt Uses is established to identify areas where groundwater management problems exist, study whether restrictions on exempt wells or additional groundwater measurement would improve groundwater management problems, and identify available financial resources to support increased measurement and increased study of Oregon’s groundwater resources. The Task Force is directed to report to an interim legislative committee before October 1, 2008.

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This summary has not been adopted or officially endorsed by action of the committee.