

House Bill 2958

Sponsored by Representative HANNA; Representatives CAMERON, DALLUM, GILLIAM, GIROD, JENSON, KOMP, MAURER, MINNIS, OLSON, SHIELDS, WHISNANT

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**.

Reduces fee charged by Water Resources Department for examining certain new applications for in-stream water right lease. Prohibits charging fee to renew in-stream water right lease in certain instances.

A BILL FOR AN ACT

1
2 Relating to in-stream water rights lease; amending ORS 536.050.

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

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

5 536.050. (1) The Water Resources Department may collect the following fees in advance:

6 (a) For examining an application for a permit:

7 (A) To appropriate water, except as provided under ORS 543.280 for an application for a hy-
8 droelectric project:

9 (i) A base fee of \$300;

10 (ii) \$200 for the first second-foot or fraction thereof;

11 (iii) \$100 for each additional second-foot or fraction thereof; and

12 (iv) If appropriating stored water, \$20 for the first acre-foot or fraction thereof up to 10 acre-
13 feet, plus \$1 for each additional acre-foot or fraction thereof.

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

15 (i) A base fee of \$300; and

16 (ii) \$20 for the first acre-foot or fraction thereof up to 10 acre-feet, plus \$1 for each additional
17 acre-foot or fraction thereof.

18 (C) To exclusively appropriate stored water:

19 (i) A base fee of \$150; and

20 (ii) \$15 for the first acre-foot or fraction thereof up to 10 acre-feet, plus \$1 for each additional
21 acre-foot or fraction thereof.

22 (b) For recording a permit to appropriate or store water, \$250.

23 (c) For filing or recording any other water right instrument, \$25 for the first page and \$5 for
24 each additional page.

25 (d) For copying records in the department, \$2 for the first page and 50 cents for each additional
26 page.

27 (e) For certifying copies, documents, records or maps, \$10 for each certificate.

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

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

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

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 (A) A base fee of \$350;
- 2 (B) \$350 for each additional type of change requested; and
- 3 (C) For a request for a change in place of use or type of use or for a water exchange under ORS
4 540.533, \$175 for each second-foot or fraction thereof requested beyond the first second-foot.
- 5 (i) For examining an application for a temporary change in place of use under ORS 540.523, for
6 a temporary transfer under ORS 540.585 or for a temporary change in place of use, a change in the
7 point of diversion to allow for the appropriation of ground water or a change of a primary right to
8 a supplemental right under ORS 540.570, a base fee of \$175 and:
- 9 (A) For nonirrigation uses, \$75 for each second-foot or fraction thereof requested beyond the
10 first second-foot; or
- 11 (B) For irrigation uses, \$1 per acre of land irrigated or, if the application and required map are
12 submitted to the department in a department-approved digital format, 25 cents per acre of land ir-
13 rigated.
- 14 (j) For submitting a protest to the department, \$250.
- 15 (k) For filing an application for extension of time within which irrigation or other works shall
16 be completed or a water right perfected, \$250.
- 17 (L) For a limited license under ORS 537.143 or 537.534 (2), the fee established by rule by the
18 Water Resources Commission.
- 19 (m) For filing, examining and certifying a petition under ORS 541.329, \$250 plus 10 cents per
20 acre of water involved in the application. For purposes of computing this fee, when any acreage
21 within a quarter quarter of a section is involved, the 10 cents per acre shall apply to all acres in
22 that quarter quarter of a section. Notwithstanding the fee amount established in this paragraph, a
23 district notifying the department under ORS 541.327 (4) shall pay the actual cost of filing, examining
24 and certifying the petition.
- 25 (n) For requesting standing under ORS 537.153, 537.621 or 543A.120, \$50.
- 26 (o) For participating in a contested case proceeding under ORS 537.170, 537.622 or 543A.130,
27 \$200.
- 28 (p) Except for an applicant, for obtaining a copy of both a proposed final order and a final order
29 for a water right application under ORS 537.140 to 537.252, 537.505 to 537.795 or 543A.005 to
30 543A.300, \$10.
- 31 (q) For examining an application to store water under ORS 537.409:
- 32 (A) A base fee of \$40; and
- 33 (B) \$10 for each acre-foot or fraction thereof, not to exceed a total of \$250.
- 34 (r) For submitting a notice of intent under ORS 543A.030 or 543A.075, the amount established
35 by the Water Resources Director under ORS 543A.410.
- 36 (s) For examining an application for a substitution made under ORS 540.524, \$250.
- 37 (t) For examining an application for an allocation of conserved water under ORS 537.455 to
38 537.500, \$700.
- 39 (u) For submitting a water management and conservation plan pursuant to rules of the Water
40 Resources Commission:
- 41 (A) \$250, if the plan is submitted by an agricultural water supplier;
- 42 (B) \$500, if the plan is submitted by a municipal water supplier serving a population of 1,000 or
43 fewer persons; or
- 44 (C) \$1,000, if the plan is submitted by a municipal water supplier serving a population of more
45 than 1,000 persons.

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

2 (A) \$200 for an application for a lease with four or more landowners or four or more water
3 rights; or

4 (B) [~~\$100~~] **\$50** for all other applications.

5 (w)(A) For examining an application for an in-stream water right lease renewal, \$50.

6 **(B) Notwithstanding subparagraph (A) of this paragraph, the department may not collect**
7 **a fee for examining an application for an in-stream water right lease renewal if the applicant**
8 **leases the in-stream water right until:**

9 **(i) The applicant retires, as determined by rule of the Water Resources Commission; or**

10 **(ii) The ownership of the property appurtenant to the in-stream water right lease is**
11 **transferred to another by sale, devise or other means.**

12 **(C) An applicant who leases an in-stream water right pursuant to an exception specified**
13 **in subparagraph (B) of this paragraph must provide the department with notice of any tem-**
14 **porary or permanent change to the in-stream water right lease no less than one year before**
15 **the change to the lease occurs.**

16 (2) Notwithstanding the fees established under subsection (1) of this section, the Water Re-
17 sources Commission may establish lower examination and permit fees by rule for:

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

19 (b) The right to appropriate water for the purpose of allowing the applicant to water livestock
20 outside of a riparian area, as that term is defined in ORS 541.351.

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

24 (4) The director may waive all or part of a fee for a change to a water right permit under ORS
25 537.211 (4), a change to a water right subject to transfer under ORS 540.520 or 540.523 or an allo-
26 cation of conserved water under ORS 537.470, if the change or allocation of conserved water is:

27 (a) Made pursuant to ORS 537.348;

28 (b) Necessary to complete a project funded under ORS 541.375; or

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

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

34 (6) All moneys received under this section, less any amounts refunded under subsection (3) of
35 this section, shall be deposited in the Water Resources Department Water Right Operating Fund.

36 (7) Notwithstanding subsection (6) of this section, all fees received by the department for power
37 purposes under ORS 543.280 shall be deposited in the Water Resources Department Hydroelectric
38 Fund established by ORS 536.015.

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