

Joint Committee on Ways and Means

Carrier – House: Rep. Jenson
Carrier – Senate: Sen. Walker

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass with Amendments to the A-Eng. Measure (Printed B-Eng.)

Vote: 15 - 6 - 1

House

Yeas: Buckley, C. Edwards, D. Edwards, Galizio, Jenson, Kotek, Nathanson, Shields

Nays: Garrard, Gilman, Richardson, G. Smith

Exc:

Senate

Yeas: Bates, Carter, Johnson, Monroe, Nelson, Verger, Walker

Nays: Girod, Whitsett

Exc: Winters

Prepared By: Monica Brown, Legislative Fiscal Office

Meeting Date: 5/14, 6/16, 6/22

WHAT THE MEASURE DOES: Requires Water Resources Department (WRD) to collect \$250 fee for recording one or more of the following exempt ground water uses: watering any lawn or noncommercial garden not exceeding one-half acre; single or group domestic purposes in an amount not exceeding 15,000 gallons a day; or any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day. Requires money collected from fees to be deposited in WRD Operating Fund to be used for ground water studies, monitoring, and administration and enforcement. Requires land owner to provide a map to WRD showing location of the well on a tax lot within 30 days of well completion. Directs Water Resources Commission to adopt rules. Applies Act to wells completed on or after Act takes effect. Declares emergency; effective on passage.

ISSUES DISCUSSED:

- General Fund budget reductions
- Adequacy and equity of fees

EFFECT OF COMMITTEE AMENDMENT: -A10 amendments increase the recording fee for exempt ground water uses to \$300, from \$250; and increases water rights and transfer fees to an estimated 50 percent cost recovery for Water Resource Department programs. Fee increases related to the 50 percent cost recovery sunset on June 30, 2013.

BACKGROUND: Under Oregon law, “all water within the state from all sources of water supply belongs to the public.” In general, a person must obtain a water use permit before using water from any well. However, there are exceptions called “exempt uses.” These uses are exempt from applying for a water use permit, but must use water beneficially and without waste. An exempt use is subject to the same privileges and restrictions as any water right permit or certificate and has a priority date. WRD has the authority to regulate, reduce, or stop ground water withdrawals, including exempt uses, when they interfere with prior or “senior” water rights. Exempt uses include: group or single domestic use, up to 15,000 gallons per day; irrigation of lawn and/or noncommercial garden of ½ acre or less; single industrial or commercial purpose not to exceed 5,000 gallons per day; irrigation of school property up to 10 acres in critical ground water areas; stock water; and down hole heat exchange. Oregon has over 230,000 existing exempt use wells and approximately 3,800 are drilled each year, with about 550 in ground water administrative areas.