

House Bill 2406

Sponsored by COMMITTEE ON BUSINESS AND LABOR

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**.

Directs Water Resources Department to issue permits to appropriate water from Upper Columbia River for use in Columbia Basin. Allows issuance only to persons who will use water in lieu of using ground water from critical ground water areas, to recharge ground water in critical ground water areas or to provide additional water for use by municipal corporation.

Limits appropriation to 132,000 acre-feet per year. Specifies allocation of appropriation among allowed uses.

Repeals authority of department to issue permits on January 2, 2020.

A BILL FOR AN ACT

1
2 Relating to Columbia River water.

3 Whereas the agricultural region of northeastern Oregon along the Columbia River has some of
4 the richest farm soils in the world but, because of restrictions on the use of water, this land is
5 underutilized and the area's vast potential for economic development has remained largely untapped;
6 and

7 Whereas the ground water level in the Columbia Basin is receding and even severe restrictions
8 on the withdrawal of ground water have not replenished critically low ground water levels; and

9 Whereas farmers in the Columbia Basin are forced to plant low-return crops because of the lack
10 of ground water and, in many cases, have allowed their rich farmlands to sit idle; and

11 Whereas the basin plan adopted for the Columbia River includes a reservation of 30 million
12 acre-feet of water from the Upper Columbia River for economic use in Oregon, but Oregon uses only
13 approximately 2 million acre-feet of that reservation; and

14 Whereas the added revenues and increased property values resulting from even minimal use of
15 the reserved water will benefit schools, public health care and services to children and families and
16 will improve public safety; and

17 Whereas the additional cultivation and processing resulting from the use of the reserved water
18 will promote vital research and development in the agricultural and food processing clusters of the
19 state's economy; and

20 Whereas appropriation of an additional 132,000 acre-feet per year from the main stem of the
21 Columbia River for 10 years is necessary to preserve and recharge ground water in critical ground
22 water areas and to supplement municipal uses of water while the State of Oregon studies and de-
23 velops alternatives to year-round pumping in the form of aboveground and underground storage; and

24 Whereas recharging critical ground water areas in the Columbia Basin with reserved Columbia
25 River water will benefit fish and wildlife in the Columbia Basin and the Columbia River; and

26 Whereas Oregon's utilization of up to the 1.08 percent average annual withdrawal rate main-
27 tained by the State of Washington will not have a detrimental effect on fish in the Columbia River
28 or on other uses of Columbia River water; now, therefore,

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

2 **SECTION 1. As used in sections 1 to 4 of this 2009 Act:**

3 (1) "Columbia Basin" means the counties in the State of Oregon that are appurtenant to
4 the Upper Columbia River or in which tributaries of the Upper Columbia River are located.

5 (2) "Critical ground water area" means an area designated as a critical ground water
6 area under ORS 537.730.

7 (3) "Upper Columbia River" means:

8 (a) The portion of the Columbia River that is upstream from Bonneville Dam; and

9 (b) The areas adjacent to the portion of the Columbia River that is upstream from
10 Bonneville Dam that are inundated by impounded waters at full pool elevations.

11 **SECTION 2. (1) The Water Resources Department shall issue a permit to appropriate
12 water from the Upper Columbia River for use in the Columbia Basin to a person to use the
13 water:**

14 (a) In lieu of using ground water from critical ground water areas that the person would
15 otherwise legally be able to use, or that the person is unable to use because of a curtailment
16 plan;

17 (b) To recharge ground water in critical ground water areas; or

18 (c) To provide additional water for use by a municipal corporation that already holds a
19 water right for municipal use of water.

20 (2) A permit may be issued under this section only to a person who is able to deliver the
21 water through ownership or authorized use of a water delivery system.

22 (3) A permit issued under this section for the use of water from the Upper Columbia
23 River in lieu of using ground water from critical ground water areas is not affected by any
24 subsequent curtailment of use of water from the critical ground water areas.

25 (4) Subject to subsection (5) of this section, the Water Resources Department shall issue
26 permits for the appropriation of water until 132,000 acre-feet per year are appropriated.

27 (5) The Water Resources Department shall ensure that water appropriated under this
28 section is apportioned in the following manner to holders of permits issued under this sec-
29 tion:

30 (a) 131,000 acre-feet per year to permit holders who will use the water in lieu of ground
31 water in critical ground water areas or to recharge ground water in critical ground water
32 areas.

33 (b) 1,000 acre-feet per year to permit holders who will use the water to provide additional
34 water for use by a municipal corporation.

35 (6) ORS 537.135 (5) does not apply to the recharging of ground water under a permit au-
36 thorized by this section.

37 **SECTION 3. The rights of a person holding a permit issued under section 2 of this 2009
38 Act are in addition to and not in lieu of any rights conferred by the Water Rights Act as
39 defined in ORS 537.010.**

40 **SECTION 4. The Water Resources Commission shall adopt rules to implement sections
41 1 to 3 of this 2009 Act.**

42 **SECTION 5. Sections 1 to 4 of this 2009 Act are repealed on January 2, 2020.**

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