

House Bill 3441

Sponsored by COMMITTEE ON RULES

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 require measurement and reporting by water users of surface water diversions.

Creates Task Force on Water Diversion Measurement on January 1, 2012, to study certain water measurement issues. Sunsets task force on January 2, 2016.

A BILL FOR AN ACT

1
2 Relating to water measurement.

3 The Legislative Assembly finds that:

4 (1) Water is a limited resource. Increasing demand, coupled with uncertainty resulting from cli-
5 mate change, make more urgent the need for responsible water use, a cornerstone of which is water
6 use measurement and reporting.

7 (2) The Water Resources Commission recognized the importance of water use measurement when
8 it, in 2000, approved the Strategic Measurement Plan, with the goal of measuring the water use at
9 all significant water diversions in this state.

10 (3) Water management legislation will build upon implementation of the Strategic Measurement
11 Plan by establishing timelines for the measurement and reporting of significant diversions of water.

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

13 **SECTION 1. (1) As used in this section:**

14 (a) **"Measurement" means the installation and use by a water user of devices that pro-**
15 **vide for measurement of the amount of water withdrawn or stored at the point of diversion**
16 **and that allow for the rate and duty of water appropriated.**

17 (b) **"Priority watershed" means a priority water availability basin listed and mapped by**
18 **the State Department of Fish and Wildlife and the Water Resources Department.**

19 (c) **"Significant diversion" means a:**

20 (A) **Surface water diversion that is required to be measured and reported through a**
21 **condition of a water right; or**

22 (B) **Surface water diversion without measurement requirements in a condition of a water**
23 **right that is:**

24 (i) **Greater than five cubic feet per second; or**

25 (ii) **Greater than 10 percent of the lowest monthly 50 percent exceedance flow and greater**
26 **than 0.025 cubic feet per second.**

27 (2) **The Water Resources Department shall:**

28 (a) **Complete an inventory of all significant diversions outside of priority watersheds on**
29 **or before January 1, 2011;**

30 (b) **Require measurement and reporting by water users of all significant diversions in**

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 priority watersheds on or before January 1, 2012; and

2 (c) Require measurement and reporting by water users of all significant diversions out-
3 side of priority watersheds on or before January 1, 2015.

4 (3)(a) A water user required to install a device for measurement shall maintain the device
5 in good working order.

6 (b) The requirement that a water user install a device for measurement is in addition to
7 any requirement to measure water under ORS 390.835, 537.099 or 540.435.

8 (4) In addition to the measurement and reporting requirements specified in subsection
9 (2) of this section, the Water Resources Commission may adopt rules requiring additional
10 measurement and reporting.

11 (5) The commission shall adopt rules that:

12 (a) Establish procedures for reporting by water users; and

13 (b) Implement the methods and means for measurement of significant diversions in pri-
14 ority watersheds.

15 **SECTION 2.** (1) There is created the Task Force on Water Diversion Measurement con-
16 sisting of five members.

17 (2) The Water Resources Department shall appoint one member from the list of recom-
18 mended nominees submitted by each of the following groups:

19 (a) Irrigation districts;

20 (b) Municipalities;

21 (c) Surface water permit holders;

22 (d) A group representing sport or commercial fishing interests; and

23 (e) A group representing river and stream flow advocates.

24 (3) The task force shall:

25 (a) Study measurement of surface water diversions that exceed the requirements estab-
26 lished in section 1 of this 2009 Act.

27 (b) Study and make recommendations to the department concerning measurement of
28 surface water diversions.

29 (c) Identify and pursue sources of private funding to support the water measurement
30 cost share program described in ORS 536.021.

31 (4) A majority of the members of the task force constitutes a quorum for the transaction
32 of business.

33 (5) Official action by the task force requires the approval of a majority of the members
34 of the task force.

35 (6) The task force shall elect one of its members to serve as chairperson.

36 (7) If there is a vacancy for any cause, the department shall make an appointment to
37 become immediately effective.

38 (8) The task force shall meet at times and places specified by the call of the chairperson
39 or of a majority of the members of the task force.

40 (9) The task force may adopt rules necessary for the operation of the task force.

41 (10) The task force shall submit reports to the Legislative Assembly on or before March
42 1, 2013, and March 1, 2015, on the status and progress of the task force in carrying out its
43 duties.

44 (11) The department shall provide staff support to the task force.

45 (12) Members of the task force are not entitled to compensation, but may be reimbursed

1 for actual and necessary travel and other expenses incurred by them in the performance of
2 their official duties in the manner and amounts provided for in ORS 292.495. Claims for ex-
3 penses shall be paid out of funds appropriated to the department for purposes of the task
4 force.

5 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist
6 the task force in the performance of its duties and, to the extent permitted by laws relating
7 to confidentiality, to furnish such information and advice as the members of the task force
8 consider necessary to perform their duties.

9 SECTION 3. Section 2 of this 2009 Act becomes operative on January 1, 2012.

10 SECTION 4. Section 2 of this 2009 Act is repealed on January 2, 2016.
11 _____