

# House Bill 3442

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**.

Requires municipal water use providers to reduce annual per capita consumption of water 20 percent by December 31, 2020. Sets interim benchmarks. Requires municipal water use providers to report to Water Resources Department at certain times on progress. Requires municipal water use provider to show to satisfaction of department that municipal water use provider has met benchmarks or reduction in annual per capita water consumption before applying for certain grants, loans, permits and licenses.

Requires agricultural water users to submit report with certain information to Water Resources Department. Requires agricultural water user to show to satisfaction of department that agricultural water user has measured water and submitted report before applying for certain grants, loans, permits and licenses.

## A BILL FOR AN ACT

1  
2 Relating to water conservation.

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

4 **SECTION 1. The Legislative Assembly finds and declares that:**

5 (1) **Responsible management of Oregon's waters requires that Oregon conserve water and**  
6 **use existing water supplies efficiently.**

7 (2) **Conservation is the least expensive method to provide new water supplies and is far**  
8 **cheaper and less environmentally damaging than creating new storage projects.**

9 (3) **Conserving water also conserves energy and may reduce greenhouse gas emissions**  
10 **by reducing the amount of water that must be pumped, cleaned and moved.**

11 (4) **Oregon needs to ensure that its water management strategies are capable of adapting**  
12 **to climate change. To provide the flexibility needed to adapt to climate change, Oregon needs**  
13 **to ensure that responsible water conservation measures are fully utilized.**

14 **SECTION 2. As used in sections 2 to 5 of this 2009 Act, "municipal water use provider"**  
15 **means any entity that provides water that is used for ordinary municipal uses.**

16 **SECTION 3. (1) Each municipal water use provider, and each entity that purchases water**  
17 **pursuant to a wholesale contract from a municipal water use provider, shall:**

18 (a) **Achieve a 20 percent reduction in its annual per capita consumption of water by De-**  
19 **cember 31, 2020, aggregated across all sectors of use and measured from a baseline calculated**  
20 **as the average per capita consumption during January 1, 2000, through December 31, 2008.**

21 (b) **Meet the following benchmarks to achieve the 20 percent reduction in its annual per**  
22 **capita consumption of water by December 31, 2020:**

23 (A) **Five percent reduction by December 31, 2012;**

24 (B) **10 percent reduction by December 31, 2015; and**

25 (C) **20 percent reduction by December 31, 2020.**

26 (2)(a) **For water that is sold or delivered pursuant to a contract, an agreement under**  
27 **ORS chapter 190 or any other type of water sharing agreement, the 20 percent reduction 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 annual per capita consumption of water by December 31, 2020, specified in subsection (1) of  
 2 this section applies to each retailer purchaser and not the municipal water use provider or  
 3 other entity specified in subsection (1) of this section.

4 (b) For entities that purchase water pursuant to a wholesale contract from a municipal  
 5 water use provider and that have a calendar year 2009 per capita consumption of 100 gallons  
 6 per day or less, the 20 percent reduction in annual per capita consumption of water by De-  
 7 cember 31, 2020, is changed to a five percent reduction by December 31, 2020, with the fol-  
 8 lowing benchmarks:

9 (A) Zero percent reduction by December 31, 2012;

10 (B) Two percent reduction by December 31, 2015; and

11 (C) Five percent reduction by December 31, 2020.

12 (3) A municipal water use provider may, based on special circumstances including but  
 13 not limited to unreasonable impacts to a commercial, industrial or institutional customer,  
 14 petition the Water Resources Department for a reduced percentage in the municipal water  
 15 use provider's annual per capita consumption of water established under subsection (1) of  
 16 this section.

17 **SECTION 4.** (1) By February 1 of calendar years 2013, 2016 and 2021, municipal water use  
 18 providers shall submit a report to the Water Resources Department that describes:

19 (a) Annual per capita consumption of water;

20 (b) Status of meeting the benchmarks and reduction in annual per capita consumption  
 21 of water;

22 (c) Daily per capita water consumption by season;

23 (d) Implementation of any applicable rules of the Water Resources Commission related  
 24 to municipal water management and conservation plans;

25 (e) Any water conservation or efficiency measures implemented or scheduled to be im-  
 26 plemented; and

27 (f) The acre-foot savings of water to be achieved if the benchmarks and annual per capita  
 28 consumption of water are met.

29 (2) After the Water Resources Department receives the reports described in subsection  
 30 (1) of this section, the department shall provide public notice of the reports in the manner  
 31 the department determines to be most appropriate, and allow 45 days for public comment  
 32 before determining whether each individual municipal water use provider has met the ap-  
 33 propriate benchmark or reduction in annual per capita consumption of water.

34 (3) After reviewing the reports provided by the municipal water use providers, the Water  
 35 Resources Department shall prepare a report on the amount of water conserved and present  
 36 the report to the Legislative Assembly, in the manner provided in ORS 192.245, within 30 days  
 37 of the end of the public comment period described in subsection (2) of this section, and may  
 38 include recommendations to improve water conservation and efficiency by municipal water  
 39 use providers.

40 **SECTION 5.** A municipal water use provider must show to the satisfaction of the Water  
 41 Resources Department that it has met the appropriate benchmarks or reduction in annual  
 42 per capita consumption of water described in section 3 of this 2009 Act before it may:

43 (1) Apply for a grant or loan for a new water supply development project pursuant to  
 44 sections 1 to 4, chapter 13, Oregon Laws 2008.

45 (2) Submit an application to appropriate surface water under ORS 537.130.

1 (3) Submit an application to appropriate ground water under ORS 537.615.

2 (4) Submit an application for a reservoir permit under ORS 537.400.

3 (5) Submit an application for a limited license, or permit, for aquifer storage and recovery under ORS 537.534.

4 **SECTION 6.** As used in sections 6 to 9 of this 2009 Act, “agricultural water user” means  
5 any entity that uses or supplies water for irrigating crops or watering livestock.

6 **SECTION 7.** By December 31, 2011, each agricultural water user, except those irrigating  
7 less than 50 acres on an annual basis, shall submit a report to the Water Resources Department that describes:  
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10 (1) The amount of water used by the agricultural water user, including average and peak  
11 daily use for each month;

12 (2) Any water conservation or efficiency measures implemented or scheduled to be implemented;  
13

14 (3) Any barriers to, or opportunities for, improving the conservation and efficiency of  
15 water use by agricultural water users; and

16 (4) Any other information required by the department.

17 **SECTION 8.** The Water Resources Department shall review the reports of each agricultural  
18 water user required by section 7 of this 2009 Act and by December 31, 2012, report to  
19 the Legislative Assembly, in the manner provided in ORS 192.245, with recommendations for  
20 a three-year plan to improve agricultural water conservation and efficiency.

21 **SECTION 9.** (1) An agricultural water user must show to the satisfaction of the Water  
22 Resources Department that it is measuring water and has submitted the report required by  
23 section 7 of this 2009 Act before it may:

24 (a) Apply for a grant or loan for a new water supply development project pursuant to  
25 sections 1 to 4, chapter 13, Oregon Laws 2008.

26 (b) Submit an application to appropriate surface water under ORS 537.130.

27 (c) Submit an application to appropriate ground water under ORS 537.615.

28 (d) Submit an application for a reservoir permit under ORS 537.400.

29 (e) Submit an application for a limited license, or permit, for aquifer storage and recovery under ORS 537.534.  
30

31 (2) An agricultural water user that first uses or supplies water for irrigating crops or  
32 watering livestock on or after January 1, 2012, must only show to the satisfaction of the  
33 Water Resources Department that it is measuring water.

34 **SECTION 10.** Sections 2 to 5 of this 2009 Act apply to municipal water use providers that  
35 provided water that was used for ordinary municipal uses during the period of January 1,  
36 2000, through December 31, 2008.

37 **SECTION 11.** Sections 3 and 4 of this 2009 Act are repealed on January 2, 2024.

38 **SECTION 12.** Section 5 of this 2009 Act becomes operative January 1, 2013.

39 **SECTION 13.** Section 7 of this 2009 Act is repealed on January 2, 2014.

40 **SECTION 14.** Section 9 of this 2009 Act becomes operative January 1, 2012.  
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