

Senate Bill 740

Sponsored by COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

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**.

Provides for Water Resources Department to charge annual fee to holders of water rights set forth in water right permit, water right certificate or limited license, other than in-stream water rights. Dedicates moneys collected from fee for purpose of Water Resources Commission and Water Resources Department administration and enforcement of certain provisions. Makes failure to pay fee grounds for cancellation or revocation of water right.

Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to water rights; creating new provisions; amending ORS 536.009; and declaring an emer-
3 gency.

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

5 **SECTION 1. (1) The Water Resources Department shall charge an annual fee of \$100 to**
6 **the holder of each water right set forth in a water right permit, water right certificate or**
7 **limited license, other than an in-stream water right as defined in ORS 537.332. The depart-**
8 **ment may not charge the holder of a water right more than one fee annually for the water**
9 **right, regardless of the number of documents setting forth the water right.**

10 **(2) Moneys collected from fees charged under subsection (1) of this section shall be de-**
11 **posited to the Water Resources Department Water Right Operating Fund.**

12 **(3) If the holder of a water right permit, water right certificate or limited license fails**
13 **to pay a fee charged to the holder under subsection (1) of this section, the department may**
14 **cancel the permit or certificate or revoke the limited license. A cancellation or revocation**
15 **under this subsection is subject to the same notice and opportunity for hearing requirements**
16 **as for other department proceedings to cancel a water right permit or water right certificate**
17 **or to revoke a limited license.**

18 **SECTION 2. ORS 536.009 is amended to read:**

19 536.009. (1) There is established in the State Treasury the Water Resources Department Water
20 Right Operating Fund, separate and distinct from the General Fund, to provide for the payment of
21 the program and administrative expenses of the Water Resources Commission and the Water Re-
22 sources Department in carrying out the provisions of ORS chapters 536, 537, 540 and 541. Interest
23 earned by the **Water Resources Department Water Right Operating** Fund shall be credited to
24 the fund.

25 (2) The fund shall consist of:

26 (a) All moneys received under ORS 536.050, [*and*] 537.747 **or section 1 of this 2009 Act.**

27 (b) All moneys received on behalf of the fund by gift, grant or appropriation from whatever
28 source.

29 **(3) Notwithstanding subsection (1) of this section, the commission and the department**

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 shall use moneys received under section 1 of this 2009 Act only for the purpose of adminis-
2 tering and enforcing ORS 536.300, 536.310, 536.340, 536.410, 537.332 to 537.360, 540.010 to
3 540.130, 540.145, 540.210 to 540.260, 540.310 to 540.430 and 540.435.

4 [(3)] (4) All moneys in the fund are continuously appropriated to the Water Resources Depart-
5 ment for payment of expenses as described in this section.

6 **SECTION 3. This 2009 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
8 **July 1, 2009.**

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