

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means
Vote:	7 - 1 - 0
Yeas:	Bentz, Boone, Krieger, Thompson, Witt, Cannon, Gilliam
Nays:	Bailey
Exc.:	0
Prepared By:	Liz Puskar, Administrator
Meeting Dates:	4/14, 4/21

WHAT THE MEASURE DOES: Extends from January 2, 2014 to January 2, 2029 sunset on rules adopted by Water Resources Commission for Deschutes Basin ground water study area. Requires Water Resources Department (WRD) periodically to review its program for Deschutes Basin ground water study area, including identifying changes that may mitigate injury to water rights and offset reductions in scenic flows. Requires WRD to report to Legislative Assembly every five years on outcomes of Deschutes Basin ground water study area, including program impacts on certain users, timing of mitigation and storage improvements, and identification of zones of impact. Declares emergency, effective July 1, 2011.

ISSUES DISCUSSED:

- Certainty associated with extending or removing sunset date on WRD rules
- Concerns with Deschutes Basin Groundwater Mitigation Program identified in 2009 report
- Effects on water rights in Deschutes Basin of federal laws and regulations and decision by Oregon Court of Appeals
- Variation in water flows throughout the year

EFFECT OF COMMITTEE AMENDMENT: Replaces measure.

BACKGROUND: The Deschutes Basin Groundwater Mitigation Program (Program) was established by WRD in 2002 with the goals of maintaining flows for the Deschutes Scenic Waterway and instream water rights, facilitating the restoration of flows in the middle reach of the Deschutes River below Bend, and accommodating growth in the region through new groundwater development. The Program requires applicants for new groundwater withdrawals in the Deschutes Basin ground water study area to mitigate those withdrawals by placing a similar amount of water instream. The Program provides tools that groundwater applicants can use to secure the mitigation credits needed to develop new groundwater permits. House Bill 3623 A would extend the sunset on the Program until January 2, 2029.