

A-Engrossed
House Bill 3165

Ordered by the House April 27
Including House Amendments dated April 27

Sponsored by Representative GILLIAM; Representative CLEM (at the request of Oregon Water Utility Council)

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.

[Imposes conditions on change of use for water in excess of specified amount if water right authorizes storage of water in federal storage project located in Willamette Basin.]

Requires work group review of water right transfer application to change purpose for which water is stored within Willamette River Basin Project. Makes work group assembly contingent on funding. Allows processing of applications without work group review until cumulative total amount of stored water affected by applications exceeds specified limit.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to water right transfers for water stored in Willamette Basin federal storage projects; and
3 declaring an emergency.

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

5 **SECTION 1. (1) As used in this section and ORS 542.110 and section 2 of this 2011 Act,**
6 **“Willamette River Basin Project” means:**

7 **(a) The Fern Ridge Reservoir;**

8 **(b) The Hills Creek Reservoir;**

9 **(c) The Lookout Point Reservoir;**

10 **(d) The Dexter Reservoir;**

11 **(e) The Fall Creek Reservoir;**

12 **(f) The Dorena Reservoir;**

13 **(g) The Cottage Grove Reservoir;**

14 **(h) The Cougar Reservoir;**

15 **(i) The Blue River Reservoir;**

16 **(j) The Green Peter Reservoir;**

17 **(k) The Foster Reservoir;**

18 **(L) The Detroit Reservoir; and**

19 **(m) The Big Cliff Reservoir.**

20 **(2) Subject to subsection (5) of this section, if a person files a water right transfer ap-**
21 **plication with the Water Resources Department to change the purpose for which water is**
22 **stored within the Willamette River Basin Project, the Water Resources Director shall as-**
23 **semble a work group of affected stakeholders and federal agency representatives for the**
24 **purpose of making a recommendation to the Water Resources Commission as to the appro-**
25 **priate use of the water.**

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 (3) The work group assembled by the director shall issue a report containing the con-
2 clusions of the work group regarding whether the application could be granted:

3 (a) Without causing injury to existing water rights of record;

4 (b) Without reducing the amount of natural flow, including but not limited to released
5 stored water, needed to satisfy existing natural flow surface water rights of record; and

6 (c) While equitably providing for water needed to satisfy existing contract holders and
7 water needed for present and future in-stream and out-of-stream water needs within the
8 Willamette River basin, taking into consideration constraints on the operations of the
9 Willamette River Basin Project.

10 (4) The department may not process an application under this section until the commis-
11 sion has received and approved the report of the work group.

12 (5) The director may not assemble a work group under this section unless the depart-
13 ment has received sufficient funding for the work group from a public or private source.

14 **SECTION 2.** Notwithstanding section 1 of this 2011 Act, the Water Resources Department
15 may process and grant water right transfer applications to change the purposes for which
16 water is stored within the Willamette River Basin Project without a work group being as-
17 sembled or reporting to the Water Resources Commission if the cumulative total amount of
18 stored water for which the purpose is changed under all applications granted by the depart-
19 ment under this section is not more than 500 acre-feet.

20 **SECTION 3.** Sections 1 and 2 of this 2011 Act apply to water right transfer applications
21 filed on or after the effective date of this 2011 Act.

22 **SECTION 4.** Sections 1 and 2 of this 2011 Act are repealed July 1, 2017.

23 **SECTION 5.** This 2011 Act being necessary for the immediate preservation of the public
24 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
25 on its passage.
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