

HB 2485 -5, -6 STAFF MEASURE SUMMARY

House Committee On Energy and Environment

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/8, 4/11

WHAT THE MEASURE DOES:

Requires Oregon Water Resources Department (OWRD), after consultation with Oregon Department of Fish and Wildlife (ODFW), to establish water right pilot program to encourage and facilitate point of diversion changes requested by ODFW for purpose of benefiting fish passage. Authorizes OWRD to approve transfer application if: ODFW makes written request for purpose of benefiting fish passage; diversion points are located within pilot program area; change in point of diversion will not enlarge water right or injure any other existing water rights; and change in point of diversion is the only transfer being sought in application. Creates special process for Water Resources Department approval of point of diversion changes. Requires WRD and ODFW to biennially submit report regarding pilot program to committee of Legislative Assembly. Sunsets pilot program January 2, 2028.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-5 Replaces measure. Requires Oregon Water Resources Department (OWRD), after consultation with Oregon Department of Fish and Wildlife (ODFW), to establish pilot program within John Day basin in Eastern Oregon to encourage and facilitate point of diversion changes that ODFW believes will benefit fish and wildlife habitat. Authorizes OWRD to approve application to change point of diversion if: ODFW has reviewed proposed change and made written comments supporting change; existing and new point of diversion are in pilot program area; change will not enlarge water right or injure any existing water right; and it is the only modification sought. Makes certain requirements for application. Authorizes OWRD to waive transfer fee. Requires OWRD to provide notice of application in newspaper and opportunity for comment. Provides process is timely protest is filed. Requires approval to include conditions the holder will provide fish screen at new point of diversion, if requested by ODFW install water measurement device and remove fish passage barriers at existing point of diversion. Sunsets Act January 2, 2028.

REVENUE: No revenue impact

FISCAL: May have fiscal impact, but no statement yet issued

-6 Replaces measure. Requires Oregon Water Resources Department (OWRD), after consultation with Oregon Department of Fish and Wildlife (ODFW), to establish pilot program within John Day basin in Eastern Oregon to encourage and facilitate point of diversion changes that ODFW believes will benefit fish and wildlife habitat. Authorizes OWRD to approve application to change point of diversion if: ODFW has reviewed proposed change and made written comments supporting change; existing and new point of diversion are in pilot program area; change will not enlarge water right or injure any existing water right; and it is the only modification sought. Makes certain requirements for application. Authorizes OWRD to waive transfer fee. Requires OWRD to provide notice of application in newspaper, period for public comment and period for filing protests. opportunity for comment. Provides process is timely protest is filed. Requires approval to include conditions the holder will provide fish screen at new point of diversion, if requested by ODFW install water measurement device and remove fish passage barriers at existing point of diversion.

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BACKGROUND:

Water right transfers provide a method to change the point of diversion or appropriation, the place of use, or the beneficial use of the right from that for which the right was originally issued. The water right holder must obtain approval of a water right transfer from the Oregon Water Resources Department (OWRD) before making any of these changes. In reviewing an application for a water right transfer, the OWRD is responsible for ensuring that other water right holders will not be injured as a result of the proposed change. Upon receipt of an application for a transfer, the OWRD issues a notice of the application to provide other water right holders an opportunity to identify any injury that would occur as a result of the transfer. In addition, OWRD staff review the application to determine if the proposed change will result in injury to other water rights.

House Bill 2485 requires OWRD, after consultation with the Oregon Department of Fish and Wildlife (ODFW), to establish a water right pilot program to encourage and facilitate point of diversion changes requested by ODFW for purpose of benefiting fish passage.