

# D R A F T

## SUMMARY

Imposes annual management fee on each primary or supplemental water right. Provides for deposit of management fee moneys into Water Resources Department Water Right Operating Fund. Revises permissible use of moneys from fund.

Authorizes collection and assessment for annual periods beginning on or after July 1, 2017. Allows phased imposition of assessment and collection during period beginning July 1, 2017, and ending July 1, 2019, subject to constitutional restrictions.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to management fees for water rights; creating new provisions;  
3 amending ORS 536.009; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2017 Act is added to and made a part**  
6 **of ORS chapter 536.**

7 **SECTION 2. (1) Subject to subsection (2) of this section, an annual**  
8 **management fee of \$100 is imposed on each primary and each supple-**  
9 **mental water right held for waters of this state under a water right**  
10 **permit, water right certificate, decree or groundwater registration.**  
11 **Each water right is subject to a single management fee regardless of**  
12 **the number of documents setting forth the water right.**

13 **(2) If a water right holder is other than a municipality or provider**  
14 **of water for municipal purposes, the total amount of water right**  
15 **management fees that may be imposed on the water right holder under**  
16 **this section may not exceed \$1,000 annually regardless of the number**

1 of water rights held. If a water right holder is a municipality or pro-  
2 vider of water for municipal purposes, the total amount of water right  
3 management fees that may be imposed on the water right holder under  
4 this section may not exceed \$2,500 annually regardless of the number  
5 of water rights held.

6 (3) The Water Resources Commission shall adopt rules providing for  
7 the Water Resources Department to assess and collect the water right  
8 management fee imposed under this section. Moneys collected under  
9 this section shall be deposited into the Water Resources Department  
10 Water Right Operating Fund.

11 (4) If a water right management fee imposed under this section is  
12 not paid when due, after providing the water right holder with notice  
13 and opportunity for hearing under ORS chapter 183, the department  
14 may issue an order for payment of the delinquent amount and forward  
15 the order for enforcement through collection. The department may not  
16 regulate or limit water use due to nonpayment of a water right man-  
17 agement fee.

18 **SECTION 3.** ORS 536.009 is amended to read:

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

26 (2) The fund shall consist of:

27 (a) All moneys received under ORS 536.050 and 537.747 **and section 2 of**  
28 **this 2017 Act.**

29 (b) All moneys received on behalf of the fund by gift, grant or appropri-  
30 ation from whatever source.

31 (3) *[All]* Moneys in the fund are continuously appropriated to the Water

1 Resources Department [*for payment of expenses as described in this section.*]  
2 **to provide for the payment of the program and administrative ex-**  
3 **penses of the Water Resources Commission and the department in**  
4 **carrying out the provisions of ORS chapters 536, 537, 540 and 541.**  
5 **However, moneys deposited into the fund from water right manage-**  
6 **ment fees imposed under section 2 of this 2017 Act may be used only**  
7 **to fund field, technical, scientific and administrative activities of the**  
8 **department that are directly related to water rights management, in-**  
9 **cluding, but not limited to, the undertaking of groundwater investi-**  
10 **gations in coordination with the United States Geological Survey.**

11 **SECTION 4. (1) Section 2 of this 2017 Act first applies to the period**  
12 **beginning July 1, 2017. If this 2017 Act does not become effective until**  
13 **after July 1, 2017, the Legislative Assembly intends that the Water**  
14 **Resources Commission and the Water Resources Department be au-**  
15 **thorized to apply section 2 of this 2017 Act and the amendments to**  
16 **ORS 536.009 by section 3 of this 2017 Act retroactively to allow assess-**  
17 **ment and collection of the water right management fee for the period**  
18 **beginning July 1, 2017.**

19 **(2) Subject to the class and uniformity requirements imposed by**  
20 **Article I, section 32, of the Oregon Constitution, notwithstanding**  
21 **subsection (1) of this section, the commission and the department may**  
22 **implement the assessment and collection of the fees described in sec-**  
23 **tion 2 of this 2017 Act in stages during the period beginning July 1,**  
24 **2017, and ending July 1, 2019.**

25 **(3) No later than 90 days after the effective date of this 2017 Act,**  
26 **the commission shall adopt temporary rules to:**

27 **(a) Subject to subsection (2) of this section, enable the department**  
28 **to assess and collect the water right management fees owed for the**  
29 **period beginning July 1, 2017; and**

30 **(b) Guide the geographic distribution of department expenditures**  
31 **of water right management fees under ORS 536.009 (3).**

1        **SECTION 5. This 2017 Act being necessary for the immediate pres-**  
2 **ervation of the public peace, health and safety, an emergency is de-**  
3 **clared to exist, and this 2017 Act takes effect on its passage.**

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