

D R A F T

SUMMARY

Requires water appropriator to install device at point of diversion or appropriation to measure amount, and allow determination of rate and duty, of water being used. Creates exception for water being used for exempt purpose. Requires reporting measurements to Water Resources Department.

Allows civil penalty for violation, not to exceed \$500 per day.

A BILL FOR AN ACT

1 Relating to the measurement of appropriated water.

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

3 **SECTION 1. As used in sections 1 to 4 of this 2017 Act:**

4 **(1)(a) “Claim of right” means a certificate, decree, determination,**
5 **exemption, permit, statute or other legal authorization to divert or**
6 **appropriate waters of this state for beneficial use.**

7 **(b) “Claim of right” does not mean an authorization under ORS**
8 **537.545 to use ground water for a purpose that is exempt.**

9 **(2)(a) “Water appropriator” means an entity that diverts or appro-**
10 **priates water for beneficial use under a claim of right.**

11 **(b) “Water appropriator” does not mean:**

12 **(A) The holder of an in-stream water right; or**

13 **(B) A customer, district member or other secondary user of water**
14 **that another entity has diverted or appropriated under a claim of**
15 **right.**

16 **SECTION 2. (1) The Legislative Assembly finds and declares that:**

17 **(a) Water use data is a fundamental tool to ensure efficient man-**
18 **agement, ensure effective water distribution and help plan for future**
19

1 **water needs; and**

2 **(b) The measurement and reporting of water use benefits all water**
3 **appropriators and is critical to the effective management of the water**
4 **resources of this state.**

5 **(2) It is the policy of this state to:**

6 **(a) Actively promote measurement and reporting of water use by**
7 **water appropriators; and**

8 **(b) Encourage federal, state and local government coordination and**
9 **cooperation in providing financial support to water appropriators for**
10 **water use measurement and reporting.**

11 **SECTION 3. (1) A water appropriator shall install, operate and**
12 **maintain a device to measure the amount, and allow determination**
13 **of the rate and duty, of water used by the water appropriator under a**
14 **claim of right. A device must measure the amount, and allow deter-**
15 **mination of the rate and duty, of water for each point of diversion or**
16 **point of appropriation utilized for water use under the claim of right.**

17 **(2) A water appropriator shall maintain a device required under**
18 **subsection (1) of this section in good working order for the period of**
19 **water use. A device must be capable of continuously measuring the**
20 **amount, and allow the continuous determination of rate, of water di-**
21 **version or appropriation using the best practicable technologies and**
22 **practices available, as determined by the Water Resources Commis-**
23 **sion, at the time the device is installed. The commission shall adopt**
24 **rules establishing accuracy requirements and other requirements for**
25 **devices required under this section.**

26 **(3) A water appropriator shall provide evidence satisfactory to the**
27 **Water Resources Department that a device required under subsection**
28 **(1) of this section has been properly installed and is properly func-**
29 **tioning. The evidence must accompany the first report submitted un-**
30 **der section 4 of this 2017 Act following installation of the device.**
31 **Evidence demonstrating to the satisfaction of the department that the**

1 device continues to function properly must accompany each subse-
2 quent report under section 4 of this 2017 Act.

3 **SECTION 4.** (1) A water appropriator shall report water amount,
4 rate and duty information collected by a device under section 3 of this
5 2017 Act to the Water Resources Department. The information must
6 include, but need not be limited to, daily maximum rates of diversion
7 or appropriation. A report concerning ground water must also include
8 any information required by the department concerning ground water
9 levels. A report concerning a diversion or appropriation for in-channel
10 storage must report both inflow and outflow for the reservoir.

11 (2) A water appropriator shall submit reports under this section in
12 accordance with a schedule approved by the Water Resources Com-
13 mission. The schedule shall require at least annual reporting, but may
14 require more frequent reporting.

15 **SECTION 5.** The Water Resources Department may assess a civil
16 penalty for violation of section 3 or 4 of this 2017 Act, not to exceed
17 \$500. For a continuing violation, each day the violation continues is a
18 separate violation.

19 **SECTION 6.** (1) Except as provided in subsection (2) of this section,
20 sections 3 and 4 of this 2017 Act apply to:

21 (a) Water use that utilizes a point of diversion or point of appro-
22 priation placed in service on or after the effective date of this 2017 Act;
23 and

24 (b) Water use after December 31, 2020, that utilizes a point of di-
25 version or point of appropriation placed in service prior to the effective
26 date of this 2017 Act.

27 (2) The Water Resources Commission may, by order, require a wa-
28 ter appropriator or group of water appropriators that utilize points of
29 diversion or points of appropriation described in paragraph (1)(b) of
30 this section to comply with sections 3 and 4 of this 2017 Act by a date
31 earlier than December 31, 2020.

