

HB 2099 B STAFF MEASURE SUMMARY

Carrier: Sen. Dembrow

Senate Committee On Environment and Natural Resources

Action Date: 06/01/17

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 3-2-0-0

Yeas: 3 - Dembrow, Prozanski, Roblan

Nays: 2 - Baertschiger Jr, Olsen

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Defines the "undeveloped portion" of water right permit for municipal use. Requires permit holder to submit, and obtain department approval of, water management and conservation plan as condition on extension of time to perfect water right for municipal use. Prohibits granting of water right certificate if order approving extension of time required to perfect water right is not final. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Court of Appeals decision affecting time extensions for municipal water right permits
- Previous legislative action
- Cities and water districts affected by measure

EFFECT OF AMENDMENT:

Replaces measure.

BACKGROUND:

A municipality must obtain a water right permit from the Oregon Water Resources Department (OWRD) before it can divert and use surface or ground water.

In 2005, House Bill 3038 specified that unlike other water rights holders who have up to five years, municipalities have up to 20 years to develop a water right under their permit. The measure detailed that OWRD could grant extensions of time to develop a municipal water right if the holder showed good cause; the municipality obtained approval of a water management and conservation plan for any water diverted beyond the maximum rate diverted before the extension; and that the undeveloped portion of the permit would be conditioned to maintain the persistence of fish species listed as sensitive, threatened or endangered under state or federal law.

House Bill 2099B would define the "undeveloped portion" of a water right permit for municipal use. The measure would require a permit holder to submit, and obtain department approval, of a water management and conservation plan as a condition on the time extension to perfect a water right for municipal use and prohibit the granting of a water right certificate if an order approving the time extension is not final.