

HOUSE AMENDMENTS TO HOUSE BILL 2099

By COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

April 24

1 On page 2 of the printed bill, delete lines 12 through 14 and insert:

2 “(B) The extension of time is conditioned to require that the holder submit, and obtain depart-
3 ment approval of, a water management and conservation plan;

4 “(C) The extension of time is conditioned to provide that the holder may divert the undeveloped
5 portion of the permit only after the department has approved the water management and conserva-
6 tion plan; and”.

7 In line 15, delete “(C)” and insert “(D)”.

8 On page 3, delete lines 43 through 45 and insert:

9 “(B) The extension of time is conditioned to require that the holder submit, and obtain depart-
10 ment approval of, a water management and conservation plan;

11 “(C) The extension of time is conditioned to provide that the holder may divert the undeveloped
12 portion of the permit only after the department has approved the water management and conserva-
13 tion plan; and”.

14 On page 4, line 1, delete “(C)” and insert “(D)”.

15 On page 5, after line 1, insert:

16 **“SECTION 3. (1) If the Water Resources Department issues a final order approving an
17 extension of time to develop water under a permit for municipal use that was issued prior
18 to November 2, 1998, and the holder developed beneficial use of the water between the date
19 of the last previous extension of time and December 11, 2013, no later than one year after
20 the date of the final order the holder shall:**

21 **“(a) Confer with department and State Department of Fish and Wildlife personnel and
22 provide the Water Resources Department with evidence that the holder has implemented
23 strategies developed as provided in subsection (2) of this section; or**

24 **“(b) Commence monthly payments as provided in subsection (3) of this section.**

25 **“(2) The Water Resources Department and the State Department of Fish and Wildlife
26 shall make personnel available as necessary to confer with a holder under subsection (1)(a)
27 of this section. The personnel and the holder shall identify potential effects on fish from the
28 use of water under the permit and develop strategies for voluntary action by the holder to
29 avoid or minimize those effects. In developing strategies under this subsection, the depart-
30 ments and the holder shall consider the potential effects on fish from the use of water, giving
31 consideration to withdrawals of water by holders of senior water rights, existing water
32 quality impairment and existing habitat degradation and to natural causes that are beyond
33 the control of the holder.**

34 **“(3) A holder that does not comply with subsection (1)(a) of this section shall make
35 monthly payments of \$5,000 for crediting to the State Wildlife Fund established under ORS**

1 496.300. The first payment shall become due one year after the date of the final order de-
2 scribed in subsection (1) of this section. The Water Resources Department, in consultation
3 with the State Department of Fish and Wildlife, shall establish a process to ensure that
4 payments under this subsection are timely made and properly credited.

5 “SECTION 4. If a permit for municipal use was issued before November 2, 1998, upon
6 request of the holder, the Water Resources Department shall give processing priority to an
7 application for extension of time filed before the effective date of this 2017 Act.

8 “SECTION 5. Sections 3 and 4 of this 2017 Act and the amendments to ORS 537.230 and
9 537.630 by sections 1 and 2 of this 2017 Act do not exempt a permit holder from any obligation
10 of the holder under the federal Endangered Species Act of 1973 (P.L. 93-205, 16 U.S.C. 1531),
11 as amended, or under other federal law.

12 “SECTION 6. Notwithstanding the amount of water actually diverted, for the purposes
13 of determining the undeveloped portion of a permit for purposes of ORS 537.230 (2) or 537.630
14 (2), the capacity of water works constructed prior to the effective date of this 2017 Act is
15 deemed to be the maximum amount of water diverted if:

16 “(1) The holder of the permit is a city located in Hood River County;

17 “(2) The constructed water works are associated with the development of water under a
18 permit issued prior to November 2, 1998; and

19 “(3) Construction of the water works commenced prior to December 11, 2013.”.

20 In line 2, delete “3” and insert “7” and before “The” insert “Section 3 of this 2017 Act and”.

21 In line 6, delete “4” and insert “8”.

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