

House Bill 3382

Sponsored by Representatives WHISNANT, BUEHLER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that projects that make water artificially available for ground water users from implementation of ground water recharge projects may be authorized as mitigation projects compliant with requirements related to Deschutes Scenic Waterway.

A BILL FOR AN ACT

1
2 Relating to the Deschutes Basin ground water study area; amending ORS 537.746 and section 2,
3 chapter 669, Oregon Laws 2005.

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

5 **SECTION 1.** ORS 537.746 is amended to read:

6 537.746. (1) The Water Resources Commission may by rule establish a system of credits that may
7 be used to offset the potential interference with hydraulically connected surface waters caused by
8 ground water withdrawals within the Deschutes River Basin to account for projects performed in
9 the basin that make water available for mitigation.

10 (2) A person proposing a project that makes water available for mitigation may apply to the
11 Water Resources Department for approval of the project and a preliminary finding as to the amount
12 of mitigation credits available, based on the amount of water made available by the project.

13 (3)(a) Projects approved by the department shall comply with all other applicable provisions of
14 law, including relevant portions of ORS 390.835, and may not result in injury to existing water
15 rights.

16 (b) **The department may approve a project that makes water available for mitigation in
17 a manner that promotes the maintenance of the free-flowing character of the Deschutes
18 Scenic Waterway, as required by ORS 390.835, if the project results in:**

19 (A) **Water that is legally protected for in-stream use, calculated in acre-feet; or**

20 (B) **Water that is artificially made available for use as ground water for the purpose of
21 recharging ground water under ORS 537.135, calculated in acre-feet, as long as the applicable
22 aquifer recharge permit or limited license is for the storage of water outside of the official
23 irrigation season.**

24 [(3)(a)] (4)(a) The amount of mitigation credits awarded for a completed project, or any com-
25 pleted phase of the project, shall be equal to the amount of water made available by the project as
26 determined and approved by the department.

27 (b) A final award of mitigation credits by the department shall be made upon completion of the
28 approved project by the applicant and verification by the department that the project is complete.
29 The department may provide for a partial award of mitigation credits to correspond with completion
30 of approved phases of project implementation.

31 (c) Mitigation credits shall remain valid until exercised by the holder.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 [(4)] (5) The commission may by rule provide for the recognition or establishment of mitigation
2 banks to facilitate transactions among the holders of mitigation credits and persons who desire to
3 acquire mitigation credits. The mitigation credits may be assigned by the person creating the project
4 to another person or a mitigation bank.

5 [(5)] (6) The Water Resources Department shall prepare an annual report on the implementation
6 and management of the system of mitigation credits established by subsections [(1) to (4)] (1) to (5)
7 of this section.

8 **SECTION 2.** Section 2, chapter 669, Oregon Laws 2005, is amended to read:

9 **Sec. 2.** The Legislative Assembly declares that rules adopted by the Water Resources Commis-
10 sion for the Deschutes Basin ground water study area and certified effective by the Secretary of
11 State on September 27, 2002, satisfy the requirements relating to mitigation under ORS 390.805 to
12 390.925, 537.332 to 537.360 and 537.505 to 537.795, **as those statutes were in effect on July 29,**
13 **2005.**

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