

HB 2099-3
(LC 1915)
4/17/17 (CDT/ps)

Requested by HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**PROPOSED AMENDMENTS TO
HOUSE BILL 2099**

1 On page 5 of the printed bill, after line 1, insert:

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

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

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

14 **“(2) The Water Resources Department and the State Department**
15 **of Fish and Wildlife shall make personnel available as necessary to**
16 **confer with a holder under subsection (1)(a) of this section. The per-**
17 **sonnel and the holder shall identify potential effects on fish from the**
18 **use of water under the permit and develop strategies for voluntary**
19 **action by the holder to avoid or minimize those effects. In developing**
20 **strategies under this subsection, the departments and the holder shall**
21 **consider the potential effects on fish from the use of water, giving**

1 consideration to withdrawals of water by holders of senior water
2 rights, existing water quality impairment and existing habitat degra-
3 dation and to natural causes that are beyond the control of the holder.

4 “(3) A holder that does not comply with subsection (1)(a) of this
5 section shall make monthly payments of \$5,000 for crediting to the
6 State Wildlife Fund established under ORS 496.300. The first payment
7 shall become due one year after the date of the final order described
8 in subsection (1) of this section. The Water Resources Department, in
9 consultation with the State Department of Fish and Wildlife, shall
10 establish a process to ensure that payments under this subsection are
11 timely made and properly credited.

12 “SECTION 4. If a permit for municipal use was issued before No-
13 vember 2, 1998, upon request of the holder, the Water Resources De-
14 partment shall give processing priority to an application for extension
15 of time filed before the effective date of this 2017 Act.

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

21 In line 2, delete “3” and insert “6” and before “The” insert “Section 3 of
22 this 2017 Act and”.

23 In line 6, delete “4” and insert “7”.

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