

HB 2099-6
(LC 1915)
4/19/17 (CDT/ps)

Requested by HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**PROPOSED AMENDMENTS TO
HOUSE BILL 2099**

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 sub-
3 mit, and obtain department approval of, a water management and conserva-
4 tion plan;

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

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

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

10 “(B) The extension of time is conditioned to require that the holder sub-
11 mit, and obtain department approval of, a water management and conserva-
12 tion plan;

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

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

17 On page 5, after line 1, insert:

18 **“SECTION 3. (1) If the Water Resources Department issues a final**
19 **order approving an extension of time to develop water under a permit**
20 **for municipal use that was issued prior to November 2, 1998, and the**
21 **holder developed beneficial use of the water between the date of the**

1 last previous extension of time and December 11, 2013, no later than
2 one year after the date of the final order the holder shall:

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

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

9 “(2) The Water Resources Department and the State Department
10 of Fish and Wildlife shall make personnel available as necessary to
11 confer with a holder under subsection (1)(a) of this section. The per-
12 sonnel and the holder shall identify potential effects on fish from the
13 use of water under the permit and develop strategies for voluntary
14 action by the holder to avoid or minimize those effects. In developing
15 strategies under this subsection, the departments and the holder shall
16 consider the potential effects on fish from the use of water, giving
17 consideration to withdrawals of water by holders of senior water
18 rights, existing water quality impairment and existing habitat degra-
19 dation and to natural causes that are beyond the control of the holder.

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

28 “SECTION 4. If a permit for municipal use was issued before No-
29 vember 2, 1998, upon request of the holder, the Water Resources De-
30 partment shall give processing priority to an application for extension

1 of time filed before the effective date of this 2017 Act.

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

7 **“SECTION 6. Notwithstanding the amount of water actually di-**
8 **verted, for the purposes of determining the undeveloped portion of a**
9 **permit for purposes of ORS 537.230 (2) or 537.630 (2), the capacity of**
10 **water works constructed prior to the effective date of this 2017 Act is**
11 **deemed to be the maximum amount of water diverted if:**

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

13 **“(2) The constructed water works are associated with the develop-**
14 **ment of water under a permit issued prior to November 2, 1998; and**

15 **“(3) Construction of the water works commenced prior to December**
16 **11, 2013.”.**

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

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

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