

**HB 2819 -1 STAFF MEASURE SUMMARY**  
**House Committee On Energy and Environment**

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**Prepared By:** Misty Freeman, LPRO Analyst

**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 2/12

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**WHAT THE MEASURE DOES:**

Directs Oregon Water Resources Department (WRD) to establish a pilot program to determine the feasibility of making Columbia River water available in critical ground water areas of the Umatilla River Basin to reduce depletion of ground water and allow recovery of underground aquifers. Directs WRD to make Columbia River water available for the pilot program by promoting, expediting, supporting, and assisting with conservation efforts of Columbia River water right holders. Establishes that conserved Columbia River water shall be used solely for the pilot program. Allows Columbia River water right holders to lease conserved water to WRD for duration of pilot program and that the lease be considered beneficial use and not considered nonuse for purposes of abandonment and forfeiture of the water right. Directs WRD to identify critical ground water areas in the Umatilla River Basin that may access Columbia River water using existing water pumping infrastructure and to provide water right holders in identified areas with Columbia River water in exchange for appropriating less ground water than their water right allows. Establishes that pilot program be voluntary. Specifies that WRD may not require water right holder to reduce ground water appropriation beyond the amount of Columbia River water supplied to the water right holder under the pilot program. Establishes that a reduction in ground water use by water right holders participating in the pilot program be considered beneficial use and not considered nonuse for purposes of abandonment and forfeiture of the water right. Prohibits WRD from allowing unappropriated ground water under the pilot program to be put to another use. Directs WRD to monitor aquifer levels in critical ground water areas participating in the pilot program. Authorizes WRD to conduct additional monitoring as needed to assess effect of the pilot program. Requires WRD to report to the legislature by September 15 of each year regarding the pilot program. Sunsets pilot program January 2, 2025. Sunsets reporting requirement January 2, 2026. Appropriates \$500,000 from the General Fund for grants through WRD to Umatilla and Morrow Counties for pilot program activities. Declares emergency, effective on passage.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-1 Clarifies the aim of the Oregon Water Resources Department (WRD) pilot program is to make Columbia River water available in critical ground water areas of the Umatilla River Basin to reduce depletion of ground water and allow recovery of underground aquifers. Removes reference to conservation of Columbia River water and leases of Columbia River water to WRD by water right holders. Changes appropriation to \$1,000,000 from the General Fund for grants through WRD to Umatilla and Morrow Counties for pilot program activities.

**BACKGROUND:**

The Umatilla River Basin (Basin) is located in north central Oregon and includes parts of Morrow County and Umatilla County, including the cities of Hermiston and Pendleton and the Umatilla Indian Reservation. The northern part of the Basin is near the Columbia River. The climate in the Basin is hot and dry in the summer, with wet winters accompanied by low to moderate temperatures. Water users in the area have relied upon

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groundwater for a variety of uses, including municipal and agricultural purposes. Over time, demand for groundwater in the Basin has exceeded the supply, and the Oregon Water Resources Department (WRD) designated four critical groundwater areas and one classified area due to declines in groundwater levels. Because of limits put on the use of groundwater in certain critical groundwater areas, many water right holders have not received an allocation since the designations were put into place. However, groundwater continues to decline in the Basin.

In December 2018, a group of stakeholders comprising the Umatilla Basin Basalt Stabilization Workgroup delivered recommendations to the Governor. Stakeholders included representatives from the Confederated Tribes of the Umatilla Indian Reservation, Basin farmers, the Northeast Oregon Water Association, Umatilla and Morrow Counties, the City of Hermiston, WRD, and Eastern Regional Solutions. Workgroup recommendations included implementation of a five year pilot project as described by House Bill 2819.

House Bill 2819 would direct WRD to establish a pilot program to determine the feasibility of making Columbia River water available in critical ground water areas of the Umatilla River Basin to reduce depletion of ground water and allow recovery of underground aquifers.