

## **HB 4069 -1, -2, -3 STAFF MEASURE SUMMARY**

### **House Committee On Water**

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**Prepared By:** Misty Freeman, LPRO Interim Director

**Meeting Dates:** 2/11

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#### **WHAT THE MEASURE DOES:**

Makes legislative findings and declares water use data fundamental to water management, distribution, and planning for future water needs. Declares water use measurement and reporting beneficial to all water users. Declares the policy of Oregon to actively promote water use measurement and reporting and to encourage federal, state, and local government coordination and cooperation to provide financial support to measure and report water use. Establishes that if an entity is required by Oregon Water Resources Department (OWRD) to measure water use under a water right permit, certificate, limited license, decree, order of determination, or groundwater registration established before, on, or after effective date of this Act, the entity may be required to report the measured water to OWRD. Directs Oregon Water Resources Commission to adopt rules to carry out these provisions.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

- 1 Exempts from reporting requirements adopted by OWRC by rule pursuant to HB 4069 water uses that have otherwise established reporting requirements under: water right permit or certificate, limited license, decree, order of determination, or ground water registration; reporting requirements as a governmental entity per ORS 537.099; or an order to install a measuring device per ORS 540.435.
- 2 Directs OWRC to consider, in adopting rules for water use measurement reporting requirements: 1) provision of waivers in cases where reporting would cause hardship; 2) circumstances under which reporting would facilitate resolution of conflicts; 3) extent to which reporting would facilitate evaluation of water resource availability; 4) consistency of requirements with integrated state water resources strategy; and 5) how water use measurement data should be stored. Exempts from reporting requirements adopted by OWRC by rule pursuant to HB 4069 water uses that have otherwise established reporting requirements under: water right permit or certificate, limited license, decree, order of determination, or ground water registration; reporting requirements as a governmental entity per ORS 537.099; or an order to install a measuring device per ORS 540.435.
- 3 Exempts from reporting requirements adopted by OWRC by rule pursuant to HB 4069 water uses that have otherwise established reporting requirements under: water right permit or certificate, limited license, decree, order of determination, or ground water registration; reporting requirements as a governmental entity per ORS 537.099; or an order to install a measuring device per ORS 540.435. Establishes that if OWRD requires an entity to report measured use of appropriated water pursuant to this Act, such data is not sufficient to establish a rebuttable presumption of forfeiture of all or part of water right, to initiate proceedings for cancellation of a perfected and developed water right, or as basis for order under ORS 540.641 canceling or modifying water right, unless accompanied by other evidence of nonuse or partial nonuse of water.

#### **BACKGROUND:**

By law, all surface and groundwater in Oregon belongs to the public and is to be used for a beneficial purpose without waste. Water users, with some exceptions, must obtain a water right to use water from any source. When water is scarce, water users are allocated water based on the date of their water right, with holders of the oldest water rights allocated water first, and holders of newer water rights receiving their allocation according to the

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availability of water. May water rights include conditions that require the water user to submit data to the Oregon Water Resources Department (OWRD), including water use reports, pump tests, and in the case of groundwater, static water level data.

House Bill 4069 would establish that certain water users who are required by OWRD to measure water use under a water right may also be require to report the measured data to OWRD.