

HB 3228 STAFF MEASURE SUMMARY

House Committee On Water

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Meeting Dates: 3/16, 3/23

WHAT THE MEASURE DOES:

Authorizes persons that hold water rights to develop cooperative water management plan to promote effective and efficient water management and conserve or protect water resources through increased instream flow, improved water quality, or naturally or artificially restored ground water levels in the plan area. Allows person to submit to Water Resources Department (WRD) a proposed plan that is sponsored by a drainage, irrigation, urban flood safety and water quality, diking, water improvement or water control district or by a tribal government, county government, municipal government, or intergovernmental entity; includes detailed description of how existing and new water rights would be collectively managed to promote water management and conservation; includes conditions for measuring, monitoring, and annual reporting of water use; and is voluntary for all participants. Directs WRD to approve proposed plan within 180 days of submission, provided the plan will not cause injury to other water rights and is likely to result in a measurable net increase in in-stream flow, ground water levels, aquifer sustainability, or water quality with the plan area. Allows proposed plan to request approval for pooling water rights for water from the same source or sources; implementing conservation measures, rotation plans, or alternative water management arrangement; banking water rights to use surface or ground water; or authorizing new water use. Directs WRD to approve proposed plan including request as described, and, if approved, allows water right holder to take action described in plan. Authorizes WRD, while plan is in effect, to take regulatory action against person holding water right subject to the plan only if action is consistent with the plan. Establishes, while plan is in effect, that water rights subject to the plan may not be subject to forfeiture or cancellation, and data concerning use or nonuse of water under a water right subject to the plan may not be used to the detriment of water right holder in a legal proceeding. Allows person holding water rights subject to a plan to request, and WRD to authorize, that a plan be modified, renewed, or become permanent.

No subsequent referral.

May have fiscal impact, but no statement yet issued.

May have revenue impact, but no statement yet issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under Oregon law, all water belongs to the public and is to be used for a beneficial purpose without waste. Cities, irrigators, businesses, and other water users must obtain a permit from the Water Resources Department (WRD) to use water from any source. Many water rights include conditions that require the water user to submit data to WRD, including water use reports and resource management plans.

House Bill 3228 would authorize persons holding water rights to develop, and WRD to approve, cooperative water management plans sponsored by certain governmental entities.