

Enrolled
House Bill 3092

Sponsored by COMMITTEE ON WATER (at the request of Representative Ken Helm)

CHAPTER

AN ACT

Relating to ground water levels; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) The Water Resources Department shall establish a program for the purpose of replacing, repairing or deepening domestic personal use wells that are affected by declining ground water levels resulting from overallocation of ground water within the Greater Harney Valley Groundwater Area of Concern.

(2) In administering the program, the department:

(a) May enter into contracts, intergovernmental agreements or other arrangements with public or private entities in order to work collaboratively to undertake the actions described in paragraph (b) of this subsection;

(b) May award grants for costs related to the replacement, repair or deepening of the wells or pay the cost of direct services of a water well constructor licensed under ORS 537.747 to perform work needed to replace, repair or deepen the wells;

(c) Shall develop a process for applying for a grant or payment;

(d) May require a grantee or recipient of a payment to report to the department on the use of the funds;

(e) Shall biennially review the program and report to the Water Resources Commission on program implementation and outcomes to assess to what extent the purpose described in subsection (1) of this section is being achieved; and

(f) Shall, based on the report, modify the program as necessary to better achieve the purpose described in subsection (1) of this section.

(3) A grant or payment described in subsection (2)(b) of this section may provide:

(a) Up to 75 percent of the total cost of replacing, repairing or deepening the well, not to exceed \$10,000 per well for replacement, repair or deepening; and

(b) If determined by the department to be necessary as part of replacing a well, up to \$3,500 for the cost of abandoning the replaced well.

(4) In reviewing applications for a grant or payment, the department shall:

(a) Prioritize grants or payments for wells owned by or serving persons of lower or moderate income;

(b) Prioritize grants or payments for wells based on the severity of changes and declines in ground water, as determined by the department; and

(c) Consider other criteria determined by the department to be appropriate.

(5) To be eligible for funding, wells must:

(a) Be domestic personal use wells affected by declining ground water levels within the Greater Harney Valley Groundwater Area of Concern;

(b) Have served domestic personal use at a residence existing as of April 15, 2016; and

(c) Meet other criteria determined by the department.

(6) If replacement of a well is funded in whole or in part under the program, the replaced well must be abandoned.

(7) The Water Resources Commission may adopt rules to implement the program. The commission shall, for purposes of the program, adopt by rule a definition for the term "Greater Harney Valley Groundwater Area of Concern" or maintain in rule a definition for the term that the commission adopted before the effective date of this 2021 Act.

SECTION 2. The Water Resources Department shall make the initial report required by section 1 (2)(e) of this 2021 Act on or before January 1, 2024.

SECTION 3. (1) There is established in the State Treasury, separate and distinct from the General Fund, the Domestic Well Remediation Fund. Interest earned by the Domestic Well Remediation Fund shall be credited to the fund. All moneys in the Domestic Well Remediation Fund are continuously appropriated to the Water Resources Department to carry out the purposes described in section 1 of this 2021 Act.

(2) The Domestic Well Remediation Fund shall consist of all moneys credited to the fund, including moneys appropriated or transferred to the fund by the Legislative Assembly.

SECTION 4. There is appropriated to the Water Resources Department, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$500,000 for deposit into the Domestic Well Remediation Fund established in section 3 of this 2021 Act.

SECTION 5. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by House June 24, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 26, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State