

HB 3419 -2, -3 STAFF MEASURE SUMMARY

House Committee On Agriculture, Land Use, Natural Resources, and Water

Prepared By: Anna Glueder, LPRO Analyst

Meeting Dates: 2/19

WHAT THE MEASURE DOES:

The measure requires the Oregon Water Resources Department to study rules related to water and to submit a report to a water-related interim committee of the Legislative Assembly by September 15, 2026. Sunsets the reporting requirement January 2, 2027.

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

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

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 The amendment replaces the measure, makes changes to water use measurement and reporting requirements, Serious Water Management Problem Areas, and the Water Measurement Cost Share Program Revolving Fund, and establishes Water Data Priority Areas.

Detailed Summary

Replaces the measure.

Makes the following **changes to water use measurement and reporting requirements:**

- Clarifies the authority of the Oregon Water Resources Department (OWRD) to require water use measurement and reporting, including the quantity of water diverted, rediverted, stored, released, or otherwise appropriated, or used, for certain authorized uses under Oregon's water laws as well as prior to approving transfers or time extensions for construction of irrigation or other work.
- Specifies that water users violating a water use measurement or reporting requirement may be subject to a prohibition on the diversion, storage, or water use pursuant to an order by a water master and civil penalties as set by the Water Resources Commission (Commission).
- Directs OWRD to adopt rules that establish water use and reporting requirements that contain, to the extent practicable, consistent standards, procedures, and enforcement practices.
- Authorizes the Commission to, via rulemaking, require water use measurement and reporting in Critical Groundwater Areas as part of corrective control provisions.

Makes the following **changes regarding Serious Water Management Problem Areas (SWMPAs):**

- Repeals OWRD's authority to, after conducting a hearing and allow any affected person an opportunity to present alternative methods to either collect usage data or alleviate the water management problem, order installation of a measuring devices and require water right owners to submit annual water use reports in Serious Water Management Problem Areas after July 1, 2026.
- Specifies that OWRD may still enforce, modify, or repeal rules regarding SWMPAs that were adopted prior to July 1, 2026.

Establishment of **Water Data Priority Areas**

- Authorizes the Commission to, via rulemaking, establish Water Priority Areas (WPAs) based on (1) the decline of groundwater levels; (2) the over appropriation of surface water; (3) unresolved disputes among water

HB 3419 -2, -3 STAFF MEASURE SUMMARY

users; (4) frequent water shortages; (4) inadequate data existing to quantify surface or groundwater resources. And (4) water quality impairment.

- Authorizes the Commission to require a person or entity using any surface or groundwater source within a WPA to install a water measuring device, measure the water diverted, rediverted, stored, released, or otherwise appropriated or used, and report to OWRD.
- Requires the Commission to (1) conduct a hearing the affected area and (2) allow any affected person or entity to present alternative methods to either collect usage data or alleviate the water management problem.

Establishment of a **Water Measurement Cost Share Program**

- Directs OWRD to establish a water measurement cost share program and broadens authorized expenditures for moneys in the Water Measurement Cost Share Program Revolving Fund to include (1) the installation, replacement, or substantial repair of infrastructure that measures the diversion, appropriation, storage, release, rediversion, or water use, that protects in-stream flow or existing water rights and (2) program administration and implementation.
- Authorizes OWRD to require grant recipients to measure and report water use.
- Cleans up language to conform with form and style requirements.

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

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

-3 The amendment replaces the measure, makes changes to water use measurement and reporting requirements, Serious Water Management Problem Areas, and the Water Measurement Cost Share Program Revolving Fund, and establishes Water Data Priority Areas.

Detailed Summary

The amendment mirrors the -2 amendment with the following difference:

- Authorizes OWRD to **rename Serious Water management Problem Areas (SWMPAs)** identified in rule by July 1, 2026, as **Water Data Priority Areas** while retaining rules relating to SMPWAs in effect on July 1, 2026, until modified or repealed by the Oregon Water Resources Commission.

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

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

BACKGROUND:

The Oregon Water Resources Department is a state agency whose mission is to directly address Oregon's water supply needs and to restore and protect streamflows and watersheds in order to ensure the long-term sustainability of Oregon's ecosystems, economy, and quality of life.