

House Bill 3801

Sponsored by Representatives OWENS, HELM

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes changes to the law that allows agreements among persons that use ground water. (Flesch Readability Score: 68.9).

Makes certain changes related to voluntary agreements among ground water users.

A BILL FOR AN ACT

1
2 Relating to voluntary agreements among ground water users; amending ORS 537.745.

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

4 **SECTION 1.** ORS 537.745 is amended to read:

5 537.745. (1) In the administration of ORS 537.505 to 537.795 and 537.992, the Water Resources
6 Commission *[may]* **shall** encourage, promote and recognize voluntary agreements among ground
7 water users from the same ground water reservoir[.] **or from the same portion of a ground water**
8 **reservoir that:**

9 (a) **Further ground water users' understanding of ground water resources; and**

10 (b) **Allow ground water users to determine how to achieve long-term stability of ground**
11 **water resources in ways that best serve local communities.**

12 (2) *[When the commission finds that any such agreement,]* **The commission shall approve an**
13 **agreement described in subsection (1) of this section if the commission finds that the**
14 **agreement is:**

15 (a) Executed in writing and filed with the commission[.];

16 (b) *[Is]* Consistent with the intent, purposes and requirements of ORS 537.505 to 537.795 and
17 537.992, and in particular ORS 537.525, 537.730 to 537.740 and 537.780[. *the commission shall approve*
18 *the agreement.*];

19 (c) **Likely to lead to a reduction in the volume of water used over time that protects the**
20 **economic viability of ground water users; and**

21 (d) **Likely to promote long-term stability of the ground water resource.**

22 (3) **The commission's approval of an agreement under subsection (2) of this section may**
23 **not:**

24 (a) **Be contingent on a minimum participation level.**

25 (b) **Require specific outcomes such as a reduction in ground water use by a specific date**
26 **or a specific amount of a reduction in ground water use.**

27 (4) **The commission's approval of an agreement under subsection (2) of this section shall**
28 **constitute an order other than contested cases for purposes of ORS chapter 183.**

29 (5) **Notwithstanding ORS 536.025 (2), the commission may not delegate authority or duties**
30 **under this section to the Water Resources Director.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **(6) This state may only be a party to, or have rights as a party to, a voluntary agreement**
 2 **described in this section in this state’s capacity as a landowner.**

3 **(7) [Thereafter the agreement, until terminated as provided in this subsection,] An agreement**
 4 **under this section** shall control in lieu of a formal order or rule of the commission under ORS
 5 537.505 to 537.795 and 537.992 **until the agreement is terminated as described in subsection (8)**
 6 **of this section.**

7 **(8) [Any] An agreement [approved by the commission] under this section** may be terminated
 8 **only by:**

9 **(a)** The lapse of time as provided in the agreement[, by];

10 **(b)** Consent of the parties to the agreement; or [by]

11 **(c)** Order of the commission if the commission finds, after investigation and a public hearing
 12 upon adequate notice, that:

13 **(A)** The agreement is not being substantially complied with by the parties thereto; or [that]

14 **(B)** Changed conditions have made the continuance of the agreement a detriment to the public
 15 welfare, safety and health or contrary in any particular to the intent, purposes and requirements
 16 of ORS 537.505 to 537.795 and 537.992.

17 **[(2)] (9)** When any irrigation district, drainage district, other district organized for public pur-
 18 poses or other public corporation or political subdivision of this state is authorized by law to enter
 19 into agreements [of the kind referred to] **described** in subsection (1) of this section, the commission
 20 may approve such agreements as provided in subsection **[(1)] (2)** of this section.

21 **(10) [Any such] An agreement described in subsection (9) of this section and** approved by the
 22 commission shall:

23 **(a)** Have the [same] effect **described in subsection (7) of this section;** and [shall]

24 **(b)** Be subject to termination in the same manner and for the same reasons set forth in sub-
 25 section **[(1)] (8)** of this section.

26 **(11) Any water right that has not been canceled as described in ORS 540.610 may be in-**
 27 **cluded in an agreement under this section.**

28 **(12) The parties to an agreement under this section:**

29 **(a) May make minor amendments to the agreement, such as the addition of a party,**
 30 **without seeking approval from the commission.**

31 **(b) Notwithstanding ORS 540.520 and 540.523, may make changes described in ORS 540.520**
 32 **and 540.523 without applying for approval for the changes.**

33 **(c) Shall meter any water well used to appropriate ground water.**

34 **(d) Shall report the parties’ total annual use of ground water under the agreement to the**
 35 **commission.**

36 **(e) Shall establish plans for the parties’ total annual use of ground water under the**
 37 **agreement before an irrigation season.**

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