

HB 3372-5
(LC 4281)
4/4/25 (JAS/ps)

Requested by Representative OWENS

**PROPOSED AMENDMENTS TO
HOUSE BILL 3372**

1 In line 2 of the printed bill, before the period insert “; amending ORS
2 536.900, 537.545 and 540.045”.

3 Delete lines 4 through 8 and insert:

4 **“SECTION 1.** ORS 537.545 is amended to read:

5 “537.545. (1) **Subject to subsection (3) of this section,** a registration,
6 certificate of registration, application for a permit, permit, certificate of
7 completion or ground water right certificate under ORS 537.505 to 537.795
8 and 537.992 is not required for the use of ground water for:

9 “(a) Stockwatering purposes, unless the use exceeds 12,000 gallons per day
10 and occurs at a new confined animal feeding operation, as defined in ORS
11 468B.215;

12 “(b) Watering any lawn or noncommercial **or commercial** garden not
13 exceeding one-half acre in area **in an amount not exceeding 3,000 gallons**
14 **a day;**

15 “(c) Watering the lawns, grounds and fields not exceeding 10 acres in area
16 of schools located within a critical ground water area established pursuant
17 to ORS 537.730 to 537.740;

18 “(d) Single or group domestic purposes in an amount not exceeding 15,000
19 gallons a day;

20 “(e) Down-hole heat exchange purposes;

21 “(f) Any single industrial or commercial purpose, **other than for wa-**

1 **tering any lawn or commercial garden**, in an amount not exceeding 5,000
2 gallons a day; or

3 “(g) Land application, so long as the ground water:

4 “(A) Has first been appropriated and used under a permit or certificate
5 issued under ORS 537.625 or 537.630 for a water right issued for industrial
6 purposes or a water right authorizing use of water for confined animal
7 feeding purposes;

8 “(B) Is reused for irrigation purposes and the period of irrigation is a
9 period during which the reused water has never been discharged to the wa-
10 ters of the state; and

11 “(C) Is applied pursuant to a permit issued by the Department of Envi-
12 ronmental Quality or the State Department of Agriculture under either ORS
13 468B.050 to construct and operate a disposal system or ORS 468B.215 to op-
14 erate a confined animal feeding operation.

15 “(2) A ground water use for a purpose that is exempt under subsection (1)
16 of this section, to the extent that the use is beneficial, constitutes a right
17 to appropriate ground water equal to that established by a ground water
18 right certificate issued under ORS 537.700.

19 **“(3) A ground water use for purposes of watering a commercial**
20 **garden that is exempt under subsection (1)(b) of this section, when**
21 **combined with the use of water for purposes that are exempt under**
22 **subsection (1)(f) of this section, may not exceed 5,000 gallons a day.**

23 “[3] (4) Except for the use of water under subsection (1)(g) of this sec-
24 tion, the Water Resources Commission by rule may require any person or
25 public agency using ground water for any such purpose to furnish informa-
26 tion with regard to such ground water and the use thereof. For a use of
27 water described in subsection (1)(g) of this section, the Department of Envi-
28 ronmental Quality or the State Department of Agriculture shall provide to
29 the Water Resources Department a copy of the permit issued under ORS
30 468B.050 or 468B.215 authorizing the land application of ground water for

1 reuse. The permit shall provide the information regarding the place of use
2 of such water and the nature of the beneficial reuse.

3 “[~~(4)~~] **(5)** If it is necessary for the Water Resources Department to regu-
4 late the use or distribution of ground water, including uses for purposes that
5 are exempt under subsection (1) of this section, the department shall use as
6 a priority date for the exempt uses the date indicated in the log for the well
7 filed with the department under ORS 537.765 or other documentation pro-
8 vided by the well owner showing when water use began.

9 “[~~(5)~~] **(6)** The person licensed under ORS 537.747 or permitted under ORS
10 537.753 (4) that constructs a well to allow ground water use for a purpose
11 that is exempt under subsection (1) of this section shall provide the Water
12 Resources Department with a map showing the exact location of the well on
13 the tax lot. The person licensed under ORS 537.747 or permitted under ORS
14 537.753 (4) that constructs a well shall provide a map required by this sub-
15 section to the department, along with the well log required by ORS 537.765,
16 no later than 30 days after the well is completed. The map must be prepared
17 in accordance with standards established by the department. The map and
18 well log must be accompanied by the fee described in subsection [~~(6)~~] **(7)** of
19 this section to record the exempt ground water use.

20 “[~~(6)~~] **(7)** The Water Resources Department shall collect a fee of \$300 for
21 recording an exempt ground water use under subsection [~~(5)~~] **(6)** of this sec-
22 tion. Moneys from fees collected under this subsection shall be deposited to
23 the credit of the Water Resources Department Water Right Operating Fund.
24 Notwithstanding ORS 536.009, moneys deposited to the fund under this sub-
25 section shall be used for the purposes of evaluating ground water supplies,
26 conducting ground water studies, carrying out ground water monitoring,
27 processing ground water data and the administration and enforcement of this
28 subsection and subsections [~~(3)~~, ~~(5)~~ and ~~(7)~~] **(4)**, **(6)** and **(8)** of this section.

29 “[~~(7)~~] **(8)** The Water Resources Commission shall adopt rules to imple-
30 ment, administer and enforce subsections [~~(5)~~ and ~~(6)~~] **(6)** and **(7)** of this

1 section.

2 “(9) As used in this section:

3 “(a) ‘Commercial garden’ means a garden that is used to grow
4 plants to be sold, traded or bartered.

5 “(b) ‘Commercial garden’ does not mean a location that is described
6 in ORS 537.387 (2)(a) where plants in the plant Cannabis family
7 Cannabaceae are grown.

8 “SECTION 2. ORS 537.545, as amended by section 11, chapter 465, Oregon
9 Laws 2023, is amended to read:

10 “537.545. (1) **Subject to subsection (3) of this section**, a registration,
11 certificate of registration, application for a permit, permit, certificate of
12 completion or ground water right certificate under ORS 537.505 to 537.795
13 and 537.992 is not required for the use of ground water for:

14 “(a) Stockwatering purposes;

15 “(b) Watering any lawn or noncommercial **or commercial** garden not
16 exceeding one-half acre in area **in an amount not exceeding 3,000 gallons**
17 **a day**;

18 “(c) Watering the lawns, grounds and fields not exceeding 10 acres in area
19 of schools located within a critical ground water area established pursuant
20 to ORS 537.730 to 537.740;

21 “(d) Single or group domestic purposes in an amount not exceeding 15,000
22 gallons a day;

23 “(e) Down-hole heat exchange purposes;

24 “(f) Any single industrial or commercial purpose, **other than for wa-**
25 **tering any lawn or commercial garden**, in an amount not exceeding 5,000
26 gallons a day; or

27 “(g) Land application, so long as the ground water:

28 “(A) Has first been appropriated and used under a permit or certificate
29 issued under ORS 537.625 or 537.630 for a water right issued for industrial
30 purposes or a water right authorizing use of water for confined animal

1 feeding purposes;

2 “(B) Is reused for irrigation purposes and the period of irrigation is a
3 period during which the reused water has never been discharged to the wa-
4 ters of the state; and

5 “(C) Is applied pursuant to a permit issued by the Department of Envi-
6 ronmental Quality or the State Department of Agriculture under either ORS
7 468B.050 to construct and operate a disposal system or ORS 468B.215 to op-
8 erate a confined animal feeding operation.

9 “(2) A ground water use for a purpose that is exempt under subsection (1)
10 of this section, to the extent that the use is beneficial, constitutes a right
11 to appropriate ground water equal to that established by a ground water
12 right certificate issued under ORS 537.700.

13 **“(3) A ground water use for purposes of watering a commercial**
14 **garden that is exempt under subsection (1)(b) of this section, when**
15 **combined with the use of water for purposes that are exempt under**
16 **subsection (1)(f) of this section, may not exceed 5,000 gallons a day.**

17 “[3] (4) Except for the use of water under subsection (1)(g) of this sec-
18 tion, the Water Resources Commission by rule may require any person or
19 public agency using ground water for any such purpose to furnish informa-
20 tion with regard to such ground water and the use thereof. For a use of
21 water described in subsection (1)(g) of this section, the Department of Envi-
22 ronmental Quality or the State Department of Agriculture shall provide to
23 the Water Resources Department a copy of the permit issued under ORS
24 468B.050 or 468B.215 authorizing the land application of ground water for
25 reuse. The permit shall provide the information regarding the place of use
26 of such water and the nature of the beneficial reuse.

27 “[4] (5) If it is necessary for the Water Resources Department to regu-
28 late the use or distribution of ground water, including uses for purposes that
29 are exempt under subsection (1) of this section, the department shall use as
30 a priority date for the exempt uses the date indicated in the log for the well

1 filed with the department under ORS 537.765 or other documentation pro-
2 vided by the well owner showing when water use began.

3 “[5] (6) The person licensed under ORS 537.747 or permitted under ORS
4 537.753 (4) that constructs a well to allow ground water use for a purpose
5 that is exempt under subsection (1) of this section shall provide the Water
6 Resources Department with a map showing the exact location of the well on
7 the tax lot. The person licensed under ORS 537.747 or permitted under ORS
8 537.753 (4) that constructs a well shall provide a map required by this sub-
9 section to the department, along with the well log required by ORS 537.765,
10 no later than 30 days after the well is completed. The map must be prepared
11 in accordance with standards established by the department. The map and
12 well log must be accompanied by the fee described in subsection [(6)] (7) of
13 this section to record the exempt ground water use.

14 “[6] (7) The Water Resources Department shall collect a fee of \$300 for
15 recording an exempt ground water use under subsection [(5)] (6) of this sec-
16 tion. Moneys from fees collected under this subsection shall be deposited to
17 the credit of the Water Resources Department Water Right Operating Fund.
18 Notwithstanding ORS 536.009, moneys deposited to the fund under this sub-
19 section shall be used for the purposes of evaluating ground water supplies,
20 conducting ground water studies, carrying out ground water monitoring,
21 processing ground water data and the administration and enforcement of this
22 subsection and subsections [(3), (5) and (7)] (4), (6) and (8) of this section.

23 “[7] (8) The Water Resources Commission shall adopt rules to imple-
24 ment, administer and enforce subsections [(5) and (6)] (6) and (7) of this
25 section.

26 “(9) **As used in this section:**

27 “(a) **‘Commercial garden’ means a garden that is used to grow**
28 **plants to be sold, traded or bartered.**

29 “(b) **‘Commercial garden’ does not mean a location that is described**
30 **in ORS 537.387 (2)(a) where plants in the plant Cannabis family**

1 **Cannabaceae are grown.**

2 **“SECTION 3.** ORS 536.900 is amended to read:

3 “536.900. (1) In addition to any other liability or penalty provided by law,
4 the Water Resources Commission may impose a civil penalty on a person for
5 violation of:

6 “(a) A term or condition of a permit, certificate or license issued under
7 ORS chapters 536 to 543A.

8 “(b) ORS 537.130 or 537.535.

9 “(c) ORS 537.545 [(5)] **(6)** or a rule described in ORS 537.545 [(7)] **(8)**.

10 “(d) A commission rule or order that pertains to well maintenance.

11 “(e) ORS 540.045, 540.145, 540.210, 540.310, 540.320, 540.330, 540.340, 540.435,
12 540.440, 540.570 (5), 540.710, 540.720 and 540.730 or rules adopted under ORS
13 540.145.

14 “(f) ORS 537.897 or 537.898 (2).

15 “(g) ORS 537.387.

16 “(2) A civil penalty may be imposed under this section for each day of
17 violation of ORS 537.130, 537.535, 540.045, 540.310, 540.330, 540.570 (5), 540.710,
18 540.720 or 540.730.

19 “(3) In the event the petitioner knowingly misrepresents the map and pe-
20 tition required in ORS 541.329, the commission may assess a penalty of up
21 to \$1,000 based upon guidelines to be established by the commission. In ad-
22 dition, the petition and map shall be amended to correct the error at the
23 petitioner’s cost. Affected users shall be given notice as provided in ORS
24 541.329 (5).

25 “(4) A civil penalty may not be imposed until the commission prescribes
26 a reasonable time to eliminate the violation. The commission shall notify the
27 violator of the time allowed to correct a violation within 10 business days
28 after the commission first becomes aware of the violation.

29 “(5) Notwithstanding any term or condition of a permit, certificate or li-
30 cense, the rotation of the use of water under ORS 540.150 may not be con-

1 sidered a violation under subsection (1) of this section.

2 “(6) The commission may impose a civil penalty of not more than \$2,000
3 per occurrence for a violation described in subsection (1)(g) of this section.

4 **“SECTION 4.** ORS 540.045 is amended to read:

5 “540.045. (1) Each watermaster shall:

6 “(a) Regulate the distribution of water among the various users of water
7 from any natural surface or ground water supply in accordance with the
8 users’ existing water rights of record in the Water Resources Department.

9 “(b) Upon the request of the users, distribute water among the various
10 users under any partnership ditch, pipeline or well or from any reservoir, in
11 accordance with the users’ existing water rights of record in the department.

12 “(c) Divide the waters of the natural surface and ground water sources
13 and other sources of water supply among the canals, ditches, pumps, pipe-
14 lines and reservoirs taking water from the source for beneficial use, by reg-
15 ulating, adjusting and fastening the headgates, valves or other control works
16 at the several points of diversion of surface water or the several points of
17 appropriation of ground water, according to the users’ relative entitlements
18 to water.

19 “(d) Attach to the headgate, valve or other control works the watermaster
20 regulates under paragraph (c) of this subsection, a written notice dated and
21 signed by the watermaster, setting forth that the headgate, valve or other
22 control works has been properly regulated and is wholly under the control
23 of the watermaster.

24 “(e) Perform any other duties the Water Resources Director may require.

25 “(2) When a watermaster must rely on a well log or other documentation
26 to regulate the use or distribution of ground water, the regulation shall be
27 in accordance with ORS 537.545 [(4)] (5).

28 “(3) For purposes of regulating the distribution or use of water, any
29 stored water released in excess of the needs of water rights calling on that
30 stored water shall be considered natural flow, unless the release is part of

1 a water exchange under the control of, and approved by, the watermaster.

2 “(4) As used in this section, ‘existing water rights of record’ includes all
3 completed permits, certificates, licenses and ground water registration
4 statements filed under ORS 537.605 and related court decrees.”.

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