

HB 2705 STAFF MEASURE SUMMARY
House Committee On Energy and Environment

Action Date: 04/11/17
Action: Do pass. Refer to Rules.
Vote: 7-1-1-0
Yeas: 7 - Bentz, Helm, Holvey, Johnson, Marsh, Power, Smith DB
Nays: 1 - Reschke
Exc: 1 - Barnhart
Fiscal: Fiscal impact issued
Revenue: Revenue impact issued
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WHAT THE MEASURE DOES:

Requires water appropriator to install, operate and maintain device at point of diversion or appropriation to measure amount, and allow determination of rate and duty, of water being used. Requires water appropriator to report water amount, rate and duty information to Water Resources Department (WRD) at least annually, unless otherwise required by WRD. Requires device to be in good working order for period of water use. Requires water appropriator to provide evidence that device has been properly installed and is functioning. Creates exemption for water being used for an in-stream water right, customer or secondary user of water right, or ground water use that is exempt from the requirement to obtain a water right. Authorizes WRD to assess civil penalty not to exceed \$500 per day for violating Act. Applies December 31, 2020 to water use that utilizes point of diversion or appropriation placed in service prior to effective date of Act; applies to water use approved after Act immediately.

ISSUES DISCUSSED:

- Desire for Work Group to continue meeting to work on legislation
- Different irrigation technologies
- Ability of Water Resources Department to utilize data

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

By law, all surface and ground water in Oregon belongs to the public and is to be used for a beneficial purpose without waste. Any user, with some exceptions, must obtain a water right to use water from any source including rivers, streams, lakes, and ground water. About 80 percent of water rights are for surface water, with the majority used for agricultural irrigation. The other 20 percent are for ground water use. Only about 20 percent of water rights holders are required to report how much water they use to the Water Resources Department. Many of the rights holders that are required to report their water use are municipalities and industries; agriculture is usually not required to report (Report No. 2016-33: Oregon Water Resources Department: Enhancing Sustainability Efforts and Agency Planning Needed to Better Address Oregon's Water Supply Needs).

House Bill 2705 would require a water appropriator to install, operate and maintain a device at a point of diversion or an appropriation to measure the amount, and allow a determination of rate and duty, of water being used. The Act would also require a water appropriator to report water amount, rate and duty information to the Water Resources Department.