

House Bill 2819

Sponsored by Representative BONHAM

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**.

Requires Water Resources Department to establish pilot program to make conserved Columbia River water available to holder of water right in critical ground water area in exchange for holder reducing appropriation of ground water. Requires department to monitor ground water level changes in pilot program area.

Requires department to annually report on pilot program to interim committee of Legislative Assembly.

Sunsets pilot program January 2, 2025.

Sunsets reporting requirement January 2, 2026.

Appropriates moneys to department for biennium beginning July 1, 2019, for grants to implement and operate pilot program.

Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to a Water Resources Department pilot program for ground water conservation; and de-
3 claring an emergency.

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

5 **SECTION 1. (1) The Water Resources Department shall establish a pilot program to de-**
6 **termine the feasibility of making Columbia River water available in critical ground water**
7 **areas of the Umatilla River Basin to reduce depletion of, and allow recovery of, underground**
8 **aquifers.**

9 **(2) To the extent practicable, the department shall make Columbia River water available**
10 **for the pilot program by promoting, expediting and providing support and assistance for**
11 **conservation projects and efforts by holders of existing Columbia River water rights.**
12 **Notwithstanding ORS 537.470 (3), any conserved water that is allocated to the state shall, for**
13 **the duration of the pilot program, be used solely for pilot program purposes. A holder of an**
14 **existing Columbia River water right may lease conserved water described in this subsection**
15 **that is allocated to the holder under ORS 537.470 to the department for a period that does**
16 **not exceed the duration of the pilot program. The leasing of conserved water to the depart-**
17 **ment under this section is a beneficial use of the water by the holder and may not be con-**
18 **sidered nonuse for purposes of abandonment or forfeiture of the water right.**

19 **(3) The department shall identify the critical ground water areas of the Umatilla River**
20 **Basin that are accessible by existing water pumping infrastructure. The department shall**
21 **offer to provide holders of water rights in accessible critical ground water areas with**
22 **Columbia River water conserved under subsection (2) of this section in exchange for the**
23 **holders appropriating a reduced amount of ground water under the water rights. The de-**
24 **partment may not require a holder of a water right in a critical ground water area to par-**
25 **ticipate in the program or require that participating holder to reduce appropriation of ground**
26 **water by an amount that exceeds the amount of Columbia River water supplied to the holder**

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 under the pilot program. A reduction in ground water appropriation under this subsection
2 is a beneficial use of the ground water by the holder of the water right and may not be
3 considered nonuse for purposes of abandonment or forfeiture of the water right. The de-
4 partment may not allow ground water that is unappropriated pursuant to an exchange under
5 this subsection to be put to other use.

6 (4) The department shall monitor changes in aquifer levels in critical ground water areas
7 where appropriation of ground water has been reduced under the pilot program. The de-
8 partment may conduct additional monitoring that the department considers appropriate for
9 determining the effect of the pilot program.

10 SECTION 2. The Water Resources Department shall report to an interim committee of
11 the Legislative Assembly relating to natural resources, in the manner provided under ORS
12 192.245, no later than September 15th each year regarding the pilot program required under
13 section 1 of this 2019 Act.

14 SECTION 3. Section 1 of this 2019 Act is repealed on January 2, 2025.

15 SECTION 4. Section 2 of this 2019 Act is repealed on January 2, 2026.

16 SECTION 5. In addition to and not in lieu of any other appropriation, there is appropri-
17 ated to the Water Resources Department, for the biennium beginning July 1, 2019, out of the
18 General Fund, the amount of \$500,000, which may be expended by the department for grants
19 to Umatilla County and Morrow County for the purpose of activities related to the imple-
20 mentation and operation of the department pilot program required under section 1 of this
21 2019 Act.

22 SECTION 6. This 2019 Act being necessary for the immediate preservation of the public
23 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
24 July 1, 2019.