



Municipal water suppliers ask that you vote in support of HB 2099-B.

This measure attempts to provide relief to approximately five communities (according to the Oregon Water Resources Department) from being required to reduce drinking water that was put to use prior to June 29, 2005. This is water that these communities have demonstrated they need to support existing populations and businesses.

While SDAO and LOC were hopeful to pass legislation that would help more communities protect existing water supply that was developed between 2005 and 2013, we, unfortunately, have not been able to find a solution that has been acceptable to all interested parties. HB 2099-B is the bill that was able to pass out of the Senate Environment & Natural Resources Committee. And while it does not help all impacted communities, it is important for the following communities who developed water prior to the 2005 date: Bend, Sandy, Philomath and Southwest Lincoln County Water District. The Tri-City Water District would also partially benefit from HB 2099-B as they developed some water prior to the 2005 date with some additional water developed post-2005.

The bill creates a bright line in statute (June 29, 2005) for the application of "fish persistence conditions" to be applied to municipal water permits that were issued prior to 1998. In 2013 the Oregon Court of Appeals ruled that the Oregon Water Resources Department had mistakenly applied those conditions on municipal water permits in a prospective manner. Rather, the court ruled that the department should have placed fish persistence conditions on those municipalities in a retroactive manner dating back to the water provider's last approved extension (dating back to the early to mid-1990s) despite the fact that fish persistence conditions were not put in statute until June of 2005.

There are approximately five communities that developed water between 2005 and 2013 - HB 2099-B would not provide assistance for the water developed by these communities for that period of time. The result will likely be a 20-30% reduction in that quantity of water that permittees developed between those dates during certain times of the year. In addition, there are approximately five communities where the impact of HB 2099-B is less clear due to poor data or the fact that they are held up in litigation that is more complex than the issues being address through this legislation.

From the desk of Senator Michael Dembrow

A handwritten signature in black ink, appearing to read "Michael Dembrow".