

**HB 2616 STAFF MEASURE SUMMARY**

Carrier: Rep. Breese-Iverson

**House Committee On Water****Action Date:** 03/25/21**Action:** Do Pass.**Vote:** 5-3-0-0**Yeas:** 5 - Breese-Iverson, Leif, Owens, Reynolds, Wilde**Nays:** 3 - Helm, Reardon, Witt**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Allison Daniel, LPRO Analyst**Meeting Dates:** 3/16, 3/25**WHAT THE MEASURE DOES:**

Allows owner of property located in Jackson County to apply to Oregon Water Resources Department (WRD) on or before July 1, 2022, to have reservoir registered with WRD if the reservoir is located on the property and existed prior to January 1, 2000. Authorizes WRD to grant registration of reservoir only if, on or before July 1, 2023, the property owner provides proof that reservoir stores not more than 9.2 acre-feet of water, has a dam or impoundment structure not more than 10 feet tall, has outlet works capable of releasing water to maintain reservoir and allow regulation for other water rights, and has fish passage as required by the Oregon Department of Fish and Wildlife. Requires property owner to measure flows into and out of registered reservoir and report monthly flows to WRD. Directs WRD to order removal of reservoir if property owner does not register reservoir and to terminate registration and require removal of reservoir if reservoir does not meet maintenance and registration requirements. Establishes that registration deems reservoir exempt from water right permit or certificate requirements and that registration is not a water use subject to transfer. Prohibits transfer of registration, diversion of water for use outside of reservoir, or obtaining of a secondary permit to use water stored in reservoir. Establishes this specific registration is subordinate to other water rights and that WRD may regulate registered reservoir for benefit of water rights. Establishes process for reservoir application. Sunsets January 2, 2025.

**ISSUES DISCUSSED:**

- Specific circumstances of a property in Jackson County
- General registration process and history for small reservoirs
- Role of legislature in granting individual water rights

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

A water right issued by the Oregon Water Resources Department is required to construct, store water in, or use water stored in a reservoir. Additional permits and approvals from other agencies may be necessary prior to construction of a water storage facility. An application for a water right may not legally be considered for a reservoir located or proposed in areas of the state that the legislature has designated as “withdrawn.” Waters located in withdrawn areas are reserved for specific purposes or otherwise restricted from water right permitting.

House Bill 2616 would authorize the owner of a specific property located in a withdrawn area of Jackson County to apply to the Oregon Water Resources Department to register an existing reservoir on the property.