

## HB 3103 A STAFF MEASURE SUMMARY

### House Committee On Water

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**Action Date:** 04/13/21

**Action:** Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

**Vote:** 6-2-0-0

**Yeas:** 6 - Helm, Leif, Reardon, Reynolds, Wilde, Witt

**Nays:** 2 - Breese-Iverson, Owens

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Allison Daniel, LPRO Analyst

**Meeting Dates:** 3/18, 4/8, 4/13

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#### WHAT THE MEASURE DOES:

Allows holder of a water right certificate authorizing water storage to change the type of use identified in the water right without losing priority of the right. Directs Water Resources Commission (Commission), for the purpose of finding stakeholder agreement on a path forward for transfers of stored water and related legislative proposals, to: engage professional facilitation services; seek and retain a senior lead facilitator and a junior support facilitator; hold six to 12 meetings with at least 20 diverse stakeholders between the effective date of this Act and June 30, 2023; and design a process for stakeholder meetings. Appropriates \$485,100 to the Commission for these purposes.

#### ISSUES DISCUSSED:

- History of transferring rights to use and to store water
- Water Resources Department's criteria for transfers of use
- Need for continued stakeholder engagement

#### EFFECT OF AMENDMENT:

Changes "use of the water" to "type of use identified in the water right certificate." Directs Water Resources Commission (Commission), for the purpose of finding stakeholder agreement on a path forward on transfers of stored water and related legislative proposals, to: engage professional facilitation services; seek and retain a senior lead facilitator with subject matter expertise and a junior support facilitator; hold six to 12 meetings with at least 20 diverse stakeholders between the effective date of this Act and June 30, 2023; and design a process for stakeholder meetings, including conducting stakeholder interviews and research before meetings. Appropriates \$485,100 to the Commission for these purposes.

#### BACKGROUND:

Under ORS 537.120, right of appropriation, all waters within the state of Oregon may be appropriated for beneficial use and any person intending to acquire the right to beneficial use must apply for a permit with the Oregon Water Resources Department (WRD). If a water right holder wishes to transfer the point of appropriation, type of use, or place of use, they must submit a transfer application to WRD. To approve a transfer application, WRD must determine that the proposed change will neither enlarge the water right nor injure other existing water rights.

House Bill 3103 A would allow the holder of a water right certificate authorizing water storage to change the type of use of the water without losing priority of the right and direct the Water Resources Commission to engage professional facilitation services to find agreement on a path forward for transfers of stored water and the development of related legislative proposals.