

A-Engrossed
House Bill 3092

Ordered by the House April 2
Including House Amendments dated April 2

Sponsored by COMMITTEE ON WATER (at the request of Representative Ken Helm)

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.

Requires Water Resources Department to establish [*grant*] program for purpose of sharing cost of remediating reductions in amount of ground water available for domestic personal use in Greater Harney Valley Groundwater Area of Concern due to overallocation of ground water [*for agricultural use*].

Establishes in State Treasury, separate and distinct from General Fund, Domestic Well Remediation Fund to provide funds for [*grant*] program.

Appropriates moneys from General Fund to Water Resources Department for deposit into Domestic Well Remediation Fund.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to ground water levels; and prescribing an effective date.

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

SECTION 1. (1) The Water Resources Department shall establish a program for the purpose of replacing, repairing or deepening domestic personal use wells that are affected by declining ground water levels resulting from overallocation of ground water within the Greater Harney Valley Groundwater Area of Concern.

(2) In administering the program, the department:

(a) May enter into contracts, intergovernmental agreements or other arrangements with public or private entities in order to work collaboratively to undertake the actions described in paragraph (b) of this subsection;

(b) May award grants for costs related to the replacement, repair or deepening of the wells or pay the cost of direct services of a water well constructor licensed under ORS 537.747 to perform work needed to replace, repair or deepen the wells;

(c) Shall develop a process for applying for a grant or payment;

(d) May require a grantee or recipient of a payment to report to the department on the use of the funds;

(e) Shall biennially review the program and report to the Water Resources Commission on program implementation and outcomes to assess to what extent the purpose described in subsection (1) of this section is being achieved; and

(f) Shall, based on the report, modify the program as necessary to better achieve the purpose described in subsection (1) of this section.

(3) A grant or payment described in subsection (2)(b) of this section may provide:

(a) Up to 75 percent of the total cost of replacing, repairing or deepening the well, not

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 to exceed \$10,000 per well for replacement, repair or deepening; and

2 (b) If determined by the department to be necessary as part of replacing a well, up to
3 \$3,500 for the cost of abandoning the replaced well.

4 (4) In reviewing applications for a grant or payment, the department shall:

5 (a) Prioritize grants or payments for wells owned by or serving persons of lower or
6 moderate income;

7 (b) Prioritize grants or payments for wells based on the severity of changes and declines
8 in ground water, as determined by the department; and

9 (c) Consider other criteria determined by the department to be appropriate.

10 (5) To be eligible for funding, wells must:

11 (a) Be domestic personal use wells affected by declining ground water levels within the
12 Greater Harney Valley Groundwater Area of Concern;

13 (b) Have served domestic personal use at a residence existing as of April 15, 2016; and

14 (c) Meet other criteria determined by the department.

15 (6) If replacement of a well is funded in whole or in part under the program, the replaced
16 well must be abandoned.

17 (7) The Water Resources Commission may adopt rules to implement the program. The
18 commission shall, for purposes of the program, adopt by rule a definition for the term
19 "Greater Harney Valley Groundwater Area of Concern" or maintain in rule a definition for
20 the term that the commission adopted before the effective date of this 2021 Act.

21 **SECTION 2.** The Water Resources Department shall make the initial report required by
22 section 1 (2)(e) of this 2021 Act on or before January 1, 2024.

23 **SECTION 3.** (1) There is established in the State Treasury, separate and distinct from the
24 General Fund, the Domestic Well Remediation Fund. Interest earned by the Domestic Well
25 Remediation Fund shall be credited to the fund. All moneys in the Domestic Well Remedi-
26 ation Fund are continuously appropriated to the Water Resources Department to carry out
27 the purposes described in section 1 of this 2021 Act.

28 (2) The Domestic Well Remediation Fund shall consist of all moneys credited to the fund,
29 including moneys appropriated or transferred to the fund by the Legislative Assembly.

30 **SECTION 4.** There is appropriated to the Water Resources Department, for the biennium
31 beginning July 1, 2021, out of the General Fund, the amount of \$500,000 for deposit into the
32 Domestic Well Remediation Fund established in section 3 of this 2021 Act.

33 **SECTION 5.** This 2021 Act takes effect on the 91st day after the date on which the 2021
34 regular session of the Eighty-first Legislative Assembly adjourns sine die.

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