

HB 3211 -1 STAFF MEASURE SUMMARY

House Committee On Agriculture, Land Use, Natural Resources, and Water

Prepared By: Anna Glueder, LPRO Analyst

Meeting Dates: 2/21, 3/7

WHAT THE MEASURE DOES:

Authorizes holder of a water right certificate to change the authorized point of diversion and place of use without losing priority of the right if the following conditions are met: the water right certificate authorizes the storage of water for municipal use; the dam at the authorized point of diversion has been determined to be unsafe or potentially unsafe and has a high hazard rating; there are no in-stream water rights or additional points of diversion located between the original and proposed points of diversion; and the holder of the water right certificate received funding from the Oregon Water Resources Department Water Supply Fund for a replacement dam. Specifies that modified authorizations apply to applications filed after the effective date of the Act and before January 1, 2026. Declares emergency, effective on passage.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Limits the applicability of the measure to the holders of water right certificates 21358, 48627 and 89100. Removes the absences of in-stream water rights or additional points of diversion located between the original and proposed points of diversion and the receiving of funding from the Oregon Water Resources Department Water Supply Fund for a replacement dam as requirements for the holder of a water right certificate to change the authorized point of diversion and place of use without losing priority of the right. Requires the holder of the water right certificate to comply with other applicable state and federal environmental laws when constructing the resulting new dam.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

BACKGROUND:

The use of water under a water right is restricted to the terms and conditions described in the water right certificate including the place of use, point of diversion, and type of use. In the context of this bill, the point of diversion refers to a dam location and the place of use is the footprint of the associated reservoir. It is unclear if current statute allows the replacement of a dam in a location that differs from its original point of diversion without violating the terms and conditions of the underlying water right.

House Bill 3211 would authorize the holder of a water right certificate for municipal water storage to change the authorized point of diversion and place of use without losing priority of the right under certain conditions.