

HB 3021 -2 STAFF MEASURE SUMMARY

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

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Meeting Dates: 4/4

WHAT THE MEASURE DOES:

Establishes that a perfected and developed water right is not subject to forfeiture if the owner of the water right if the owner of the water right ceased to use all or part of the water appropriated for a period of five successive years because the owner either engaged in water conservation practices or the distribution of water that the owner received from the water district was less than the certificated maximum for a period of at least five successive years.

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:

-2 Replaces the measure. Establishes that a perfected and developed water right is not subject to forfeiture if the holder or user of the water right used less water on the appurtenant land due to modified irrigation equipment that reduces the water rate and duty of the handling facility; reduced the rate or duty of water to achieve beneficial use of water on the appurtenant land, and if the water right holder provided information to the Oregon Department of Water Resources demonstrating that less rate and duty was applied after the modification of the irrigation equipment. Establishes that only the amount of water beneficially used in the period of five successive years is available for water right transfer.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

BACKGROUND:

Under Oregon law, all water belongs to the public and use requires authorization from the Oregon Department of Water Resources (OWRD) which provides permits that limit water use by place of use, point of diversion and type of use. A water right remains valid as long as it is not cancelled and beneficial use of the water, as specified in the water right certificate, continues without lapse of five or more consecutive years. Once a water right has been unused for five consecutive years or more, it is subject to cancellation even if the property owner begins to use the water again. Under certain conditions, such as extreme drought and federal set-aside programs, non-use may exceed five consecutive years without forfeiture of the right.

House Bill 3021 would establish that a perfected and developed water right is not subject to forfeiture if a lapse in use is due to the owner engaging in water conservation practices or because the owner received less than the certified maximum amount of water from the water district for a period of at least five consecutive years.