

HB 3097 A STAFF MEASURE SUMMARY

Carrier: Rep. McLain

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

Action Date: 03/07/23

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 9-0-0-0

Yeas: 9 - Boice, Gamba, Hartman, Helm, Levy B, Marsh, McLain, Owens, Scharf

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Anna Glueder, LPRO Analyst

Meeting Dates: 2/2, 3/7

WHAT THE MEASURE DOES:

Allows municipal corporations or people’s utility districts to apply for water use certificates for hydroelectric purposes within a piped conduit in an artificial delivery system that is delivering water for municipal uses regardless of who holds the underlying municipal water right, as long as written authorization by that holder is given. Authorizes the Oregon Water Resources Department to amend its application filing procedural rules by December 31, 2024, if needed.

ISSUES DISCUSSED:

- History of in-conduit leasing
- Future potential for in-conduit leasing in other settings
- Access to in-conduit leasing for community water systems

EFFECT OF AMENDMENT:

Limits artificial delivery systems to those containing a piped conduit. Specifies the underlying water right must be a municipal water right.

BACKGROUND:

In-conduit hydroelectric power is generated in existing tunnels, canals, pipelines, and other manmade structures that are fitted with electric generating equipment. As these projects can extract power from water without the need for a large reservoir, they are often considered "small hydro." In-conduit hydroelectric power is not allowed as a municipal beneficial use. Municipalities must undergo an application process with the Oregon Water Resources Department in conjunction with the Oregon Department of Fish and Wildlife to obtain a hydroelectric certificate, and the application can only be filed by the original water right holder.

House Bill 3097 A would allow municipal corporations or people’s utility districts to apply for water use certificates for hydroelectric power generation upon written authorization by the underlying water right holder.