

HB 3346 A STAFF MEASURE SUMMARY

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

Action Date: 03/30/23

Action: Do pass with amendments and be referred to Ways and Means. (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

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Meeting Dates: 3/7, 3/9, 3/30

WHAT THE MEASURE DOES:

Requires the Oregon Water Resources Department (OWRD) to: (1) work with the Oregon Department of Justice, the Office of Administrative Hearings, and the Oregon Department of Fish and Wildlife (ODFW) to reduce the water rights and transfer protests backlog (backlog), (2) **develop a strategy** to reduce the backlog, (3) contract for an **independent assessment** of the backlog that fulfills certain requirements, (4) **provide recommendations** for changing the water rights and transfers decision system to improve delivery of fair and efficient dispositions of existing protests and prevent future backlogs, and (5) **report** on the strategy, the assessment, and the recommendations to water-related committees or interim committees of the Legislative Assembly by December 31, 2024. Appropriates \$2,430,000 General Fund moneys to WRD and \$381,862 General Fund moneys to ODFW. Sunsets January 2, 2026. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Extent of the water rights and transfer protests backlog and associated funding needs
- Issues associated with the backlog
- Current understanding of the barriers to the backlog
- Importance to prevent backlog from increasing

EFFECT OF AMENDMENT:

Replaces the measure with exception of emergency clause.

BACKGROUND:

Under Oregon law, all water belongs to the public and use requires authorization from the Oregon Water Resources Department (OWRD), which provides permits that limit water use by place of use, point of diversion, and type of use. Because water in Oregon remains appurtenant to the land on which it is used, if a water right holder wishes to alter their use in any way, they must file a transfer application with OWRD. Opportunities are provided for other water right holders and the public to protest the issuance or transfer of a permit. Water users can assert that a new permit may injure or interfere with their water use, and the public can claim that issuing a new permit may be detrimental to the public interest.

House Bill 3346 A would require OWRD to work with the Oregon Department of Justice, the Office of Administrative Hearings, and the Oregon Department of Fish and Wildlife to reduce the water rights and transfer protests backlog by contracting for an independent assessment of the backlog, developing a strategy to reduce it, and providing recommendations for improving the water rights and transfers decision system.