

HB 2929 A STAFF MEASURE SUMMARY

Carrier: Rep. Marsh

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

Action Date: 04/03/23
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 5-4-0-0
Yeas: 5 - Gamba, Hartman, Helm, Marsh, McLain
Nays: 4 - Boice, Levy B, Owens, Scharf
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Anna Glueder, LPRO Analyst
Meeting Dates: 3/23, 4/3

WHAT THE MEASURE DOES:

Authorizes the Oregon Water Resources Department (WRD) to seek temporary or permanent injunctive relief at the Circuit Court for Marion County, or the circuit court in the county where the activity takes place, if a person has engaged in an activity that violates water right permitting; unlawful use or appropriation of groundwater, including well construction and operation; interference with a headgate; or the unauthorized use of wastewater. Requires WRD to report on or before September 15, 2028 to a committee or interim committee of the Legislative Assembly related to water on the department’s use of injunctive authority. Requires report to describe the frequency of the department’s pursuit of injunctions and the outcomes of applying for, and being granted, injunctions pursuant to Act. Sunsets provisions of Act on January 2, 2030.

ISSUES DISCUSSED:

- Applicability to use of cisterns and rainwater
- Reporting interval requirements
- Potential to make measure specific to growing of illegal crops

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

A water right is the right to use water for a beneficial purpose and specifies the quantity of water, point of diversion, place of use, type of use, season of use, and priority date. Using water in the absence of an official water right is a violation, however the Oregon Water Resources Department lacks the authority to apply to the courts for a temporary or permanent injunction.

House Bill 2929 A would give the Oregon Water Resources Department authority to seek permanent or temporary injunctive relief if a person has engaged in certain water use violations. The measure would sunset on January 2, 2030.