

A-Engrossed
House Bill 3099

Ordered by the House April 4
Including House Amendments dated April 4

Sponsored by COMMITTEE ON AGRICULTURE, LAND USE, NATURAL RESOURCES, AND WATER (at the request of Representative Ken Helm)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Requires Water Resources Department to study water management in Chewaucan River watershed. Directs department to submit findings to interim committees of Legislative Assembly related to water no later than September 15, 2024.]

Instructs Oregon Consensus at Portland State University and Oregon State University to establish process related to water management in Chewaucan River watershed.

Instructs State Department of Fish and Wildlife and Water Resources Department to undertake certain activities related to Chewaucan River watershed and Lake Abert.

Appropriates moneys to Higher Education Coordinating Commission for distribution to Oregon Consensus and Oregon State University for purposes related to process.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the Chewaucan River watershed; and prescribing an effective date.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) Oregon Consensus at Portland State University and Oregon State Uni-**
5 **versity shall establish a collaborative process for:**

6 **(a) Developing a shared understanding of water management in the Chewaucan River**
7 **watershed; and**

8 **(b) Identifying broadly supported actions related to the Chewaucan River watershed that**
9 **will strive to:**

10 **(A) Meet water needs, including needs for agricultural operations, communities, Lake**
11 **Abert, wet meadows and fish and wildlife;**

12 **(B) Address the ecological health of Lake Abert and the entire Chewaucan River**
13 **watershed; and**

14 **(C) Consider social, economic and environmental benefits and impacts.**

15 **(2) The process must be guided by a governance agreement that describes conditions for**
16 **participation, the scope of the collaborative process, how decisions will be made and how the**
17 **process will:**

18 **(a) Be developed by a collaborative group that represents a balance of interests, including**
19 **but not limited to interests in in-stream and out-of-stream water;**

20 **(b) Address current and future in-stream and out-of-stream water needs;**

21 **(c) Promote contemplation of actions that are consistent with the state water resources**
22 **policy as defined in ORS 536.007 and water-related state laws that are in effect on the effec-**
23 **tive date of this 2023 Act;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (d) Be developed through an open and transparent process that fosters public partic-
2 ipation; and

3 (e) Be developed in consultation with the Department of Environmental Quality, the
4 State Department of Fish and Wildlife, the Water Resources Department and affected
5 federally recognized Indian tribes.

6 (3) The process may not delay or preclude the activities of agencies, including activities
7 such as applying for in-stream water rights, regulating water use, managing water rights,
8 collecting water-related data and performing technical analyses.

9 (4) The process may not interfere with water appropriations granted on or before the
10 effective date of this 2023 Act for privately held surface and ground water rights to use water
11 from the Chewaucan River watershed and the tributaries of the watershed.

12 (5) The process may not delay or preclude the activities of private landowners, including
13 activities such as applying for new water rights, for water right transfer, for changes in
14 points of diversion or appropriation or for irrigations uses, or any other activities allowed
15 under water-related state laws.

16 **SECTION 2.** Section 1 of this 2023 Act is repealed on June 30, 2025.

17 **SECTION 3.** (1) The State Department of Fish and Wildlife and the Water Resources
18 Department shall undertake activities related to the Chewaucan River watershed and Lake
19 Abert, including but not limited to the following activities:

20 (a) Collecting data and information, and performing technical analyses, to develop an
21 improved understanding of water management and the hydrologic system.

22 (b) Collecting data and information, and performing technical analyses, related to fish
23 and wildlife, including information and analyses about the presence, distribution and water
24 needs of the fish and wildlife.

25 (c) Developing a refined hydrologic analysis that assesses water inflows, water outflows
26 and changes in water storage.

27 (d) Supporting collaborative processes, public participation and the resolution of complex
28 issues related to water management.

29 (2) The State Department of Fish and Wildlife and the Water Resources Department may
30 contract for performance of the activities described in subsection (1) of this section.

31 **SECTION 4.** In addition to and not in lieu of any other appropriation, there is appropri-
32 ated to the Higher Education Coordinating Commission, for the biennium beginning July 1,
33 2023, out of the General Fund, the amount of \$420,000, for distribution to Oregon Consensus
34 at Portland State University, which must be used for the purposes described in section 1 of
35 this 2023 Act and may be used for awarding grants and stipends to participants in the
36 collaborative process described in section 1 of this 2023 Act.

37 **SECTION 5.** In addition to and not in lieu of any other appropriation, there is appropri-
38 ated to the Higher Education Coordinating Commission, for the biennium beginning July 1,
39 2023, out of the General Fund, the amount of \$150,000, for distribution to Oregon State Uni-
40 versity, which must be used for the purposes described in section 1 of this 2023 Act.

41 **SECTION 6.** This 2023 Act takes effect on the 91st day after the date on which the 2023
42 regular session of the Eighty-second Legislative Assembly adjourns sine die.