

# House Bill 3211

Sponsored by Representative GOMBERG; Representatives JAVADI, WRIGHT, Senators ANDERSON, SMITH DB, WEBER

## 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 **as introduced**.

Authorizes holder of water right certificate that authorizes storage of water for municipal use to change authorized point of diversion and place of use without losing priority of right under specified circumstances.

Provides that authorization applies to applications for change filed after effective date of Act and before January 1, 2026.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to water right certificates that authorize the storage of water for municipal use; and de-  
3 claring an emergency.

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

5 **SECTION 1. (1) A holder of a water right certificate that authorizes the storage of water**  
6 **for municipal use may apply to change the authorized point of diversion and place of use, as**  
7 **described in ORS 540.520 and 540.530, and may change the authorized point of diversion and**  
8 **place of use, as described in ORS 540.510 (1)(a), without losing priority of the right if:**

9 (a) **The water right certificate authorizes the storage of water for municipal use;**

10 (b) **The dam at the authorized point of diversion has been determined by the Water Re-**  
11 **sources Department to have a high hazard rating, as defined in ORS 540.443, and to be unsafe**  
12 **or potentially unsafe, as defined in ORS 540.443;**

13 (c) **No in-stream water rights are located on the stream between the authorized point**  
14 **of diversion and the proposed point of diversion;**

15 (d) **No authorized point of diversion, other than points of diversion held by the holder of**  
16 **the water right certificate, is located on the stream between the authorized point of diver-**  
17 **sion and the proposed point of diversion; and**

18 (e) **The holder of the water right certificate has received funding from the Water Re-**  
19 **sources Department Water Supply Fund for design, environmental permitting and con-**  
20 **struction of a seismically sound replacement dam.**

21 (2) **After making a change described in subsection (1) of this section, when constructing**  
22 **the resulting new dam and reservoir, the holder of the water right certificate must comply**  
23 **with other applicable state and federal environmental permitting requirements.**

24 **SECTION 2. Section 1 of this 2023 Act:**

25 (1) **Applies to applications filed with the Water Resources Department after the effective**  
26 **date of this 2023 Act and before January 1, 2026.**

27 (2) **Is repealed on January 2, 2026.**

28 **SECTION 3. This 2023 Act being necessary for the immediate preservation of the public**

**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 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**  
2 **on its passage.**

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