

A-Engrossed
House Bill 3346

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

Sponsored by Representatives OWENS, 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.

[Establishes Task Force on the Water Rights and Transfers Protest Backlog.]

Instructs *[task force]* **Water Resources Department** to **take certain actions concerning backlog of protests of decisions concerning water rights and transfers** and submit report on **backlog** to *[committee]* **committees** or interim *[committee]* **committees** of Legislative Assembly related to water no later than *[September 15]* **December 31, 2024**.

Appropriates moneys to Water Resources Department¹, *Department of Justice, Office of Administrative Hearings* and State Department of Fish and Wildlife for purposes related to backlog of protests of decisions concerning water rights and transfers.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to protests of decisions concerning water; and declaring an emergency.

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

4 **SECTION 1. The Water Resources Department shall:**

5 (1) **Work with the Department of Justice, the Office of Administrative Hearings and the**
6 **State Department of Fish and Wildlife to reduce the backlog of protests of decisions con-**
7 **cerning water rights and transfers.**

8 (2) **Develop a strategy for reducing the backlog, including criteria for prioritizing pro-**
9 **tests, measures to sustainably increase the pace of reducing the backlog and provisions to**
10 **ensure coordination with the State Department of Fish and Wildlife and other affected**
11 **agencies.**

12 (3) **Contract for an independent assessment of the backlog of protests that:**

13 (a) **Is based on both independent research and consultation with the Water Resources**
14 **Department, the Department of Justice and the Office of Administrative Hearings, as well**
15 **as consultation with protestants representing public and private interests.**

16 (b) **Summarizes the status of the backlog.**

17 (c) **Evaluates trends in the types of applications for water rights and transfers that are**
18 **protested, referred and resolved.**

19 (d) **Evaluates existing policies and practices for assessing protests for contested case**
20 **referral and scheduling, including any standards for how the Water Resources Department**
21 **communicates with applicants and protestants.**

22 (e) **Analyzes existing causes of delay that contribute to the backlog, including but not**
23 **limited to causes of delay related to the capacity of the Water Resources Department, the**
24 **Department of Justice, the Office of Administrative Hearings and the State Department of**

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 **Fish and Wildlife.**

2 (4) Provide recommendations for changing the system of making decisions concerning
3 water rights and transfers to improve the delivery of fair and efficient dispositions of exist-
4 ing protests and prevent future backlogs.

5 (5) Report, in the manner prescribed in ORS 192.245, to the committees or interim com-
6 mittees of the Legislative Assembly related to water, on or before December 31, 2024, on the
7 strategy described in subsection (2) of this section, the assessment described in subsection
8 (3) of this section and the recommendations described in subsection (4) of this section.

9 **SECTION 2.** Section 1 of this 2023 Act is repealed on January 2, 2026.

10 **SECTION 3.** In addition to and not in lieu of any other appropriation, there is appropri-
11 ated to the Water Resources Department, for the biennium beginning July 1, 2023, out of the
12 General Fund, the amount of \$2,430,000, which may be expended for purposes described in
13 section 1 of this 2023 Act.

14 **SECTION 4.** In addition to and not in lieu of any other appropriation, there is appropri-
15 ated to the State Department of Fish and Wildlife, for the biennium beginning July 1, 2023,
16 out of the General Fund, the amount of \$381,862, which may be expended for purposes de-
17 scribed in section 1 of this 2023 Act.

18 **SECTION 5.** This 2023 Act being necessary for the immediate preservation of the public
19 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
20 on its passage.

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