

HB 3501 STAFF MEASURE SUMMARY

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

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Meeting Dates: 3/10

WHAT THE MEASURE DOES:

The measure makes changes to the application process for certain water right transfers and prohibits the Oregon Water Resources Department to consider whether the proposed change will impair or be detrimental to the public when evaluating an application.

Detailed Summary

Prohibits the consideration of whether the proposed change will impair or be detrimental to the public in the evaluation of the following water right changes and transfer applications:

- Transfer of a supplemental water right or permit; or a proposed change when a government action results in or creates a reasonable expectation of change in surface water level that impairs or threatens access to a POD.
- Change of use, place of use or point of diversion
- Temporary transfers of primary and supplementary water rights
- Substitutions of a supplemental right (ground water) for a primary right (surface water).
- Changes to point of diversion to allow use of groundwater instead of surface water under existing water right.
- Temporary transfers within a district

Makes the following additional changes to the application process for change of use, place of use or point of diversion:

- Requires the Water Resources Director (Director) to approve or deny the proposed change within 120 after receiving a complete application unless an extension is requested by the applicant.
- Prohibits OWRD or the Director from compelling the applicant from waiving the 120-day deadline.
- Establishes a \$10,000 fee for protest submissions by anyone other than the applicant or a landowner or holder of an instream water right within the same hydrologic basin as the water right in question.
- Limits the scope of the contested case hearing to determining whether the transfer would harm an existing water right.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Water right transfers provide a method to change the point of diversion or appropriation, the place of use, or the beneficial use of a water right after its original issuance. The water right holder must obtain advance approval of a water right transfer from the Oregon Water Resources Department (OWRD) before making changes. In reviewing a transfer application, the OWRD is responsible for ensuring that other water right holders will not be injured as a result of the proposed change. Upon receipt of an application for a transfer, the OWRD publishes a notice of the application to provide other water right holders an opportunity to identify any injury that might occur as a result

of the transfer.

PRELIMINARY