

Topic	Existing Law	HB 3343 -4 Amendment
Sections 2(2)(a) Cost Share Measurement: Allowable expenses	The department may currently use the moneys in the fund to contribute up to 75 percent of the moneys needed to install, substantially repair, or replace a streamflow gage, measuring device or headgate with a measuring device on authorized diversions or points of appropriation where the gage, measuring device or headgate will be used to protect in-stream flow or existing water rights, measure ground water use or monitor water rights and streamflow.	(a) To issue grants for up to 75 percent of the moneys needed to install, replace or substantially repair streamflow gages, measuring devices, headgates with measuring devices or other water measurement infrastructure that: “(A) Measures the diversion, appropriation, storage, release, redirection or use of water; “(B) Protects in-stream flow or existing water rights; or “(C) Monitors water rights or streamflow. “(b) For the costs of administering the program and the fund.
Sections 2(3) Cost Share Measurement: Prioritization of funding	The department currently shall prioritize the expenditure of moneys from the fund for streamflow gages, measuring devices and headgates with measuring devices in the following descending order: (a) Installation. (b) Replacement. (c) Substantial repair.	The department may establish priorities for funding projects described in subsection (2a) of this section to accomplish the department’s water management and data objectives.
Sections 2(4) Cost Share Measurement: Measure and report water use if receiving funds	No authority to require measurement and reporting as part of the grant. However, OWRD could use existing measurement and reporting authorities through issuance of a separate order.	The department may require a recipient of a grant under the program to measure and report water use.
Sections 2(5) Water Cost Share Measurement Fund: Ability to receive funds and to enter into agreements	The department may receive funds from, and may enter into agreements or contracts with, any person for the purpose of implementing the Water Measurement Cost Share Program Revolving Fund. Person is defined in ORS 536.007(6).	Same as bill but adds: federally recognized Indian tribe, or nonprofit, ensures all public bodies included.
Sections 2(6) Water Cost Share Measurement Fund: Rulemaking	Unclear, may be implied under general authority to make rules.	Makes ability to do rules on the program explicit.
Sections 4-7 Ability to require water use measurement and reporting as part of an order approving	OWRD can condition a transfer, permit amendment, and groundwater registration modification with measurement and reporting conditions to prevent potential injury or enlargement. OWRD can condition an extension for water use measurement and reporting if doing so	OWRD may condition a transfer, permit amendment, and groundwater registration modification, for water use measurement and reporting, regardless of finding of injury or enlargement. OWRD may condition an extension for water use measurement and reporting, regardless

<p>an application for a change to an existing water right: extensions, permit amendments, transfers, groundwater registration modifications.</p>	<p>ensures future diligence, mitigates effects of subsequent development, and documents need for the permit.</p> <p>Regardless of processes above: OWRD can issue separate orders requiring measurement and reporting for rights identified by watermasters under its other authorities. This is done where there is concern of uses not in line with water rights and to ensure that compliance with water law. However, this is inefficient to require two orders to get to the same outcome as well as utilizes additional staff resources.</p>	<p>of finding that ensures future diligence, mitigates effects of subsequent development, and documents need for the permit</p>
<p>Civil penalties</p>	<p>OWRD does not have clear authority to issue civil penalties for failure to report water use under 537.099 or 537.101.</p>	<p>Provides clear authority for penalties for failing to report under 537.101 and 537.099 by amending ORS 536.900. Adds penalties for measurement and reporting added by this bill under sections 4-7.</p>