

HB 3800 STAFF MEASURE SUMMARY

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

Action Date: 04/07/25

Action: Without recommendation as to passage and be referred to Rules.

Vote: 9-0-0-0

Yeas: 9 - Boice, Hartman, Helm, Levy B, Marsh, McDonald, McLain, Owens, Scharf

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 3/26, 4/7

WHAT THE MEASURE DOES:

The measure renames the Greater Harney Valley Groundwater Area of Concern to Harney Basin Groundwater Management Area (HBGMA) and establishes certain authorities and duties for the Oregon Water Resources Department related to the HBGMA.

Detailed Summary

Renames the Greater Harney Valley Groundwater Area of Concern to Harney Basin Groundwater Management Area (HBGMA).

- I. Establishes the following **authorities for the Oregon Water Resources Department (OWRD)** related to the HBGMA:
 - Modify the rate and duty of a certificated groundwater right based on a five-year rolling average of historic use within a subarea, ensuring the modified duty does not exceed the original certificated duty.
 - Decline applications for new groundwater rights for irrigation in the specified subarea.
 - Require measurement and reporting for existing groundwater rights.
 - Deny extension requests to develop groundwater use rights.
 - Specify, through rulemaking, OWRD's criteria for processing groundwater transfer applications under ORS Chapter 540.
- I. Establishes the following **duties for OWRD** related to the HBGMA:
 - Develop and implement a program to identify and curtail unauthorized groundwater use.
 - Establish, through rulemaking, an adaptive groundwater management plan and program. Specifies requirements.
 - Establish a groundwater advisory committee to evaluate and advise on the effectiveness of OWRD's groundwater management.
 - Adopt rules to create a mitigation program enabling OWRD to process new groundwater right applications for non-irrigation uses by reducing water use under existing water rights.

ISSUES DISCUSSED:

- Economic consequences for the community members if no more water rights are issued
- Importance of rate and duty for irrigation
- Importance of stock water exemption
- Properties bought by investors
- Effect of decreased irrigation on local utility rates

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Greater Harney Valley Area, primarily located in Harney County, includes both Malheur Lake and Harney Lake. In 2015, an initial analysis of groundwater levels and aquifer recharge suggested that annual groundwater use, and other discharges likely exceeded the area's annual recharge. The Oregon Water Resources Commission adopted a rule to limit pending and new applications for ground water uses in the Malheur Basin that went into effect on April 15, 2016. The Commission also established the Greater Harney Valley Groundwater Area of Concern (GWAC) to ensure that ground water in the area was appropriated within the limits of available water resources and to maintain reasonably stable ground water levels to protect existing water users.