

Requested by Representative HELM

**PROPOSED AMENDMENTS TO
HOUSE BILL 3419**

1 In line 2 of the printed bill, after “water” insert “; creating new pro-
2 visions; amending ORS 536.021, 536.900, 537.101 and 537.735; and repealing
3 540.435”.

4 Delete lines 4 through 8 and insert:
5

6 **“WATER USE MEASUREMENT AND REPORTING**
7

8 **“SECTION 1.** ORS 537.101 is amended to read:

9 **“537.101. (1) As used in this section, ‘water use measurement or re-**
10 **porting requirement’ includes requirements to measure or report wa-**
11 **ter use under:**

12 **“(a) ORS 390.835.**

13 **“(b) Section 10 of this 2025 Act.**

14 **“(c) ORS 537.099.**

15 **“(d) ORS 537.141.**

16 **“(e) ORS 537.348.**

17 **“(f) ORS 537.545.**

18 **“(g) A rule adopted pursuant to ORS 537.735.**

19 **“(h) ORS 540.310.**

20 **“(i) ORS 540.330.**

21 **“(j) A rule described in section 7 of this 2025 Act.**

1 “(k) Section 11 of this 2025 Act.

2 “(L) ORS 541.692.

3 “(m) A condition of a water right, an order approving a change
4 under ORS 537.211 or 537.610, an order approving a transfer under ORS
5 chapter 540 or an order approving an extension under ORS chapter 537.

6 “(n) Subsection (2) of this section.

7 “(o) Any other provision in ORS chapter 536, 537, 538, 539, 540, 541,
8 542, 543 or 543A or a rule or order adopted thereunder.

9 “[(1) If the Water Resources Department requires an entity to measure the
10 use of water diverted, stored or otherwise appropriated by the entity under a
11 right established by a water right permit, water right certificate, limited li-
12 cense, decree, order of determination or ground water registration, the depart-
13 ment may require the entity to report the measured use to the department.]

14 “(2) In addition to any other authority, the Water Resources De-
15 partment may require a person that uses water as described in ORS
16 chapter 536, 537, 538, 539, 540, 541, 542, 543 or 543A to measure the use
17 of the water and report to the department on the use of the water,
18 including on the quantity of the water diverted, rediverted, stored,
19 released or otherwise appropriated or used.

20 “[(2)] (3) The Water Resources Commission shall adopt rules as provided
21 under ORS 536.027 to carry out [subsection (1) of] this section **and other**
22 **sections that establish water use measurement or reporting require-**
23 **ments.**

24 “(4) In adopting rules pursuant to subsection (3) of this section, the
25 commission shall, to the extent practicable, develop consistent stan-
26 dards, methods, procedures and enforcement practices to implement
27 and enforce all water use measurement or reporting requirements.

28 “(5) A water user that violates a water use measurement or re-
29 porting requirement may be subject to:

30 “(a) A prohibition on the diversion, storage or use of water pursu-

1 ant to an order by a watermaster.

2 “(b) Civil penalties under ORS 536.900.

3 “SECTION 2. Section 3 of this 2025 Act is added to and made a part
4 of ORS chapter 537.

5 “SECTION 3. The Water Resources Department may require water
6 use measurement and reporting in any order approving an extension
7 under ORS 537.230 or 537.630.

8 “SECTION 4. Section 5 of this 2025 Act is added to and made a part
9 of ORS chapter 540.

10 “SECTION 5. The Water Resources Department may require water
11 use measurement and reporting in any order approving a transfer
12 under this chapter.

13

14 “WATER MANAGEMENT PROBLEM AREAS

15

16 “SECTION 6. ORS 540.435 is repealed.

17 “SECTION 7. The Water Resources Commission may enforce, mod-
18 ify or repeal rules establishing serious water management problem
19 areas that were adopted before July 1, 2026.

20 “SECTION 8. Section 7 of this 2025 Act and the repeal of ORS 540.435
21 by section 6 of this 2025 Act become operative on July 1, 2026.

22

23 “WATER DATA PRIORITY AREAS

24

25 “SECTION 9. Section 10 of this 2025 Act is added to and made a part
26 of ORS chapter 537.

27 “SECTION 10. (1) The Water Resources Commission may establish
28 by rule water data priority areas, based on factors that may include,
29 but are not limited to, the following:

30 “(a) The decline of ground water levels.

1 **“(b) The overappropriation of surface water.**

2 **“(c) Unresolved disputes among water users.**

3 **“(d) Frequent water shortages.**

4 **“(e) Inadequate data existing to quantify the surface water or**
5 **ground water resource.**

6 **“(f) Water quality impairment.**

7 **“(2) Before establishing a water data priority area under subsection**
8 **(1) of this section, the commission shall:**

9 **“(a) Cause a hearing to be conducted in the affected area to deter-**
10 **mine whether a water data priority area should be established; and**

11 **“(b) Allow any affected person or entity an opportunity to present**
12 **alternative methods or devices that could be used to provide the in-**
13 **formation necessary to manage the water resource or to alleviate the**
14 **water management problem.**

15 **“(3) The commission may require a person or entity using any sur-**
16 **face or ground water source within a water data priority area to:**

17 **“(a) Install a water measuring device;**

18 **“(b) Measure the water diverted, rediverted, stored, released or**
19 **otherwise appropriated or used; and**

20 **“(c) Report to the Water Resources Department.**

21
22 **“WATER MEASUREMENT COST SHARE PROGRAM**

23
24 **“SECTION 11. (1) The Water Resources Department shall establish**
25 **a water measurement cost share program.**

26 **“(2) Under the program, the department may use moneys in the**
27 **Water Measurement Cost Share Program Revolving Fund:**

28 **“(a) To award a grant for up to 75 percent of the moneys needed to**
29 **install, replace or substantially repair infrastructure that measures**
30 **the diversion, appropriation, storage, release, rediversion or use of**

1 water, that protects in-stream flow or existing water rights or that
2 monitors water rights and streamflow, in the following order of pri-
3 ority:

4 “(A) Installation of infrastructure that measures the diversion, ap-
5 propriation, storage, release or use of water.

6 “(B) Replacement of infrastructure that measures the diversion,
7 appropriation, storage, release or use of water.

8 “(C) Substantial repair of infrastructure that measures the diver-
9 sion, appropriation, storage, release or use of water.

10 “(D) Installation, replacement or substantial repair of
11 infrastructure that measures the redirection of water.

12 “(b) For the costs of administering the program and the fund and
13 implementing the program.

14 “(3) The department may require a recipient of a grant under the
15 program to measure and report water use.

16 “(4) To implement the program, the department may receive funds
17 from, and may enter into agreements or contracts with, any person,
18 public body, federally recognized Indian tribe or nonprofit organiza-
19 tion.

20 “**SECTION 12.** ORS 536.021 is amended to read:

21 “536.021. (1) The Water Measurement Cost Share Program Revolving Fund
22 is established separate and distinct from the General Fund. All moneys in
23 the Water Measurement Cost Share Program Revolving Fund are contin-
24 uously appropriated to the Water Resources Department for the purposes
25 described in *[this]* section **11 of this 2025 Act.**

26 “(2) The fund *[established in this section consists]* **shall consist** of **all**
27 moneys appropriated by the Legislative Assembly and moneys gifted, be-
28 quested, donated or granted from any person for the *[purpose of installing,*
29 *substantially repairing or replacing streamflow gauges, measuring devices or*
30 *headgates with measuring devices]* **purposes described in section 11 of this**

1 **2025 Act.**

2 “[3] *The department may use the moneys in the fund to contribute up to*
3 *75 percent of the moneys needed to install, substantially repair or replace a*
4 *streamflow gauge, measuring device or headgate with a measuring device on*
5 *authorized diversions or points of appropriation where the gauge, measuring*
6 *device or headgate will be used to protect in-stream flow or existing water*
7 *rights, measure ground water use or monitor water rights and streamflow.]*

8 “[4] *The department may receive funds from, and may enter into agree-*
9 *ments or contracts with, any person for the purpose of implementing the Water*
10 *Measurement Cost Share Program Revolving Fund.]*

11 “[5] *The department shall prioritize the expenditure of moneys from the*
12 *fund for streamflow gauges, measuring devices and headgates with measuring*
13 *devices in the following descending order:]*

14 “[a] *Installation.]*

15 “[b] *Replacement.]*

16 “[c] *Substantial repair.]*

17

18 **“CRITICAL GROUND WATER AREAS**

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20 **“SECTION 13.** ORS 537.735 is amended to read:

21 “537.735. (1) A rule adopted by the Water Resources Commission under
22 ORS 537.730 shall:

23 “(a) Define the boundaries of the critical ground water area and shall
24 indicate which of the ground water reservoirs located either in whole or in
25 part within the area in question are included within the critical ground
26 water area. Any number of ground water reservoirs which either wholly or
27 partially overlie one another may be included within the same critical
28 ground water area.

29 “(b) Contain a provision requiring a periodic review of conditions in the
30 critical ground water area. The review shall be in sufficient detail to evalu-

1 ate the continuing need for the critical ground water area designation and
2 shall occur no less frequently than once every 10 years.

3 “(2) In adopting the rule, the commission shall consider any orders or
4 permits applicable to the reservoir issued by the governing board or State
5 Geologist of the State Department of Geology and Mineral Industries under
6 ORS chapter 522.

7 “(3) A rule by the commission under subsection (1) of this section may
8 include any one or more of the following corrective control provisions:

9 “(a) A provision closing the critical ground water area to any further
10 appropriation of ground water, in which event the commission shall there-
11 after refuse to accept any application for a permit to appropriate ground
12 water located within such critical area.

13 “(b) A provision determining the permissible total withdrawal of ground
14 water in the critical area each day, month or year.

15 “(c) The disposition of any application for a water right permit for the
16 use of water in the area that is pending at the time the commission initiates
17 the rulemaking process or that is received during the rulemaking process.

18 “(d) Any one or more provisions making such additional requirements as
19 are necessary to protect the public welfare, health and safety in accordance
20 with the intent, purposes and requirements of ORS 537.505 to 537.795 and
21 537.992.

22 “(e) A provision closing all or part of the critical ground water area to
23 further appropriation of ground water for its thermal characteristics.

24 “(f) A provision determining the permissible change in thermal charac-
25 teristics of ground water in all or part of the critical ground water area each
26 day, month or year. Insofar as may be reasonably done, the Water Resources
27 Director shall apportion the permissible total temperature impact among
28 those appropriators whose exercise of valid rights in the critical area affect
29 the thermal characteristics of the ground water, in accordance with the rel-
30 ative dates of priority of such rights.

1 “(4) A civil penalty may not be imposed until the commission prescribes
2 a reasonable time to eliminate the violation. The commission shall notify the
3 violator of the time allowed to correct a violation within 10 business days
4 after the commission first becomes aware of the violation.

5 “(5) Notwithstanding any term or condition of a permit, certificate or li-
6 cense, the rotation of the use of water under ORS 540.150 may not be con-
7 sidered a violation under subsection (1) of this section.

8 “(6) **Notwithstanding ORS 536.910**, the commission may impose a civil
9 penalty of not more than \$2,000 per occurrence for a violation described in
10 subsection (1)(g) of this section.

11

12

“CAPTIONS

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14 **“SECTION 15. The unit captions used in this 2025 Act are provided**
15 **only for the convenience of the reader and do not become part of the**
16 **statutory law of this state or express any legislative intent in the**
17 **enactment of this 2025 Act.”.**

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