

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) ORS 537.099.**

14 **“(c) ORS 537.141.**

15 **“(d) ORS 537.348.**

16 **“(e) ORS 537.545.**

17 **“(f) A rule adopted pursuant to ORS 537.735.**

18 **“(g) ORS 540.310.**

19 **“(h) ORS 540.330.**

20 **“(i) A rule described in section 7 of this 2025 Act.**

21 **“(j) Section 10 of this 2025 Act.**

1       **“(k) ORS 541.692.**

2       **“(L) A condition of a water right, an order approving a change un-**  
3 **der ORS 537.211 or 537.610, an order approving a transfer under ORS**  
4 **chapter 540 or an order approving an extension under ORS chapter 537.**

5       **“(m) Subsection (2) of this section.**

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

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

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

19       **“[(2)] (3) The Water Resources Commission shall adopt rules as provided**  
20 **under ORS 536.027 to carry out [subsection (1) of] this section and any other**  
21 **statute that establishes water use measurement or reporting require-**  
22 **ments.**

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

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

29       **“(a) A prohibition on the diversion, storage or use of water pursu-**  
30 **ant to an order by a watermaster.**

1       “(b) Civil penalties under ORS 536.900.

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

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

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

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

12  
13                                   **“WATER DATA PRIORITY AREAS**

14  
15       “SECTION 6. Section 7 of this 2025 Act is added to and made a part  
16 of ORS chapter 537.

17       “SECTION 7. (1) The Water Resources Commission may establish  
18 by rule water data priority areas, based on factors that may include,  
19 but are not limited to, the following:

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

21       “(b) The overappropriation of surface water.

22       “(c) Unresolved disputes among water users.

23       “(d) Frequent water shortages.

24       “(e) Inadequate data existing to quantify the surface water or  
25 ground water resource.

26       “(f) Water quality impairment.

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

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

1       “(b) Allow any affected person or entity an opportunity to present  
2 alternative methods or devices that could be used to provide the in-  
3 formation necessary to manage the water resource or to alleviate the  
4 water management problem.

5       “(3) Notwithstanding subsections (1) and (2) of this section and the  
6 provisions of ORS chapter 183, the commission may:

7       “(a) Rename serious water management problem areas identified in  
8 commission rules before July 1, 2026, as water data priority areas un-  
9 der this section.

10       “(b) Retain rules in effect on July 1, 2026, that relate to the serious  
11 water management problem areas described in paragraph (a) of this  
12 subsection, without undertaking any rulemaking process, until the  
13 commission modifies or repeals the rules.

14       “(4) The commission may require a person or entity using any sur-  
15 face or ground water source within a water data priority area de-  
16 scribed in this section 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 MANAGEMENT PROBLEM AREAS**

23

24       **“SECTION 8.** ORS 540.435 is repealed.

25       **“SECTION 9.** The repeal of ORS 540.435 by section 8 of this 2025 Act  
26 becomes operative on July 1, 2026.

27

28                   **“WATER MEASUREMENT COST SHARE PROGRAM**

29

30       **“SECTION 10.** (1) The Water Resources Department shall establish

1 a water measurement cost share program.

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

4 “(a) To award a grant for up to 75 percent of the moneys needed to  
5 install, replace or substantially repair infrastructure that measures  
6 the diversion, appropriation, storage, release, redirection or use of  
7 water, that protects in-stream flow or existing water rights or that  
8 monitors water rights and streamflow, in the following order of pri-  
9 ority:

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

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

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

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

18 “(b) For the costs of administering the program and the fund and  
19 implementing the program.

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

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

26 “**SECTION 11.** ORS 536.021 is amended to read:

27 “536.021. (1) The Water Measurement Cost Share Program Revolving Fund  
28 is established separate and distinct from the General Fund. All moneys in  
29 the Water Measurement Cost Share Program Revolving Fund are contin-  
30 uously appropriated to the Water Resources Department for the purposes

1 described in *[this]* section **10 of this 2025 Act.**

2 “(2) The fund *[established in this section consists]* **shall consist of all**  
3 moneys appropriated by the Legislative Assembly and moneys gifted, be-  
4 queted, donated or granted from any person for the *[purpose of installing,*  
5 *substantially repairing or replacing streamflow gauges, measuring devices or*  
6 *headgates with measuring devices]* **purposes described in section 10 of this**  
7 **2025 Act.**

8 “[*(3) The department may use the moneys in the fund to contribute up to*  
9 *75 percent of the moneys needed to install, substantially repair or replace a*  
10 *streamflow gauge, measuring device or headgate with a measuring device on*  
11 *authorized diversions or points of appropriation where the gauge, measuring*  
12 *device or headgate will be used to protect in-stream flow or existing water*  
13 *rights, measure ground water use or monitor water rights and streamflow.]*

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

17 “[*(5) The department shall prioritize the expenditure of moneys from the*  
18 *fund for streamflow gauges, measuring devices and headgates with measuring*  
19 *devices in the following descending order:]*

20 “[*(a) Installation.]*

21 “[*(b) Replacement.]*

22 “[*(c) Substantial repair.]*

23

24 **“CRITICAL GROUND WATER AREAS**

25

26 **“SECTION 12.** ORS 537.735 is amended to read:

27 “537.735. (1) A rule adopted by the Water Resources Commission under  
28 ORS 537.730 shall:

29 “(a) Define the boundaries of the critical ground water area and shall  
30 indicate which of the ground water reservoirs located either in whole or in

1 part within the area in question are included within the critical ground  
2 water area. Any number of ground water reservoirs which either wholly or  
3 partially overlie one another may be included within the same critical  
4 ground water area.

5 “(b) Contain a provision requiring a periodic review of conditions in the  
6 critical ground water area. The review shall be in sufficient detail to evalu-  
7 ate the continuing need for the critical ground water area designation and  
8 shall occur no less frequently than once every 10 years.

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

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

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

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

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

24 “(d) Any one or more provisions making such additional requirements as  
25 are necessary to protect the public welfare, health and safety in accordance  
26 with the intent, purposes and requirements of ORS 537.505 to 537.795 and  
27 537.992.

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

30 “(f) A provision determining the permissible change in thermal charac-

1 teristics of ground water in all or part of the critical ground water area each  
2 day, month or year. Insofar as may be reasonably done, the Water Resources  
3 Director shall apportion the permissible total temperature impact among  
4 those appropriators whose exercise of valid rights in the critical area affect  
5 the thermal characteristics of the ground water, in accordance with the rel-  
6 ative dates of priority of such rights.

7 **“(g) One or more provisions requiring the measurement and re-**  
8 **porting of water use in the critical ground water area.**

9

10

### “CIVIL PENALTIES

11

12 **“SECTION 13.** ORS 536.900 is amended to read:

13 “536.900. (1) In addition to any other liability or penalty provided by law,  
14 the Water Resources Commission may impose a civil penalty on a person for  
15 violation of:

16 “(a) A term or condition of a permit, certificate or license issued under  
17 ORS chapters 536 to 543A.

18 “(b) ORS 537.130 or 537.535.

19 “(c) ORS 537.545 (5) or a rule described in ORS 537.545 (7).

20 “(d) A commission rule or order that pertains to well maintenance.

21 “(e) ORS 540.045, 540.145, 540.210, 540.310, 540.320, 540.330, 540.340,  
22 [540.435,] 540.440, 540.570 (5), 540.710, 540.720 and 540.730 or rules adopted  
23 under ORS 540.145.

24 “(f) ORS 537.897 or 537.898 (2).

25 “(g) ORS 537.387.

26 **“(h) A water use measurement or reporting requirement, as defined**  
27 **in ORS 537.101.**

28 “(2) A civil penalty may be imposed under this section for each day of  
29 violation of ORS **537.101**, 537.130, 537.535, 540.045, 540.310, 540.330, 540.570 (5),  
30 540.710, 540.720 or 540.730.



1 “(3) In the event the petitioner knowingly misrepresents the map and pe-  
2 tition required in ORS 541.329, the commission may assess a penalty of up  
3 to \$1,000 based upon guidelines to be established by the commission. In ad-  
4 dition, the petition and map shall be amended to correct the error at the  
5 petitioner’s cost. Affected users shall be given notice as provided in ORS  
6 541.329 (5).

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

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

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

17

18

**“CAPTIONS**

19

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

24

\_\_\_\_\_