

Requested by Representative HELM

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3343**

1 In line 2 of the printed bill, before the period insert “; creating new pro-  
2 visions; and amending ORS 536.021 and 536.900”.

3 Delete lines 4 through 8 and insert:

4 **“SECTION 1. Section 2 of this 2025 Act is added to and made a part  
5 of ORS chapter 536.**

6 **“SECTION 2. (1) The Water Resources Department shall establish  
7 and implement a water measurement cost share program.**

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

10 **“(a) To issue grants for up to 75 percent of the moneys needed to  
11 install, replace or substantially repair streamflow gauges, measuring  
12 devices, headgates with measuring devices or other water measure-  
13 ment infrastructure that:**

14 **“(A) Measures the diversion, appropriation, storage, release, redi-  
15 version or use of water;**

16 **“(B) Protects in-stream flow or existing water rights; or**

17 **“(C) Monitors water rights or streamflow.**

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

19 **“(3) The department may establish priorities for funding projects  
20 described in subsection (2) of this section to accomplish the  
21 department’s water management and data objectives.**

1       “(4) The department may require a recipient of a grant under the  
2 program to measure and report water use.

3       “(5) To implement the program, the department may receive funds  
4 from, and may enter into agreements or contracts with, any person,  
5 including any public body, federally recognized Indian tribe or  
6 nonprofit organization.

7       “(6) The Water Resources Commission may adopt rules as necessary  
8 to implement this section.

9       “**SECTION 3.** ORS 536.021 is amended to read:

10       “536.021. (1) The Water Measurement Cost Share Program Revolving Fund  
11 is established separate and distinct from the General Fund. All moneys in  
12 the Water Measurement Cost Share Program Revolving Fund are contin-  
13 uously appropriated to the Water Resources Department for the purposes  
14 described in *[this section]* **section 2 of this 2025 Act.**

15       “(2) The fund *[established in this section]* consists of **all** moneys appro-  
16 priated by the Legislative Assembly **for deposit in the fund** and **all** moneys  
17 gifted, bequested, donated or granted from any person **for deposit in the**  
18 **fund** *[for the purpose of installing, substantially repairing or replacing*  
19 *streamflow gauges, measuring devices or headgates with measuring devices].*

20       “*[(3) The department may use the moneys in the fund to contribute up to*  
21 *75 percent of the moneys needed to install, substantially repair or replace a*  
22 *streamflow gauge, measuring device or headgate with a measuring device on*  
23 *authorized diversions or points of appropriation where the gauge, measuring*  
24 *device or headgate will be used to protect in-stream flow or existing water*  
25 *rights, measure ground water use or monitor water rights and streamflow.]*

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

29       “*[(5) The department shall prioritize the expenditure of moneys from the*  
30 *fund for streamflow gauges, measuring devices and headgates with measuring*

1 *devices in the following descending order:]*

2 “[*(a) Installation.*]

3 “[*(b) Replacement.*]

4 “[*(c) Substantial repair.*]

5 **“SECTION 4. Section 5 of this 2025 Act is added to and made a part**  
6 **of ORS chapter 537.**

7 **“SECTION 5. The Water Resources Department may require water**  
8 **use measurement and reporting as a condition in an order approving:**

9 **“(1) An extension under ORS 537.230 or 537.630; or**

10 **“(2) A change described in ORS 537.211 or 537.610.**

11 **“SECTION 6. Section 7 of this 2025 Act is added to and made a part**  
12 **of ORS chapter 540.**

13 **“SECTION 7. The Water Resources Department may require water**  
14 **use measurement and reporting as a condition in an order approving**  
15 **a transfer described in any provision of this chapter.**

16 **“SECTION 8. ORS 536.900 is amended to read:**

17 **“536.900. (1) In addition to any other liability or penalty provided by law,**  
18 **the Water Resources Commission may impose a civil penalty on a person for**  
19 **violation of:**

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

22 **“(b) ORS 537.130 or 537.535.**

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

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

25 **“(e) ORS 540.045, 540.145, 540.210, 540.310, 540.320, 540.330, 540.340, 540.435,**  
26 **540.440, 540.570 (5), 540.710, 540.720 and 540.730 or rules adopted under ORS**  
27 **540.145.**

28 **“(f) ORS 537.897 or 537.898 (2).**

29 **“(g) ORS 537.387.**

30 **“(h) ORS 537.099.**

1       **“(i) A condition in an order requiring water use measurement and**  
2 **reporting pursuant to ORS 537.101 or section 5 or 7 of this 2025 Act.**

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

6       “(3) In the event the petitioner knowingly misrepresents the map and pe-  
7 tition required in ORS 541.329, the commission may assess a penalty of up  
8 to \$1,000 based upon guidelines to be established by the commission. In ad-  
9 dition, the petition and map shall be amended to correct the error at the  
10 petitioner’s cost. Affected users shall be given notice as provided in ORS  
11 541.329 (5).

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

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

19       “(6) The commission may impose a civil penalty of not more than \$2,000  
20 per occurrence for a violation described in subsection (1)(g) of this  
21 section.”.

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