

HB 2803-3  
(LC 397)  
4/4/25 (DJ/AG/ps)

Requested by Representative OWENS

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2803**

1 On page 1 of the printed bill, delete lines 5 through 29 and delete pages  
2 2 through 7 and insert:

3 **“SECTION 1.** ORS 536.050 is amended to read:

4 “536.050. (1) The Water Resources Department may collect the following  
5 fees in advance:

6 “(a) For examining an application for a permit:

7 “(A) To appropriate water, except as provided under ORS 543.280 for an  
8 application for a hydroelectric project:

9 “(i) A base fee of [~~\$1,090~~] **\$1,635** for an appropriation of water through a  
10 single use, point of diversion or point of appropriation;

11 “(ii) [~~\$410~~] **\$615** for the first second-foot or fraction thereof appropriated  
12 under the permit;

13 “(iii) [~~\$410~~] **\$615** for each additional second-foot or fraction thereof ap-  
14 propriated under the permit;

15 “(iv) [~~\$410~~] **\$615** for each additional use, point of diversion or point of  
16 appropriation included in the application;

17 “(v) If appropriating stored water, [~~\$41~~] **\$62** for the first acre-foot or  
18 fraction thereof up to 20 acre-feet, plus [~~\$1.40~~] **\$2.10** for each additional  
19 acre-foot or fraction thereof; and

20 “(vi) If appropriating ground water, in addition to any other fees, [~~\$480~~]  
21 **\$720** for each application filed.

1 “(B) To store water under ORS 537.400 or 537.534 (4):

2 “(i) A base fee of [~~\$1,090~~] **\$1,635**;

3 “(ii) [~~\$41~~] **\$62** for the first acre-foot or fraction thereof up to 20 acre-feet,  
4 plus [~~\$1.40~~] **\$2.10** for each additional acre-foot or fraction thereof; and

5 “(iii) [~~\$160~~] **\$240** for each additional storage location.

6 “(C) To exclusively appropriate stored water:

7 “(i) A base fee of [~~\$610~~] **\$915**; and

8 “(ii) [~~\$41~~] **\$62** for the first acre-foot or fraction thereof up to 20 acre-feet,  
9 plus [~~\$1.40~~] **\$2.10** for each additional acre-foot or fraction thereof **up to 600**  
10 **acre-feet plus \$1.00 for each additional acre-foot or fraction thereof**  
11 **after 600 acre-feet.**

12 “(b) For a permit issued under ORS 537.147, 537.211, 537.409 or 537.625 to  
13 appropriate or store water:

14 “(A) A base fee of [~~\$610~~] **\$915** for recording the permit; and

15 “(B) An additional fee of [~~\$790~~] **\$1,185** if the permit is issued pursuant to  
16 a final order that contains provisions requested by the applicant for miti-  
17 gating impacts to the proposed water source.

18 “(c) For filing and recording the assignment or partial assignment of a  
19 water right application, permit or license under ORS 537.220 or 537.635,  
20 [~~\$120~~] **\$180**.

21 “(d) For copying records in the department, [~~\$2.70~~] **\$4.10** for the first page  
22 and [~~70 cents~~] **\$1.10** for each additional page.

23 “(e) For certifying copies, documents, records or maps, [~~\$14~~] **\$21** for each  
24 certificate.

25 “(f) For a blueprint copy of any map or drawing, the actual cost of the  
26 work.

27 “(g) For a computer-generated map, the actual cost of the work.

28 “(h) For examining an application for approval of a change to an existing  
29 water right or permit:

30 “(A) A base fee of [~~\$1,360~~] **\$2,040** for a change to a single water right or

1 permit;

2 “(B) [~~\$1,090~~] **\$1,635** for each additional type of change requested;

3 “(C) For a request for a change in place of use or type of use or for a  
4 water exchange under ORS 540.533, [~~\$410~~] **\$615** for each second-foot or frac-  
5 tion thereof requested beyond the first second-foot;

6 “(D) [~~\$610~~] **\$915** for each additional water right or permit included in the  
7 application;

8 “(E) An additional fee of [~~\$480~~] **\$720** per application, if the application is  
9 for an additional point of appropriation, a change in a point of appropriation  
10 or a change from surface water to ground water or for substitution as de-  
11 scribed in ORS 540.524; and

12 “(F) [~~\$410~~] **\$615** for each additional point of appropriation included in the  
13 application.

14 “(i) For examining an application for a temporary change in place of use  
15 under ORS 540.523, for a temporary transfer under ORS 540.585 or for a  
16 temporary change in place of use, a change in the point of diversion to allow  
17 for the appropriation of ground water or a change of a primary right to a  
18 supplemental right under ORS 540.570, a base fee of [~~\$950~~] **\$1,425** for the first  
19 water right or permit, plus [~~\$310~~] **\$465** for each additional water right or  
20 permit included in the application and:

21 “(A) For nonirrigation uses, [~~\$230~~] **\$345** for each second-foot or fraction  
22 thereof requested beyond the first second-foot; or

23 “(B) For irrigation uses, [~~\$2.70~~] **\$4.10** per acre of land irrigated or, if the  
24 application and required map are submitted to the department in a  
25 department-approved digital format, [~~70 cents~~] **\$1.10** per acre of land irri-  
26 gated.

27 “(j) For submitting a protest to the department:

28 “(A) [~~\$950~~] **\$1,425** if the protest is by a nonapplicant; and

29 “(B) [~~\$480~~] **\$720** if the protest is by an applicant.

30 “(k) For filing an application for extension of time within which irri-

gation or other works shall be completed or a water right perfected, [~~\$780~~]  
**\$1,170.**

“(L) For a limited license under ORS 537.143 or 537.534 (2), the fee established by rule by the Water Resources Commission.

“(m) For filing, examining and certifying a petition under ORS 541.329, [~~\$480~~] **\$720** plus [~~10~~] **20** cents per acre of water involved in the application. For purposes of computing this fee, when any acreage within a quarter quarter of a section is involved, the [~~10~~] **20** cents per acre shall apply to all acres in that quarter quarter of a section. Notwithstanding the fee amount established in this paragraph, a district notifying the department under ORS 541.327 (4) shall pay the actual cost of filing, examining and certifying the petition.

“(n) For requesting standing under ORS 537.153, 537.621 or 543A.120, [~~\$270~~] **\$405.**

“(o) For participating in a contested case proceeding under ORS 537.170, 537.622 or 543A.130, [~~\$680~~] **\$1,020.**

“(p) Except for an applicant, for obtaining a copy of both a proposed final order and a final order for a water right application under ORS 537.140 to 537.252, 537.505 to 537.795 or 543A.005 to 543A.300 or an extension issued under ORS 537.230, 537.248 or 537.630, [~~\$35~~] **\$53.**

“(q) For examining an application to store water under ORS 537.409:

“(A) A base fee of [~~\$480~~] **\$720**; and

“(B) [~~\$41~~] **\$62** for each acre-foot or fraction thereof.

“(r) For submitting a notice of intent under ORS 543A.030 or 543A.075, the amount established by the Water Resources Director under ORS 543A.410.

“(s) For examining an application for a substitution made under ORS 540.524:

“(A) A base fee of [~~\$990~~] **\$1,485** for the first well substitution; and

“(B) A fee of [~~\$480~~] **\$720** for each additional well substitution.

1 “(t) For examining an application for an allocation of conserved water  
2 under ORS 537.455 to 537.500:

3 “(A) A base fee of [~~\$1,360~~] **\$2,040** for the first water right that is part of  
4 the allocation; and

5 “(B) An additional fee of [~~\$480~~] **\$720** for each water right that is part of  
6 the allocation beyond the first water right.

7 “(u) For submitting a water management and conservation plan pursuant  
8 to rules of the commission:

9 “(A) [~~\$680~~] **\$1,020**, if the plan is submitted by an agricultural water sup-  
10 plier;

11 “(B) [~~\$1,220~~] **\$1,830**, if the plan is submitted by a municipal water supplier  
12 serving a population of 1,000 or fewer persons; or

13 “(C) [~~\$2,450~~] **\$3,675**, if the plan is submitted by a municipal water supplier  
14 serving a population of more than 1,000 persons.

15 “(v) For examining a new application for an in-stream water right lease  
16 under ORS 537.348:

17 “(A) [~~\$610~~] **\$915** for an application for a lease with four or more land-  
18 owners or four or more water rights; or

19 “(B) [~~\$410~~] **\$615** for all other applications.

20 “(w) For examining an application for an in-stream water right lease re-  
21 newal, [~~\$150~~] **\$225**.

22 “(x) For submitting a claim of beneficial use under a permit [*or transfer*]  
23 having a priority date of July 9, 1987, or later, **or a transfer submitted on**  
24 **July 9, 1987, or later**, [~~\$230~~] **\$345**.

25 “(y) For submitting a request no later than 60 days after cancellation of  
26 a permit under ORS 537.260 to reinstate the permit, [~~\$610~~] **\$915**.

27 “(z) For submitting a request for a basin program exception under ORS  
28 536.295, [~~\$780~~] **\$1,170**.

29 “(aa) For processing an application under ORS 537.225 for an assignment  
30 of water right to one or more landowners and issuance of replacement water

1 right permits, the actual cost of the work.

2 “(2)(a) The department may charge a dam owner an annual fee based upon  
3 the dam’s hazard rating as determined by the department. The fees the de-  
4 partment may charge the dam owner are:

5 “(A) [~~\$120~~] **\$190** for a dam with a low hazard rating.

6 “(B) [~~\$230~~] **\$360** for a dam with a significant hazard rating.

7 “(C) [~~\$790~~] **\$1,235** for a dam with a high hazard rating.

8 “(D) If the dam owner fails to pay an annual fee on or before six months  
9 after the billing date, a late fee of [~~\$140~~] **\$220**.

10 “(b) If a dam owner fails to pay an annual fee or a late fee charged by  
11 the department, the department may, after giving the dam owner notice by  
12 certified mail, place a lien on the real property where the dam is located for  
13 the fees owed by the dam owner.

14 “(3) Notwithstanding the fees established under subsection (1) of this  
15 section, the commission may establish lower examination and permit fees by  
16 rule for:

17 “(a) The right to appropriate water for a storage project of five acre-feet  
18 or less; or

19 “(b) The right to appropriate water for the purpose of allowing the ap-  
20 plicant to water livestock outside of a riparian area, as that term is defined  
21 in ORS 541.890.

22 “(4)(a) The director may refund all or part of a fee paid to the department  
23 under this section if the director determines that a refund of the fee is ap-  
24 propriate in the interests of fairness to the public or necessary to correct  
25 an error of the department.

26 “(b) The director may refund all or part of the protest fee described in  
27 subsection (1)(j) of this section to the legal owner or occupant who filed a  
28 protest under ORS 540.641 if an order of the Water Resources Commission  
29 establishes that all or part of a water right has not been canceled or modi-  
30 fied under ORS 540.610 to 540.650.

1 “(5) The director may waive all or part of a fee for a change to a water  
2 right permit under ORS 537.211 (4), a change to a water right subject to  
3 transfer under ORS 540.520 or 540.523 or an allocation of conserved water  
4 under ORS 537.470, if the change or allocation of conserved water is:

5 “(a) Made pursuant to ORS 537.348;

6 “(b) Necessary to complete a project funded under ORS 541.932; or

7 “(c) Approved by the State Department of Fish and Wildlife as a change  
8 or allocation of conserved water that will result in a net benefit to fish and  
9 wildlife habitat.

10 “(6) Notwithstanding the fees established pursuant to this section, the  
11 commission may adopt by rule reduced fees for persons submitting materials  
12 to the department in a digital format approved by the department.

13 “(7) All moneys received under this section, less any amounts refunded  
14 under subsection (4) of this section, shall be deposited in the Water Re-  
15 sources Department Water Right Operating Fund.

16 “(8) Notwithstanding subsection (7) of this section, all fees received by  
17 the department for power purposes under ORS 543.280 shall be deposited in  
18 the Water Resources Department Hydroelectric Fund established by ORS  
19 536.015.

20 **“SECTION 2.** ORS 537.150 is amended to read:

21 “537.150. (1) Within 15 days after receiving an application, the Water  
22 Resources Department shall determine whether the application contains the  
23 information listed under ORS 537.140 (1) and is complete and not defective,  
24 including the payment of all fees required under ORS 537.140 (5). If the de-  
25 partment determines that the application is incomplete or defective or that  
26 not all fees have been paid, the department shall return the fees paid and the  
27 application.

28 “(2) Upon determining that an application contains the information listed  
29 under ORS 537.140 (1) and is complete and not defective, the department shall  
30 indorse on the application the date upon which the application was received

1 at the department, which shall be the priority date for any water right issued  
2 in response to the application. All applications that comply with the pro-  
3 visions of law shall be recorded in a suitable book kept for that purpose.

4 “(3) If an application is complete and not defective, the department shall  
5 determine whether the proposed use is prohibited by ORS chapter 538. If the  
6 proposed use is prohibited by ORS chapter 538, the department shall reject  
7 the application and return all fees to the applicant with an explanation of  
8 the statutory prohibition.

9 “(4) If the proposed use is not prohibited by ORS chapter 538, the de-  
10 partment shall undertake an initial review of the application and make a  
11 preliminary determination of:

12 “(a) Whether the proposed use is restricted or limited by statute or rule;

13 “(b) The extent to which water is available from the proposed source  
14 during the times and in the amounts requested; and

15 “(c) Any other issue the department identifies as a result of the initial  
16 review that may preclude approval of or restrict the proposed use.

17 “(5) Upon completion of the initial review and no later than 30 days after  
18 determining an application to be complete and not defective as described in  
19 subsection (1) of this section, the department shall notify the applicant of its  
20 preliminary determinations and allow the applicant 14 days from the date  
21 of mailing within which to notify the department to stop processing the ap-  
22 plication or to proceed with the application. If the applicant notifies the  
23 department to stop processing the application, the department shall return  
24 the application and all fees paid in excess of [~~\$310~~] **\$465**. If the department  
25 receives no timely response from the applicant, the department shall proceed  
26 with the application.

27 “(6) Within seven days after proceeding with the application under sub-  
28 section (5) of this section, the department shall give public notice of the  
29 application in the weekly notice published by the department. The notice  
30 shall include a request for comments on the application and information



1 pertaining to how an interested person may obtain future notices about the  
2 application and a copy of the proposed final order.

3 “(7) Within 30 days after the public notice under subsection (6) of this  
4 section, any person interested in the application shall submit written com-  
5 ments to the department. Any person who asks to receive a copy of the  
6 department’s proposed final order shall submit to the department the fee re-  
7 quired under ORS 536.050 (1).

8 **“SECTION 3.** ORS 537.610 is amended to read:

9 “537.610. (1) The Water Resources Commission shall accept all registra-  
10 tion statements referred to in ORS 537.605 completed and returned to the  
11 commission in proper form, endorse on the registration statement the date  
12 of the return and record each statement. Upon recording the statement, the  
13 commission shall issue to the registrant a certificate as evidence that the  
14 registration is completed.

15 “(2) The issuance of the certificate of registration serves as prima facie  
16 evidence that the registrant is entitled to a right to appropriate ground wa-  
17 ter and apply it to beneficial use to the extent and in the manner disclosed  
18 in the recorded registration statement and in the certificate of registration.

19 “(3) A certificate of registration issued under this section may not be  
20 construed as a final determination of any matter stated in the certificate of  
21 registration. The right of the registrant to appropriate ground water under  
22 a certificate of registration is subject to determination under ORS 537.670  
23 to 537.695, and is not final or conclusive until so determined and a ground  
24 water right certificate issued. A right to appropriate ground water under a  
25 certificate of registration has a tentative priority from the date when the  
26 construction of the well was begun.

27 “(4) The commission shall adopt by rule the process and standards by  
28 which the commission will recognize changes in the place of use, type of use  
29 or point of appropriation for claims to appropriate ground water registered  
30 under this section. The commission shall adopt fees not to exceed [\$1,820]

1   **\$2,730** for actions taken to modify a certificate of registration.

2    **“SECTION 4.** ORS 537.620 is amended to read:

3       “537.620. (1) The Water Resources Department shall accept all applica-  
4   tions for permits submitted under ORS 537.615 in proper form.

5       “(2) Within 15 days after receiving the application, the department shall  
6   determine whether the application contains the information listed under ORS  
7   537.615 (2) and is complete and not defective, including the payment of all  
8   fees required under ORS 537.615 (5). If the department determines that the  
9   application is incomplete or defective or that not all fees have been paid, the  
10   department shall return the fees paid and the application to the applicant  
11   to remedy the defect. If an application is complete and not defective, the  
12   department shall indorse on the application the date upon which the appli-  
13   cation was received at the department, which shall be the priority date for  
14   any water right issued in response to the application.

15       “(3) Upon determining that an application is complete and not defective,  
16   the department shall determine whether the proposed use is prohibited by  
17   statute. If the proposed use is prohibited by statute, the department shall  
18   reject the application and return all fees to the applicant with an explana-  
19   tion of the statutory prohibition.

20       “(4) If the proposed use is not prohibited by statute, the department shall  
21   undertake an initial review of the application and make a preliminary de-  
22   termination of:

23       “(a) Whether the proposed use is restricted or limited by statute or rule  
24   or because the proposed use is located within a designated critical ground  
25   water area;

26       “(b) The extent to which water is available from the proposed source  
27   during the times and in the amounts requested; and

28       “(c) Any other issue the department identifies as a result of the initial  
29   review that may preclude approval of or restrict the proposed use.

30       “(5) Upon completion of the initial review and no later than 30 days after

determining an application to be complete and not defective as described in subsection (2) of this section, the department shall notify the applicant of its preliminary determinations and allow the applicant 14 days from the date of mailing within which to notify the department to stop processing the application or to proceed with the application. If the applicant notifies the department to stop processing the application, the department shall return the application and all fees paid in excess of [~~\$310~~] **\$465**. If the department receives no timely response from the applicant, the department shall proceed with the application.

“(6) Within seven days after proceeding with the application under subsection (5) of this section, the department shall give public notice of the application in the weekly notice published by the department. The notice shall include a request for comments on the application and information pertaining to how an interested person may obtain future notices about the application and a copy of the proposed final order.

“(7) Within 30 days after the public notice under subsection (6) of this section, any person interested in the application shall submit written comments to the department. Any person who asks to receive a copy of the department’s proposed final order shall submit to the department the fee required under ORS 536.050 (1)(p).

**“SECTION 5.** ORS 539.081 is amended to read:

“539.081. (1) At the time the owner or registrant submits a registration statement under ORS 539.240 or, if a registration statement is not filed, when a statement and proof of claim is filed pursuant to notice by the Water Resources Director under ORS 539.030, the owner or registrant shall pay a fee as follows:

“(a) If for irrigation use, [~~\$2.70~~] **\$4.10** for each acre of irrigated lands up to 100 acres and [~~\$1.40~~] **\$2.10** for each acre in excess of 100 acres. The minimum fee for any owner or registrant for irrigation use shall be [~~\$140~~] **\$210**.

“(b) If for power use, [~~\$2.70~~] **\$4.10** for each theoretical horsepower up to

1 100 horsepower, [~~\$1.10~~] **\$1.70** for each horsepower in excess of 100 up to 500  
2 horsepower, [~~70 cents~~] **\$1.10** for each horsepower in excess of 500 horsepower  
3 up to 1,000 horsepower and [~~50~~] **80** cents for each horsepower in excess of  
4 1,000 horsepower, as set forth in the proof. The minimum fee for any owner  
5 or registrant for power use shall be [~~\$410~~] **\$615**.

6 “(c) If for mining or any other use, [~~\$680~~] **\$1,020** for the first second-foot  
7 or fraction of the first second-foot and [~~\$140~~] **\$210** for each additional  
8 second-foot.

9 “(2) The fees under subsection (1) of this section shall not apply to any  
10 federally recognized Indian tribe, or to the United States acting as trustee  
11 for such a tribe, claiming, under ORS 539.010, an undetermined vested right  
12 to the use of surface water for any nonconsumptive and nondiverted in-  
13 stream use to satisfy tribal hunting, fishing or gathering rights.

14 “(3) If the registration statement shows that the water right was initiated  
15 by making application for a permit under the provisions of ORS chapter 537,  
16 the owner or registrant shall be given credit for the money paid as exam-  
17 ination and recording fees. A credit under this subsection shall be allowed  
18 only if the application under ORS chapter 537 was for a permit to appropri-  
19 ate water to be applied to the same parcel of land or for the same use as set  
20 forth in the registration statement.

21 “(4) All fees paid under this section shall be deposited into the General  
22 Fund of the State Treasury and credited to an account of the Water Re-  
23 sources Department. The fees shall be used to pay for the expenses of the  
24 department to:

25 “(a) Register claims to undetermined vested rights or federal reserved  
26 rights under ORS 539.230 and 539.240; and

27 “(b) Determine claims filed or registered under ORS 539.230 and 539.240.

28 “(5) No registration statement or statement and proof of claim shall be  
29 accepted for filing unless the registration statement or claim is accompanied  
30 by the fee in the amount set forth in this section. If the federal government

1 is determined to be immune from the payment of such fees, the director may  
2 elect to accept a federal claim for filing without the accompanying fees.

3 **“SECTION 6. If this 2025 Act becomes law after July 1, 2025, the**  
4 **Legislative Assembly intends that this 2025 Act shall apply**  
5 **retroactively to July 1, 2025. Fees charged by the Water Resources**  
6 **Commission or the Water Resources Department consistent with the**  
7 **amendments to ORS 536.050, 537.150, 537.610, 537.620 and 539.081 by**  
8 **sections 1 to 5 of this 2025 Act, for services provided on or after July**  
9 **1, 2025, and prior to the effective date of this 2025 Act are ratified and**  
10 **declared valid.**

11 **“SECTION 7. This 2025 Act being necessary for the immediate**  
12 **preservation of the public peace, health and safety, an emergency is**  
13 **declared to exist, and this 2025 Act takes effect on its passage.”.**

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