

**HB 4049 STAFF MEASURE SUMMARY**

**House Committee on Agriculture, Land Use, Natural Resources, and Water**

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**Meeting Dates:** February 4, 2026

**WHAT THE MEASURE DOES:**

The measure directs the Oregon Water Resources commission to encourage, promote, and approve voluntary agreements between groundwater users from the same subarea of the Greater Harney Valley Groundwater Area of Concern to control water use in lieu of a formal order of the Oregon Water Resources Commission or Oregon's Groundwater Act and associated civil penalties.

Detailed Summary:

- Specifies provisions for the following:
  - Types of parties to be included in a voluntary agreement
  - Types of groundwater rights to be included in a voluntary agreement
  - Components of a voluntary agreements
  - Procedure of voluntary agreement approval including responsibilities of the parties seeking approval, the Oregon Water Resources Department and the Oregon Water Resources Commission
  - Conditions under which a voluntary agreement must be approved by the Oregon Water Resources Commission
  - Responsibilities of the parties to a voluntary agreement after approval
  - The circumstances under which a voluntary agreement may be terminated
- Restricts the State of Oregon's rights of a party to a voluntary agreement to the state's capacity as a landowner.
- Prohibits the commission from requiring a minimum level of participation in a voluntary agreement as a condition of approval
- Provides that the commission decision on a voluntary agreement constitutes an order other than a contested case
- Prohibits the commission from delegating its authority to approve or reject a voluntary agreement
- Authorizes parties to a voluntary agreement to make minor amendments after providing them to OWRD and specifies when and under which conditions amendments may be implemented
- Specifies that parties to a voluntary agreement may change the place of use, type of use, point of diversion, or point of appropriation of water covered under the voluntary agreement without making an application to OWRD.
- Takes effect on the 91st day following adjournment sine die.

*Fiscal impact: May have fiscal impact, but no statement yet issued*

*Revenue impact: May have revenue impact, but no statement yet issued*

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

**BACKGROUND:**

ORS 537.745 allows groundwater users to develop equitable, locally driven approaches to sharing and managing groundwater that align with Oregon groundwater law and policy. While the statute authorizes voluntary agreements consistent with the intent and requirements of the Groundwater Act, it provides little procedural or substantive guidance, and no agreements have been established to date.

**PRELIMINARY**