

HB 4049 -3 STAFF MEASURE SUMMARY

House Committee On Agriculture, Land Use, Natural Resources, and Water

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Meeting Dates: 2/4, 2/11, 2/16

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 agreement
 - 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: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 The amendment updates the voluntary groundwater agreement framework by revising eligibility and definitions, adding review, reporting, and procedural requirements, and clarifying agency authority and applicant responsibilities.

Detailed Summary

- Removes the definition of 'subarea'

This summary has not been adopted or officially endorsed by action of the committee.

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- Revises which groundwater rights or points of appropriation associated with the Harney Valley Critical Groundwater Area may be included in a voluntary agreement.
- Requires voluntary agreements to include a periodic review schedule by the Oregon Water Resources Commission.
- Requires voluntary agreements and supporting documents to be submitted to the Water Resources Director.
- Requires OWRD to consider the benefits and timing of voluntary groundwater use reductions when making recommendations to the commission.
- Allows the commission to postpone review of additional voluntary agreements when staff capacity is insufficient and to extend related review and revision deadlines as needed.
- Authorizes parties and OWRD to extend applicable review and revision deadlines.
- Places the burden on applicants to demonstrate how and to what extent a voluntary agreement will minimize and mitigate regional economic impacts.
- Requires parties to complete post-approval responsibilities before implementation.
- Requires parties to track and annually report temporary changes to OWRD.

FISCAL: Fiscal impact issued

REVENUE: No revenue impact

BACKGROUND:

The Conservation Reserve Enhancement Program (CREP) is a component of the U.S. Department of Agriculture Farm Service Agency's Conservation Reserve Program (CRP) which was established in 1985 through the Food Security Act. CREP provides an annual rental payment for voluntary non-use of ground water during a contract period of 14-15 years. In Oregon CREP is administered by the Oregon Water Resources Department and currently limited to groundwater irrigators who are located within the Greater Harney Valley.