

A-Engrossed
House Bill 3494

Ordered by the Senate July 13
Including Senate Amendments dated July 13

Sponsored by Representatives BURLEY, WHISNANT, Senator WESTLUND

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Specifies type of mitigation that satisfies mitigation requirements within Deschutes River Basin. Specifies types of mitigation projects that may be implemented to satisfy mitigation requirements.]

Declares that administrative rules adopted by Water Resources Commission satisfy statutory mitigation requirements.

Directs Water Resources Department to report to Seventy-fifth Legislative Assembly on ground water mitigation and mitigation bank programs.

Directs Water Resources Commission to repeal administrative rules relating to mitigation requirements on January 2, 2014.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Deschutes River Basin; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2005 Act is added to and made a part of ORS 537.505 to**
5 **537.795.**

6 **SECTION 2. The Legislative Assembly declares that rules adopted by the Water Re-**
7 **sources Commission for the Deschutes basin ground water study area and certified effective**
8 **by the Secretary of State on September 27, 2002, satisfy the requirements relating to miti-**
9 **gation under ORS 390.805 to 390.925, 537.332 to 537.360 and 537.505 to 537.795.**

10 **SECTION 3. (1) The Water Resources Department shall report to the Seventy-fifth Leg-**
11 **islative Assembly, no later than January 31, 2009, on the implementation and operation of the**
12 **Deschutes River Basin ground water mitigation and mitigation bank programs. The report**
13 **may include information on the progress on restoring stream flows in the Deschutes River**
14 **Basin to a point sufficient to support anadromous fish and information on any statutory**
15 **changes necessary to accomplish the needed stream flow restoration. In formulating the re-**
16 **port, the department shall consult with Deschutes River Basin water users and organizations**
17 **with an interest in water use in the basin. The department shall work with basin water users**
18 **and organizations with an interest in water use in the basin to seek funding for a facilitated**
19 **process to develop the report required by this section and to evaluate the ground water**
20 **mitigation and mitigation bank programs.**

21 **(2) The report prepared pursuant to this section shall include a summary of:**

22 **(a) The cumulative rate of water appropriated under all ground water permits approved**
23 **in the Deschutes River Basin after the effective date of this 2005 Act;**

24 **(b) The volume of water, in acre-feet, provided for mitigation; and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) The measured stream flow of the Deschutes River and its major tributaries.

2 **SECTION 4.** Section 2 of this 2005 Act applies to all ground water permits containing a
3 ground water mitigation requirement, all final orders approving water right applications
4 containing a ground water mitigation requirement, all mitigation credits, all ground water
5 mitigation projects and all mitigation banks issued or approved in the Deschutes River Basin
6 by the Water Resources Department or the Water Resources Commission before, on or after
7 the effective date of this 2005 Act.

8 **SECTION 5.** (1) The Water Resources Commission shall repeal the rules referred to in
9 section 2 of this 2005 Act on January 2, 2014.

10 (2) Ground water permits and mitigation projects approved before the repeal remain valid
11 and effective.

12 **SECTION 6.** This 2005 Act being necessary for the immediate preservation of the public
13 peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect
14 on its passage.
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