

Enrolled
House Bill 3494

Sponsored by Representatives BURLEY, WHISNANT, Senator WESTLUND; Senator MORRISETTE

CHAPTER

AN ACT

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

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

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

SECTION 2. The Legislative Assembly declares that rules adopted by the Water Resources Commission for the Deschutes basin ground water study area and certified effective by the Secretary of State on September 27, 2002, satisfy the requirements relating to mitigation under ORS 390.805 to 390.925, 537.332 to 537.360 and 537.505 to 537.795.

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

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

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

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

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

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

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

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

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

Passed by House June 17, 2005

Received by Governor:

Repassed by House July 21, 2005

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Approved:

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Chief Clerk of House

.....M,....., 2005

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Speaker of House

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Governor

Passed by Senate July 19, 2005

Filed in Office of Secretary of State:

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President of Senate

.....M,....., 2005

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Secretary of State