

Department Preliminary Legislative Concepts – March 12, 2004

## **Regulatory Streamlining**

### **Water Supply/Water Right Permits/Certificates:**

- 1) Provide an “expedited process” for applications proposing to use stored water.
- 2) Provide an opportunity to partial perfect a municipal water use permit when 5% of the permit is developed (currently requires 25% development). New fee would be established for partial perfectations.
- 3) Provide opportunity to have permit development dates consistent with proposed permit development (currently 5 years for most permits).
- 4) Provide that stored water (in non-federal projects) can be used for any beneficial use. Alternatively, provide for an “expedited process” to change the character of use of stored water.
- 5) Create a multi-agency coordinated state review of certain water supply projects that promotes a “unified state position” similar to the hydroelectric reauthorization process under ORS 543A.075. (SB 93 Task Force)

### **Water Right Transfers:**

- 6) Provide for the transfer of a point of appropriation for an un-adjudicated Ground Water Registration.
- 7) Modify ORS 540.531 regarding surface water to ground water transfers by making the criteria more flexible.

### **Certified Water Rights Examiners:**

- 8) Placeholder – Modify ORS 537.798 to place the Certified Water Rights Examiner program under the Department’s sole jurisdiction.

### **Pump Tests:**

- 9) Eliminate the mandatory pump test program under ORS 537.772. To provide for pump tests when necessary, clarify under ORS 537.780 that the Department may require such tests as necessary.

**Other:**

10) Remove sunset from Reimbursement Authority provisions. Sunsets January 2, 2006.

11) Eliminate the portion of ORS 537.330 (2) that requires a “seller” to notify the Department of a real estate transaction that involves a water right.

12) Provide for a reduced fee when an application is submitted digitally or when a fee is submitted “on-line.”

13) Eliminate ORS 537.015 to 537.032 regarding Water Use Registration. Subsequent legislation has provided more efficient tools to expedite environmental restoration and enhancement projects.

**Sustainability**

**Instream Flows (Leases/Transfers etc.):**

14) Clarify that when a primary water right is leased instream, the “forfeiture clock” for the supplemental water right is tolled.

**Water Conservation/Reuse:**

15) Placeholder – Department of Environmental Quality work group on wastewater reuse in urban areas.

**Limited License:**

16) Provide for limited license to use ground water for irrigation when existing surface water right is leased instream for environmental purposes or is part of a water bank.

**Economic Development**

17) Place holder – Establish a reservation of water on the Columbia River for future economic development.

**Other**

18) Place holder – Legislative concepts for the Notice and Concurrence Work Group. Concepts may include voluntary cancellations, allocations of conserved water and transfers.