

Secretary of State

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Water Resources Dept. – Water Right Services Division

OAR 690-325

Agency and Division

Administrative Rules Chapter Number

Allows for assignment of a permit to one or more parties with replacement permits issued.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: The creation of new rules to implement SB 200 (2013) that allow for assignment of a permit to one or more parties with replacement permits issued.

Statutory Authority: ORS 536.025 and 536.027

Other Authority:

Stats. Implemented: ORS 537.225 and 537.227

Need for the Rule(s): Creates a process to go with the standards provided in SB 200 (2013). During negotiations of the bill language it was generally agreed that the Department would need to develop rules to properly implement the bill.

Documents Relied Upon, and where they are available: ORS 537.225 and 537.227.  
(<https://olis.leg.state.or.us/liz/2013R1/Measures/Text/SB200/Enrolled>)

Fiscal and Economic Impact: The decision to seek an assignment and replacement permits, as described by ORS 537.225 and 537.227 is voluntary but in some circumstances will be beneficial to land owners who have water rights appurtenant to their lands. The fee for this service is the actual cost of the Department to do the work. This rule will have no fiscal impact of the authority, other state agencies and local government.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): No impact on state agencies or units of government. The applicant in this process, by statute, must pay for the actual costs of processing. The process is voluntary but the cost to process is expected to be low compared to the potential benefit of having the permit in the sole control of the applicant/landowner.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: It is expected that the Department will receive less than 10 applications per year. Certified Water Right Examiners (CWRE) generally operate as a small business and are required by the new statute to prepare a map that is submitted with these applications. The CWRE will often assist water right related applicants with the entire process as a consultant. Therefore, it is assumed that the adoption of these rules, while consistent with the statute, will benefit CWREs and their small businesses.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:  
None.

c. Equipment, supplies, labor and increased administration required for compliance:

As described in "1a" CWREs will prepare the maps for these applications and may assist the applicant with more of the process.

How were small businesses involved in the development of this rule?

A CWRE\Water Right Consultant who operates a small business was part of the RAC process.

Administrative Rule Advisory Committee consulted?: Yes.  
If not, why?:

Nancy N Pustis  
Signature

Nancy N Pustis  
Printed name

7/12/14  
Date

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