

SB 1513-2
(LC 293)
2/2/12 (CDT/ps)

**PROPOSED AMENDMENTS TO
SENATE BILL 1513**

1 In line 3 of the printed bill, delete the semicolon and delete "repealing".

2 Delete lines 5 through 27 and insert:

3 **"SECTION 1.** ORS 537.348 is amended to read:

4 "537.348. (1) Any person may purchase or lease all or a portion of an ex-
5 isting water right or accept a gift of all or a portion of an existing water
6 right for conversion to an in-stream water right. Any water right converted
7 to an in-stream water right under this section shall retain the priority date
8 of the water right purchased, leased or received as a gift. At the request of
9 the person the Water Resources Commission shall issue a new certificate for
10 the in-stream water right showing the original priority date of the purchased,
11 gifted or leased water right. [*A person who transfers a water right by pur-
12 chase, lease or gift under this subsection shall comply with the requirements
13 for the transfer of a water right under ORS 540.505 to 540.585.*]

14 "(2) Any person who has an existing water right may lease all or a por-
15 tion of the existing water right for use as an in-stream water right for a
16 specified period without the loss of the original priority date. During the
17 term of such lease, the use of the water right as an in-stream water right
18 shall be considered a beneficial use.

19 "(3) A lease of all or a portion of an existing water right for use as an
20 in-stream water right under subsection (2) of this section may allow the split
21 use of the water between the existing water right and the in-stream right
22 during the same water or calendar year provided:

1 “(a) The uses are not concurrent; and

2 “(b) The holders of the water rights measure and report to the Water
3 Resources Department the use of the existing water right and the in-stream
4 water right.

5 **“(4) A person who transfers all or a portion of a water right by
6 purchase, lease or gift under subsection (1) or (3) of this section shall
7 comply with the requirements for the transfer of a water right under
8 ORS 540.505 to 540.585.**

9 **“SECTION 2.** ORS 537.348, as amended by section 2, chapter 205, Oregon
10 Laws 2001, is amended to read:

11 “537.348. (1) Any person may purchase or lease all or a portion of an ex-
12 isting water right or accept a gift of all or a portion of an existing water
13 right for conversion to an in-stream water right. Any water right converted
14 to an in-stream water right under this section shall retain the priority date
15 of the water right purchased, leased or received as a gift. At the request of
16 the person the Water Resources Commission shall issue a new certificate for
17 the in-stream water right showing the original priority date of the purchased,
18 gifted or leased water right. *[A person who transfers a water right by pur-
19 chase, lease or gift under this subsection shall comply with the requirements
20 for the transfer of a water right under ORS 540.505 to 540.585.]*

21 “(2) Any person who has an existing water right may lease all or a por-
22 tion of the existing water right for use as an in-stream water right for a
23 specified period without the loss of the original priority date. During the
24 term of such lease, the use of the water right as an in-stream water right
25 shall be considered a beneficial use.

26 **“(3) A person who transfers all or a portion of a water right by
27 purchase, lease or gift under subsection (1) of this section shall comply
28 with the requirements for the transfer of a water right under ORS
29 540.505 to 540.585.**

30 **“SECTION 3.** Section 3, chapter 205, Oregon Laws 2001, as amended by

1 section 1, chapter 355, Oregon Laws 2007, is amended to read:

2 "Sec. 3. The amendments to ORS 537.348 by section 2, chapter 205,
3 Oregon Laws 2001, become operative on January 2, [2014] 2020."

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