

Enrolled
House Bill 2098

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Water Resources Department)

CHAPTER

AN ACT

Relating to irrigation season extensions; amending ORS 537.385.

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

SECTION 1. ORS 537.385 is amended to read:

537.385. (1) Notwithstanding any condition or limitation of a water right permit issued under ORS 537.211 or 537.625 or a water right certificate issued under ORS 537.250, 537.630 or 539.140, upon receipt of a request by the State Department of Agriculture, the Water Resources Commission may, by [*order*] **rule**, extend the irrigation season of a subbasin beyond the period established by adjudication, [*administrative*] **by** rule or by condition imposed on a permit or certificate, if the commission finds:

- (a) Water is available during the period of the extended irrigation season;
 - (b) Water use during the extended season would not impair in-stream flows that are necessary to protect aquatic resources; and
 - (c) Water diversion and use during the period of the extended season would not impair the achievement or maintenance of water quality standards as established for the water source by the Department of Environmental Quality.
- (2) If the source of water identified in the request is stored water and water is available from the storage source during the period of the extended irrigation season, the commission may extend the irrigation season as requested without making the findings required by subsection (1) of this section. However, use of water during the extended period shall be limited to the stored water.
- (3) In order to ensure that use of water during an extended irrigation season does not injure existing and future water rights, use of water during the extended period of the irrigation season shall be subordinated to all existing and future water rights.
- (4) Use of water during the extended irrigation season shall comply with all conditions and limitations of the permit or certificate, including the rate, duty and place of use of the right.
- (5) Use of water shall be regulated among irrigators for whom the season has been extended during the extended irrigation season according to the priority date of the permit or certificate.

Passed by House February 20, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate May 8, 2007

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President of Senate

Received by Governor:

.....M,....., 2007

Approved:

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State