

# 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)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that extension of irrigation season by Water Resources Commission be made by rule instead of by order.

## A BILL FOR AN ACT

1  
2 Relating to irrigation season extensions; amending ORS 537.385.

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

4 **SECTION 1.** ORS 537.385 is amended to read:

5 537.385. (1) Notwithstanding any condition or limitation of a water right permit issued under  
6 ORS 537.211 or 537.625 or a water right certificate issued under ORS 537.250, 537.630 or 539.140,  
7 upon receipt of a request by the State Department of Agriculture, the Water Resources Commission  
8 may, by [*order*] **rule**, extend the irrigation season of a subbasin beyond the period established by  
9 adjudication, [*administrative*] **by** rule or by condition imposed on a permit or certificate, if the  
10 commission finds:

11 (a) Water is available during the period of the extended irrigation season;

12 (b) Water use during the extended season would not impair in-stream flows that are necessary  
13 to protect aquatic resources; and

14 (c) Water diversion and use during the period of the extended season would not impair the  
15 achievement or maintenance of water quality standards as established for the water source by the  
16 Department of Environmental Quality.

17 (2) If the source of water identified in the request is stored water and water is available from  
18 the storage source during the period of the extended irrigation season, the commission may extend  
19 the irrigation season as requested without making the findings required by subsection (1) of this  
20 section. However, use of water during the extended period shall be limited to the stored water.

21 (3) In order to ensure that use of water during an extended irrigation season does not injure  
22 existing and future water rights, use of water during the extended period of the irrigation season  
23 shall be subordinated to all existing and future water rights.

24 (4) Use of water during the extended irrigation season shall comply with all conditions and  
25 limitations of the permit or certificate, including the rate, duty and place of use of the right.

26 (5) Use of water shall be regulated among irrigators for whom the season has been extended  
27 during the extended irrigation season according to the priority date of the permit or certificate.  
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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.