

House Bill 3292

Sponsored by Representative JENSON, Senator WESTLUND; Representatives BURLEY, CLEM, DALLUM, G SMITH, Senator NELSON

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**.

Includes irrigation districts and water control districts as municipalities for purposes of partially perfecting water rights.

A BILL FOR AN ACT

1
2 Relating to municipal water rights; amending ORS 537.260.

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

4 **SECTION 1.** ORS 537.260 is amended to read:

5 537.260. (1) Except as provided under subsection (4) of this section for a permit issued to a
6 municipality, whenever the time within which any appropriation under a permit should have been
7 perfected has expired and the owner of the permit fails or refuses within three months thereafter
8 to submit to the Water Resources Department proof of completion of the appropriation as required
9 by ORS 537.230 and 537.250, the department may, after 60 days' notice by registered mail or by
10 certified mail with return receipt, order the cancellation of the permit. The cancellation shall have
11 the same force and effect as cancellation of a permit in the proceedings provided for in ORS 537.410
12 to 537.450.

13 (2) The department may determine the extent to which an appropriation has been perfected un-
14 der any permit at the time of submission of final proof provided for in ORS 537.250, and shall limit
15 the certificate provided for in that section to a description of such appropriation as has been actu-
16 ally perfected to the extent that the water applied for has been actually applied to the beneficial
17 use contemplated in the permit.

18 (3) Any person owning an application, permit or water right certificate subsequent in priority
19 may jointly or severally contest before the department the issuance of the water right certificate
20 at any time before it has issued, and after the time has expired for the completion of the appropri-
21 ation under the permit, or within three months after issuance of the certificate. The contest shall
22 be brought upon application made, and hearing shall be had in the same manner and after notice
23 as provided in ORS 537.420 for proceedings for cancellation of permits. The department, in a final
24 order, may cancel the permit or determine the extent to which the appropriation claimed thereunder
25 has been perfected, and issue a water right certificate accordingly, or if a certificate has been is-
26 sued, in the case of a contest within three months after its issuance, the department may cancel the
27 water right certificate, or affirm its issuance, and if the water right certificate in such case is can-
28 celed, the permit upon which it is based shall also be canceled.

29 (4) A municipality may partially perfect not less than 25 percent of the water authorized by its
30 permit without loss of priority or cancellation of the municipality's permit under this section. If a
31 municipality defers perfection of its water right under this section, the department shall issue a

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.

1 certificate under ORS 537.250 only for the amount perfected. Upon perfection of the deferred
2 amount, the municipality shall request a water right certificate for the remaining portion of the
3 water applied for in the original permit application. As used in this [section] **subsection**, “muni-
4 cipality” includes a city, a port formed under ORS 777.005 to 777.725 and 777.915 to 777.953, a do-
5 mestic water supply district formed under ORS chapter 264, [or] a water authority formed under
6 ORS chapter 450, **an irrigation district formed under ORS chapter 545 or a water control dis-**
7 **trict formed under ORS chapter 553.**

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