

Senate Bill 196

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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**.

Allows water right established by order of determination filed with clerk of circuit court to be leased for use as in-stream water right.

A BILL FOR AN ACT

1
2 Relating to in-stream water rights; creating new provisions; and amending ORS 537.348.

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

4 **SECTION 1.** ORS 537.348 is amended to read:

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

13 (2) Any person who has an existing water right, **including a water right determined and es-**
14 **tablished in an order of determination filed with the clerk of a circuit court as specified in**
15 **ORS 539.130**, may lease all or a portion of the existing water right for use as an in-stream water
16 right for a specified period without the loss of the original priority date. During the term of such
17 lease, the use of the water right as an in-stream water right shall be considered a beneficial use.

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

21 (a) The uses are not concurrent; and

22 (b) The holders of the water rights measure and report to the Water Resources Department the
23 use of the existing water right and the in-stream water right.

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

26 537.348. (1) Any person may purchase or lease all or a portion of an existing water right or
27 accept a gift of all or a portion of an existing water right for conversion to an in-stream water right.
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29 date of the water right purchased, leased or received as a gift. At the request of the person the
30 Water Resources Commission shall issue a new certificate for the in-stream water right showing the

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.

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2 right by purchase, lease or gift under this subsection shall comply with the requirements for the
3 transfer of a water right under ORS 540.505 to 540.585.

4 (2) Any person who has an existing water right, **including a water right determined and es-**
5 **tablished in an order of determination filed with the clerk of a circuit court as specified in**
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7 right for a specified period without the loss of the original priority date. During the term of such
8 lease, the use of the water right as an in-stream water right shall be considered a beneficial use.

9 **SECTION 3. The amendments to ORS 537.348 by sections 1 and 2 of this 2009 Act apply**
10 **to all orders of determination filed with the clerk of a circuit court, whether filed before, on**
11 **or after the effective date of this 2009 Act.**

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