

Enrolled House Bill 2134

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber for Water Resources Department)

CHAPTER

AN ACT

Relating to the exchange of water; amending ORS 540.533.

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

SECTION 1. ORS 540.533 is amended to read:

540.533. *[(1) Any person holding a water right established by court decree, a water right certificate or a water right for which proof of beneficial use has been approved by the Water Resources Director or Water Resources Commission or any person applying for or holding a permit issued under ORS 537.211 for use of water for an in-stream purpose]*

(1) As used in this section, “person holding a water right, certificate or permit” means a person that:

- (a) Holds a water right established by court decree;**
- (b) Holds a water right certificate or a water right for which proof of beneficial use has been approved by the Water Resources Director or the Water Resources Commission;**
- (c) Is applying for or holds a permit issued under ORS 537.211 for use of water for an in-stream purpose; or**
- (d) Holds a permit issued under ORS 537.135 for recharging ground water within the Umatilla Basin.**

(2) A person holding a water right, certificate or permit may apply to the [Water Resources] commission for permission to use stored, surface or ground water from another source in exchange for supplying replacement water in an equal amount to satisfy prior appropriations from the other source, if:

- (a) The source of the person’s appropriation is at times insufficient to fully satisfy the appropriation;
- (b) Better conservation and use of the waters of the state can be accomplished; or
- (c) The person can develop water for appropriation under the permit for use of water for an in-stream purpose **or the permit for recharging ground water**, but cannot economically convey the water to its point of use.

[(2)] **(3)** A person may apply for an exchange under this section among any combination of surface, storage or ground water rights.

[(3)] **(4)** An application for exchange shall be accompanied by:

- (a) Any map, plan or other information required by the commission; *[and]*
- (b) The fee required under ORS 536.050[.]; **and**

(c) If the application for exchange is by a person that holds a permit issued under ORS 537.135 for recharging ground water within the Umatilla Basin, evidence satisfactory to the director that the exchange will result in no net loss of flow in the Umatilla River.

Passed by House April 26, 2011

.....
Ramona Kenady Line, Chief Clerk of House

.....
Bruce Hanna, Speaker of House

.....
Arnie Roblan, Speaker of House

Passed by Senate May 24, 2011

.....
Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

.....
Kate Brown, Secretary of State