

## HOUSE AMENDMENTS TO HOUSE BILL 2134

By COMMITTEE ON ENERGY, ENVIRONMENT AND WATER

April 20

1 Delete lines 4 through 22 of the printed bill and insert:

2 **“SECTION 1.** ORS 540.533 is amended to read:

3 *“540.533. [(1) Any person holding a water right established by court decree, a water right certifi-*  
4 *cate or a water right for which proof of beneficial use has been approved by the Water Resources*  
5 *Director or Water Resources Commission or any person applying for or holding a permit issued under*  
6 *ORS 537.211 for use of water for an in-stream purpose]*

7 **“(1) As used in this section, ‘person holding a water right, certificate or permit’ means**  
8 **a person that:**

9 **“(a) Holds a water right established by court decree;**

10 **“(b) Holds a water right certificate or a water right for which proof of beneficial use has**  
11 **been approved by the Water Resources Director or the Water Resources Commission;**

12 **“(c) Is applying for or holds a permit issued under ORS 537.211 for use of water for an**  
13 **in-stream purpose; or**

14 **“(d) Holds a permit issued under ORS 537.135 for recharging ground water within the**  
15 **Umatilla Basin.**

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

20 **“(a) The source of the person’s appropriation is at times insufficient to fully satisfy the appro-**  
21 **priation;**

22 **“(b) Better conservation and use of the waters of the state can be accomplished; or**

23 **“(c) The person can develop water for appropriation under the permit for use of water for an**  
24 **in-stream purpose or the permit for recharging ground water, but cannot economically convey**  
25 **the water to its point of use.**

26 **“[(2)] (3) A person may apply for an exchange under this section among any combination of**  
27 **surface, storage or ground water rights.**

28 **“[(3)] (4) An application for exchange shall be accompanied by:**

29 **“(a) Any map, plan or other information required by the commission; [and]**

30 **“(b) The fee required under ORS 536.050[.]; and**

31 **“(c) If the application for exchange is by a person that holds a permit issued under ORS**  
32 **537.135 for recharging ground water within the Umatilla Basin, evidence satisfactory to the**  
33 **director that the exchange will result in no net loss of flow in the Umatilla River.”.**

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