

House Bill 2134

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber 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**.

Allows person applying for or holding ground water recharge permit to apply for permission to exchange water for equal amount of water from another source.

A BILL FOR AN ACT

1
2 Relating to the exchange of water; amending ORS 540.533.

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

4 **SECTION 1.** ORS 540.533 is amended to read:

5 540.533. (1) Any person holding a water right established by court decree, a water right certifi-
6 cate or a water right for which proof of beneficial use has been approved by the Water Resources
7 Director or Water Resources Commission, or any person applying for or holding a permit issued
8 under ORS 537.211 for use of water for an in-stream purpose **or ORS 537.135 for ground water**
9 **recharge**, may apply to the Water Resources Commission for permission to use stored, surface or
10 ground water from another source in exchange for supplying replacement water in an equal amount
11 to satisfy prior appropriations from the other source, if:

12 (a) The source of the person's appropriation is at times insufficient to fully satisfy the appro-
13 priation;

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

15 (c) The person can develop water for appropriation under the permit for use of water for an
16 in-stream purpose **or ground water recharge**, but cannot economically convey the water to its
17 point of use.

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

20 (3) An application for exchange shall be accompanied by:

21 (a) Any map, plan or other information required by the commission; and

22 (b) The fee required under ORS 536.050.
23

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.