

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2983

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

May 27

1 On page 7 of the printed A-engrossed bill, line 39, after the period delete the rest of the line and
2 delete lines 40 and 41.

3 On page 8, delete lines 10 through 37 and insert:

4 “**SECTION 4.** ORS 537.348, as amended by section 3 of this 2011 Act, 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 may lease all or a portion of the existing water
14 right for use as an in-stream water right for a specified period without the loss of the original pri-
15 ority date. During the term of such lease, the use of the water right as an in-stream water right
16 shall be considered a beneficial use.

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

20 “(a) The uses are not concurrent; and

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

23 “(4) A person applying for the renewal of an in-stream water right lease and seeking to qualify
24 under ORS 536.050 [(3)(b)] **(2)(b)** for exemption from the renewal fee must provide with the renewal
25 application a sworn statement that the person is not receiving compensation under the lease. The
26 statement must be in a form acceptable to the department. A person who has an in-stream water
27 right lease and under ORS 536.050 [(3)(b)] **(2)(b)** has not paid a renewal fee for the lease must notify
28 the department of any temporary or permanent change to the lease no later than one year before
29 the change occurs.”.

30 On page 9, line 6, after the period delete the rest of the line and delete lines 7 and 8.
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