

# Senate Bill 1513

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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**.

Eliminates sunset and continues in effect provision conditionally allowing water right lease to split use of water between existing right and in-stream right within same year.

## A BILL FOR AN ACT

1  
2 Relating to water right leases that split water use between existing rights and in-stream rights;  
3 amending ORS 537.348; and repealing section 3, chapter 205, Oregon Laws 2001.

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

5 **SECTION 1.** ORS 537.348, as amended by section 2, chapter 205, Oregon Laws 2001, is amended  
6 to read:

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

15 (2) Any person who has an existing water right may lease all or a portion of the existing water  
16 right for use as an in-stream water right for a specified period without the loss of the original pri-  
17 ority date. During the term of such lease, the use of the water right as an in-stream water right  
18 shall be considered a beneficial use.

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

23 **(a) The uses are not concurrent; and**

24 **(b) The holders of the water rights measure and report to the Water Resources Depart-**  
25 **ment the use of the existing water right and the in-stream water right.**

26 **SECTION 2.** Section 3, chapter 205, Oregon Laws 2001, as amended by section 1, chapter  
27 **355, Oregon Laws 2007, is repealed.**

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**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.