

## SENATE MINORITY REPORT AMENDMENTS TO SENATE BILL 1513

February 16

President Courtney:

A minority of your Committee on Environment and Natural Resources, to whom was referred Senate Bill 1513, having had the same under consideration, respectfully reports it back with the recommendation that it do pass with the following amendments:

- 1 In line 3 of the printed bill, delete the semicolon and delete “repealing”.
- 2 Delete lines 5 through 27 and insert:
- 3 **“SECTION 1.** ORS 537.348 is amended to read:
- 4 “537.348. (1) Any person may purchase or lease all or a portion of an existing water right or
- 5 accept a gift of all or a portion of an existing water right for conversion to an in-stream water right.
- 6 Any water right converted to an in-stream water right under this section shall retain the priority
- 7 date of the water right purchased, leased or received as a gift. At the request of the person the
- 8 Water Resources Commission shall issue a new certificate for the in-stream water right showing the
- 9 original priority date of the purchased, gifted or leased water right. [*A person who transfers a water*
- 10 *right by purchase, lease or gift under this subsection shall comply with the requirements for the*
- 11 *transfer of a water right under ORS 540.505 to 540.585.*]
- 12 “(2) Any person who has an existing water right may lease all or a portion of the existing water
- 13 right for use as an in-stream water right for a specified period without the loss of the original pri-
- 14 ority date. During the term of such lease, the use of the water right as an in-stream water right
- 15 shall be considered a beneficial use.
- 16 “(3) A lease of all or a portion of an existing water right for use as an in-stream water right
- 17 under subsection (2) of this section may allow the split use of the water between the existing water
- 18 right and the in-stream right during the same water or calendar year provided:
- 19 “(a) The uses are not concurrent; [*and*]
- 20 “(b) The holders of the water rights measure and report to the Water Resources Department the
- 21 use of the existing water right and the in-stream water right[.]; **and**
- 22 **“(c) The term of the lease provision allowing the split use of the water between the ex-**
- 23 **isting water right and the in-stream water right during the same year is not more than five**
- 24 **water or calendar years.**
- 25 **“(4) A person who transfers all or a portion of a water right by purchase, lease or gift**
- 26 **under subsection (1) or (3) of this section shall comply with the requirements for the transfer**
- 27 **of a water right under ORS 540.505 to 540.585.**
- 28 **“SECTION 2.** ORS 537.348, as amended by section 2, chapter 205, Oregon Laws 2001, is
- 29 amended to read:
- 30 “537.348. (1) Any person may purchase or lease all or a portion of an existing water right or
- 31 accept a gift of all or a portion of an existing water right for conversion to an in-stream water right.
- 32 Any water right converted to an in-stream water right under this section shall retain the priority

1 date of the water right purchased, leased or received as a gift. At the request of the person the  
2 Water Resources Commission shall issue a new certificate for the in-stream water right showing the  
3 original priority date of the purchased, gifted or leased water right. [*A person who transfers a water*  
4 *right by purchase, lease or gift under this subsection shall comply with the requirements for the*  
5 *transfer of a water right under ORS 540.505 to 540.585.*]

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

10 “(3) **A person who transfers all or a portion of a water right by purchase, lease or gift**  
11 **under subsection (1) of this section shall comply with the requirements for the transfer of**  
12 **a water right under ORS 540.505 to 540.585.**

13 “**SECTION 3.** Section 3, chapter 205, Oregon Laws 2001, as amended by section 1, chapter 355,  
14 Oregon Laws 2007, is amended to read:

15 “**Sec. 3.** The amendments to ORS 537.348 by section 2, chapter 205, Oregon Laws 2001, become  
16 operative on January 2, [2014] **2020**.”.

17 /s/ Alan Olsen  
18 Senator

19 /s/ Chuck Thomsen  
20 Senator

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