

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 0 - 0

Yeas: Bates, Hansell, Hass, Olsen, Dingfelder

Nays: 0

Exc.: 0

Prepared By: Beth Reiley, Administrator

Meeting Dates: 2/11, 2/20

WHAT THE MEASURE DOES: Establishes lease limit of five years, with no limitation on renewals, for person leasing existing water right for use as in-stream water right. Establishes process for person to file request and obtain Water Resources Department's (Department) approval of lease. Requires Department provide notice and time for delivery of allegations of injury. Requires Department issue order approving request if Department finds leasing water for in-stream use will not cause injury to other existing water rights. Authorizes Department to revoke or modify order if Department determines use of right for in-stream use has or may result in injury to existing water right. Authorizes split use of water between existing water right and in-stream water right during same calendar year if uses are not concurrent and holders of water rights measure and report to Department. Stipulates total lease period for split use of water between existing water right and in-stream water right during same calendar year may not exceed 10 years. Extends sunset allowing split use of water between existing water right and in-stream right use during same calendar year to continue until January 2, 2024.

ISSUES DISCUSSED:

- Tool to provide additional revenue to water right holder
- Role of stakeholder work group in making recommendations on side boards for in-stream leasing program
- 17 split season leases as of February 11, 2013

EFFECT OF COMMITTEE AMENDMENT: Replaces measure.

BACKGROUND: The split season leasing program was established by the Legislature in 2001, the program sunset was extended to January 2, 2014 by the 2007 legislature. The split season leasing program allows a water right to be used for both in-stream and out-of-stream uses provided the uses do not occur at the same time and do not result in injury to other water rights. Senate Bill 199A requires the holder of the water right to measure and report use to the Department and authorizes the Department to revoke or modify an order approving a split season lease if the Department determines the in-stream use has or may result in injury to an existing water right. Senate Bill 199A extends the sunset on the in-stream leasing program to January 2, 2024.

2/26/2013 9:41:00 AM

This summary has not been adopted or officially endorsed by action of the committee.