

House Bill 2810

Sponsored by COMMITTEE ON ENERGY AND ENVIRONMENT

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**.

Directs Water Resources Department to establish program to facilitate transfers of water rights or uses between properties accessing same water source.

A BILL FOR AN ACT

1
2 Relating to the transfer of interests in water.

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

4 **SECTION 1. (1) The Water Resources Department shall establish a program to facilitate**
5 **the transfer of existing water rights or uses between properties capable of accessing the**
6 **same aquifer, stream or other water source.**

7 (2) The department may acquire or transfer, or may facilitate an acquisition or transfer
8 of, all or part of an existing right in or use of surface water, ground water, stored water or
9 reclaimed water from or to properties capable of accessing the same aquifer, stream or other
10 water source. A transfer under this subsection may be by purchase, grant, donation, lease,
11 contract or other means, but may not be by condemnation. The department shall make a
12 water right or use acquired by the department under this subsection available for purchase
13 or other transfer to a person on a temporary or permanent basis for beneficial use by the
14 person.

15 (3) If a right or use is transferred under this section, subject to subsection (4) of this
16 section, the department shall issue a new permit, certificate or other applicable document
17 reflecting the transfer. The terms and conditions of the transferred right or use, including
18 but not limited to the priority date, shall be identical to the superseded permit, certificate
19 or other document unless the terms and conditions are changed under a process described
20 in ORS 540.510 or in conformance with ORS 540.520 and 540.530. If the transfer is a perma-
21 nent transfer of a water right or use, the department may issue a superseding water right
22 permit, certificate or other document in the name of the person acquiring the right.

23 (4) The department may not issue a new permit, certificate or other applicable document
24 reflecting a transfer of a water right or use under this section if the transfer would:

25 (a) Cause injury to an existing water right that is not a part of the transfer; or

26 (b) Enlarge a water right or use or enlarge the sum of the retained and transferred parts
27 of a water right or use.

28 (5) The department shall maintain a website showing water rights or uses available for
29 purchase or other transfer on a temporary or permanent basis for beneficial use by a person
30 capable of accessing the same aquifer, stream or other water source.

31 (6) The department may condition the beneficial use of a transferred water right or use

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.

1 **under this section for the purpose of protecting existing water rights or preventing en-**
2 **largement of a water right, or as required for consistency with state or federal law.**
3 _____