

House Bill 2811

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 water banking program.

A BILL FOR AN ACT

1
2 Relating to water banking.

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

4 **SECTION 1. (1) The Water Resources Department shall establish a water banking pro-**
5 **gram to facilitate the transfer of existing water rights or uses between properties accessing**
6 **the same water source.**

7 **(2) The department may acquire all or part of an existing right in or use of surface water,**
8 **ground water, stored water or reclaimed water. The acquisition may be by purchase, grant,**
9 **donation, lease, contract or other means, but may not be by condemnation.**

10 **(3) If the department acquires a right or use under this section, the department shall**
11 **issue a new permit, certificate or other applicable document establishing that the right or**
12 **use is held in the name of the State of Oregon. The terms and conditions of the acquired**
13 **right or use, including but not limited to the priority date, shall be identical to the super-**
14 **seded permit, certificate or other document unless the terms and conditions are changed**
15 **under a process described in ORS 540.510 or in conformance with ORS 540.520 and 540.530.**

16 **(4) The department may use a water right or use acquired under this section to:**

17 **(a) Mitigate water resource impacts or future water supply needs;**

18 **(b) Make water available for in-stream water rights under ORS 537.341; or**

19 **(c) Make water available for purchase on a temporary or permanent basis for any bene-**
20 **ficial use by the purchaser.**

21 **(5) The department may not use water banking if the water banking would:**

22 **(a) Cause injury to an existing water right; or**

23 **(b) Enlarge the water right or use acquired by the department.**

24 **(6) The department shall maintain a website showing all water rights or uses held by the**
25 **department and available for purchase on a temporary or permanent basis for beneficial use**
26 **by the purchaser. The department shall keep a record of the source of each acquired water**
27 **right or use and any beneficial use made of the acquired right or use.**

28 **(7) The department may specify the permissible beneficial uses of a water right or use**
29 **sold by the department. The beneficial use of the acquired right or use may be by contract,**
30 **purchase, lease or transfer, by acquisition of a permit for the use of stored water or by any**
31 **other means authorized by law for acquiring water.**

32 **(8) The department may condition the beneficial use of the acquired 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 for the purpose of protecting existing water rights or preventing enlargement of a water
2 right and as required for consistency with the contract or agreement terms or state or fed-
3 eral law.

4 (9) The department may issue a superseding water right permit or certificate in the name
5 of a person that permanently acquires a water right that was held in the name of the State
6 of Oregon. The priority date, amount and source of water under the superseding water right
7 permit or certificate shall be the same as the superseded water right permit or certificate
8 unless the terms and conditions are changed under a process described in ORS 540.510 or in
9 conformance with ORS 540.520 and 540.530.

10