

**PROPOSED AMENDMENTS TO
SENATE BILL 199**

1 On page 1 of the printed bill, line 3, delete “536.050 and”.

2 Delete lines 5 through 28 and delete pages 2 through 4 and insert:

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

5 “537.348. (1) Any person may purchase or lease all or a portion of an ex-
6 isting water right or accept a gift of all or a portion of an existing water
7 right for conversion to an in-stream water right. Any water right converted
8 to an in-stream water right under this section shall retain the priority date
9 of the water right purchased, leased or received as a gift. At the request of
10 the person the Water Resources Commission shall issue a new certificate for
11 the in-stream water right showing the original priority date of the purchased,
12 gifted or leased water right. [*A person who transfers a water right by pur-
13 chase, lease or gift under this subsection shall comply with the requirements
14 for the 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 por-
16 tion of the existing water right for use as an in-stream water right for a
17 specified period without the loss of the original priority date. During the
18 term of such lease, the use of the water right as an in-stream water right
19 shall be considered a beneficial use.

20 **“(3) A lease of all or a portion of an existing water right for use as
21 an in-stream water right under subsection (2) of this section may allow
22 the split use of the water between the existing water right and the**

1 **in-stream right during the same water or calendar year provided:**

2 **“(a) The uses are not concurrent;**

3 **“(b) The holders of the water rights measure and report to the**
4 **Water Resources Department the use of the existing water right and**
5 **the in-stream water right; and**

6 **“(c) The term of the lease, and the term of any renewal of the lease,**
7 **is not more than five years.**

8 **“(4) A lease under subsection (2) of this section may not be renewed**
9 **more than once.**

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

13 **“SECTION 2.** ORS 537.348, as amended by section 2, chapter 205, Oregon
14 Laws 2001, and section 1 of this 2013 Act, is amended to read:

15 “537.348. (1) Any person may purchase or lease all or a portion of an ex-
16 isting water right or accept a gift of all or a portion of an existing water
17 right for conversion to an in-stream water right. Any water right converted
18 to an in-stream water right under this section shall retain the priority date
19 of the water right purchased, leased or received as a gift. At the request of
20 the person the Water Resources Commission shall issue a new certificate for
21 the in-stream water right showing the original priority date of the purchased,
22 gifted or leased water right.

23 “(2) Any person who has an existing water right may lease all or a por-
24 tion of the existing water right for use as an in-stream water right for a
25 specified period without the loss of the original priority date. During the
26 term of such lease, the use of the water right as an in-stream water right
27 shall be considered a beneficial use.

28 “[3) *A lease of all or a portion of an existing water right for use as an*
29 *in-stream water right under subsection (2) of this section may allow the split*
30 *use of the water between the existing water right and the in-stream right*

1 *during the same water or calendar year provided:]*

2 *“[(a) The uses are not concurrent;]*

3 *“[(b) The holders of the water rights measure and report to the Water Re-*
4 *sources Department the use of the existing water right and the in-stream water*
5 *right; and]*

6 *“[(c) The term of the lease, and the term of any renewal of the lease, is not*
7 *more than five years.]*

8 *“[(4) A lease under subsection (2) of this section may not be renewed more*
9 *than once.]*

10 *“[(5)] (3) A person who transfers a water right by purchase, lease or gift*
11 *under this section shall comply with the requirements for the transfer of a*
12 *water right under ORS 540.505 to 540.585.*

13 **“SECTION 3. The amendments to ORS 537.348 by section 2 of this**
14 **2013 Act become operative on January 2, 2020.**

15 **“SECTION 4. Section 3, chapter 205, Oregon Laws 2001, as amended**
16 **by section 1, chapter 355, Oregon Laws 2007, is repealed.**

17 **“SECTION 5. (1) The amendments to ORS 537.348 by section 1 of this**
18 **2013 Act apply to leases and lease renewals entered into on or after the**
19 **effective date of this 2013 Act.**

20 **(2) Notwithstanding the amendments to ORS 537.348 by section 2 of**
21 **this 2013 Act, any lease or renewal allowing the split use of water be-**
22 **tween an existing water right and an in-stream water right during the**
23 **same water or calendar year and having a term that began before the**
24 **operative date of the amendments to ORS 537.348 by section 2 of this**
25 **2013 Act may continue in effect until the earlier of the expiration of**
26 **the term or five years after the operative date of the amendments to**
27 **ORS 537.348 by section 2 of this 2013 Act.”.**

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