

## **Senate Bill 206**

### **Putting the Klamath Reclamation Project on an Equal Footing with the Rest of the State**

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#### **Background**

- Oregon law allows temporary transfers and instream leasing of most water rights. Temporary transfers are used primarily to change the place of use of a water right, for a period of up to five years. Water right holders also may lease their water rights instream for a period of up to five years when their rights are not needed for irrigation. This allows water right holders to avoid the potential for forfeiture that would otherwise occur when rights are not used.
- In the Klamath basin, older (pre-1909) water rights are based on water right claims, as determined in the Klamath water rights adjudication. The final order for the administrative phase of the adjudication was issued in 2013. Although these older water rights are otherwise treated the same as other water rights, under current law, the authorizations for temporary transfers and in-stream leases do not apply until there is a final court decree in the adjudication.
- The Klamath water agreements provide for the Klamath Irrigation Project (210,000 acres and a crop value of over 150 million dollars in 2008)), administered by the federal Bureau of Reclamation and 13 irrigation districts, to implement an "On-Project" water plan to reduce water demand to levels consistent with the agreements. In 2014, the Klamath Irrigation Project was short of water by about 40 percent from its water need. 2015 looks to be the fourth year of drought in a row for the Klamath basin.

#### **Reasons for SB 206**

- Fundamentally, SB 206 simply puts the Klamath Irrigation Project on the same footing as the rest of the state in terms of water management tools.
- SB 206 will allow the irrigation districts and irrigators in the Klamath Project who elect to participate in water use reduction programs to put pre-1909 water rights into the program. With water curtailments coming, this will help cushion the impact of drought on Project irrigators.

#### **SB 206, as amended, will:**

- Authorize the holders of pre-1909 water rights to participate in temporary transfer and in-stream leasing programs – allowing districts more tools to manage water within the project, and allowing for farmers who are willing to commit to instream leasing to be paid for doing so.
- Protect existing water right holders by requiring the Water Resources Department to determine, affirmatively, that the transfer or lease will not injure another claim or another water right.
- Protect existing water right holders by requiring that the lands the water right is being transferred from (or leased from) not be irrigated.
- SB 206 mirrors SB 264, which provides the same tools for the Upper Klamath basin, above Upper Klamath Lake (the Off-Project" area).