

Senate Bill 206

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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**.

Allows temporary lease or temporary transfer of upper Klamath Basin water right established by Water Resources Director in order of determination during period while judicial review of order is pending. Applies to leases and transfers under agreements entered into before January 2, 2020.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to alterations in determined water rights in the upper Klamath Basin; and declaring an
3 emergency.

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

5 **SECTION 1. (1) As used in this section, "upper Klamath Basin" means:**

6 **(a) The portion of the Klamath River Basin that is above the Link River Dam located on**
7 **Upper Klamath Lake; and**

8 **(b) Areas draining into Upper Klamath Lake.**

9 **(2) A water right in the upper Klamath Basin determined and established in an order of**
10 **determination certified by the Water Resources Director under ORS 539.130 is, during the**
11 **period while judicial review of the order of determination is pending:**

12 **(a) An existing water right that may be leased for a term as provided in ORS 537.348, but**
13 **that may not be purchased, leased or gifted under ORS 537.348 (1).**

14 **(b) A primary water right that is subject to temporary transfer for purposes of ORS**
15 **540.523. This paragraph does not apply to a water right transfer that includes changing the**
16 **point of diversion upstream.**

17 **(3) Subsection (2) of this section does not apply to a water right determined and estab-**
18 **lished in an order of determination that has been stayed by the filing of a bond or irrevocable**
19 **letter of credit under ORS 539.180.**

20 **SECTION 2. (1) Section 1 of this 2015 Act is repealed January 2, 2020.**

21 **(2) Notwithstanding the repeal of section 1 of this 2015 Act by subsection (1) of this sec-**
22 **tion, and except as provided in this subsection, a water right lease or temporary transfer**
23 **entered into under section 1 of this 2015 Act for a term beginning prior to January 2, 2020,**
24 **may continue in effect for the term of the lease or temporary transfer. If a court judgment**
25 **results in a modification of the leased or transferred water right, the parties may continue**
26 **the lease or temporary transfer of all or part of the water right as modified for all or part**
27 **of the original term of the lease or temporary transfer.**

28 **SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**

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 **on its passage.**

2
