

SENATE AMENDMENTS TO SENATE BILL 206

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 24

1 On page 1 of the printed bill, delete lines 5 through 29 and delete page 2 and insert:

2 “**SECTION 1.** (1) As used in this section, ‘determined claim’ means a water right in the
3 Upper Klamath Basin determined and established in an order of determination certified by
4 the Water Resources Director under ORS 539.130.

5 “(2) Except as provided in subsections (3) and (4) of this section, during the period that
6 judicial review of the order of determination is pending, a determined claim is:

7 “(a) An existing water right that may be leased for a term as provided under ORS 537.348;
8 and

9 “(b) A primary water right that is subject to temporary transfer for purposes of ORS
10 540.523.

11 “(3) Subsection (2) of this section:

12 “(a) Does not apply to a water right determined and established in an order of determi-
13 nation that has been stayed by the filing of a bond or irrevocable letter of credit under ORS
14 539.180;

15 “(b) Does not apply to a water right transfer that includes changing the point of diversion
16 upstream; and

17 “(c) Does not allow a person to purchase, lease or accept a gift of a determined claim for
18 conversion to an in-stream water right as described in ORS 537.348 (1).

19 “(4) For purposes of determining under ORS 537.348 (5) or 540.523 (2) whether the Water
20 Resources Department may approve a lease or temporary transfer of a determined claim,
21 an injury to another determined claim is an injury to an existing water right.
22 Notwithstanding ORS 537.348 (6) or 540.523 (5), the department shall deny, modify or revoke
23 the lease or temporary transfer of a determined claim if the department determines that the
24 lease or temporary transfer has resulted in, or is likely to result in:

25 “(a) Injury to another determined claim or other existing water right; or

26 “(b) Enlargement of the determined claim.

27 “(5) The department shall revoke the lease or temporary transfer of a determined claim
28 if a court judgment stays the determined claim.

29 “(6) If a determined claim is removed from land by lease or temporary transfer, the land
30 from which the determined claim is removed may not receive water during the term of the
31 lease or temporary transfer.

32 “**SECTION 2.** (1) Section 1 of this 2015 Act is repealed January 2, 2026.

33 “(2) Notwithstanding the repeal of section 1 of this 2015 Act by subsection (1) of this
34 section, subject to modification or revocation under section 1 of this 2015 Act, a lease or
35 temporary transfer of a determined claim under section 1 of this 2015 Act for a term begin-

1 **ning prior to January 2, 2026, may continue in effect for the term of the lease or temporary**
2 **transfer. If a court judgment results in a modification of the determined claim, the parties**
3 **may continue the lease or temporary transfer of all or part of the water right as modified**
4 **for all or part of the original term of the lease or temporary transfer.**

5 **“SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**
6 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
7 **on its passage.”.**

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