

**PROPOSED AMENDMENTS TO
SENATE BILL 267**

1 In line 3 of the printed bill, line 3, delete “section” and insert “sections
2 23 and”.

3 After line 7, insert:

4 **“SECTION 2.** Section 23, chapter 705, Oregon Laws 2003, as amended by
5 section 1, chapter 283, Oregon Laws 2009, is amended to read:

6 **“Sec. 23.** (1) In order to increase district water management flexibility,
7 the Water Resources Department shall establish a pilot project in which
8 districts may temporarily allow, for water uses subject to transfer, the use
9 of water on any land within the legal boundaries of the district established
10 pursuant to ORS chapter 545, 547, 552, 553 or 554.

11 “(2) The use of water on any land within the legal boundaries of the dis-
12 trict may be allowed if:

13 “(a) The rate and duty, and the total number of acres to which water will
14 be applied under the transfer, do not exceed existing limits on the water use
15 subject to transfer;

16 “(b) The type of use authorized under the water use subject to transfer
17 **is for irrigation and** remains the same; and

18 “(c) The land from which the water use is being transferred does not re-
19 ceive any water under the right being transferred during the irrigation sea-
20 son in which the change is made.

21 “(3) The department shall allow the pilot project to be implemented in the
22 Talent Irrigation District, the Owyhee Irrigation District, the Tualatin Val-

1 ley Irrigation District, the Central Oregon Irrigation District, the Swalley
2 Irrigation District, the Westland Irrigation District, the North Unit Irriga-
3 tion District, the Arnold Irrigation District, the Stanfield Irrigation Dis-
4 trict, the West Extension Irrigation District, the Hermiston Irrigation
5 District, the Medford Irrigation District, the Sutherlin Water Control Dis-
6 trict, the Santiam Water Control District and the Ochoco Irrigation District
7 or their successor districts. However, any district participating in the project
8 must:

9 “(a) Have defined state district boundaries;

10 “(b) Have a management structure that can ensure that water is applied
11 only where the water use is authorized;

12 “(c) Not irrigate an area in any one irrigation season that exceeds the
13 maximum number of acres allowed to be irrigated under the original water
14 right;

15 “(d) Have a full and accurate measurement of the water appropriated;

16 “(e) Have an accurate map identifying the location of authorized use, by
17 priority date, for review upon request and provide a copy of the map to the
18 watermaster; and

19 “(f) Have on file statements by any landowner affected by the water use
20 change indicating that the landowner agrees to the change.

21 “(4) If any of the specified districts are unable to participate in the
22 project, the department may identify another district for the project. **Before**
23 **allowing another district to participate in the project for the first**
24 **time, the department shall publish notice of the planned participation**
25 **by publication in the weekly notice published by the department and**
26 **shall allow the public at least 20 days to provide information to assist**
27 **the department in determining whether the district meets the quali-**
28 **fications required under subsection (3) of this section.**

29 “(5) The department may require that use of water under the pilot project
30 cease and that the use revert to the use allowed under the water right of

1 record if the department determines that:

2 “(a) The district does not meet the qualifications established in subsection
3 (3) of this section;

4 “(b) The water is being used in a manner that violates the requirements
5 in subsection (2) of this section; or

6 “(c) The changes made to the use of water would result in injury to ex-
7 isting water rights or an enlargement of the original water right.

8 **“(6) The department shall annually, prior to commencement of the**
9 **irrigation season, publish notice of the districts that might intend to**
10 **make use of the pilot program during the year. The notice shall iden-**
11 **tify the districts by name and provide the contact information for the**
12 **watermasters for the districts. The department shall publish the notice**
13 **by publication in the weekly notice published by the department.**

14 “[~~(6)~~] (7) Use of water under the pilot project constitutes a beneficial use
15 of water and does not constitute nonuse for purposes of forfeiture under ORS
16 540.610.”.

17 In line 8, delete the first “2” and insert “3”.
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