

**PROPOSED AMENDMENTS TO
SENATE BILL 206**

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

3 **“SECTION 1. (1) As used in this section:**

4 **“(a) ‘Determined claim’ means a water right in the upper Klamath**
5 **Basin determined and established in an order of determination certi-**
6 **fied by the Water Resources Director under ORS 539.130.**

7 **“(b) ‘Upper Klamath Basin’ means the portion of the Klamath Basin**
8 **that is subject to the On-Project Plan for the Klamath Reclamation**
9 **Project as described in section 15.2 of the Klamath Basin Restoration**
10 **Agreement dated February 18, 2010.**

11 **“(2) Except as provided in subsections (3) and (4) of this section, a**
12 **determined claim is, during the period that judicial review of the order**
13 **of determination is pending, a primary water right that is subject to**
14 **temporary transfer for purposes of ORS 540.523.**

15 **“(3) Subsection (2) of this section:**

16 **“(a) Does not apply to a water right determined and established in**
17 **an order of determination that has been stayed by the filing of a bond**
18 **or irrevocable letter of credit under ORS 539.180; and**

19 **“(b) Does not apply to a water right transfer that includes changing**
20 **the point of diversion upstream.**

21 **“(4) For purposes of determining under ORS 540.523 (2) whether the**
22 **Water Resources Department may approve a temporary transfer of a**

1 **determined claim, an injury to another determined claim is an injury**
2 **to an existing water right. Notwithstanding ORS 540.523 (5), the de-**
3 **partment shall deny, modify or revoke the temporary transfer of a**
4 **determined claim if the department determines that the temporary**
5 **transfer has resulted in, or is likely to result in:**

6 **“(a) Injury to another determined claim or other existing water**
7 **right; or**

8 **“(b) Enlargement of the determined claim.**

9 **“(5) The department shall revoke the temporary transfer of a de-**
10 **termined claim if a court judgment stays the determined claim.**

11 **“(6) If a determined claim is removed from land by temporary**
12 **transfer, the land from which the determined claim is removed may**
13 **not receive water during the term of the temporary transfer.**

14 **“SECTION 2. (1) Section 1 of this 2015 Act is repealed January 2,**
15 **2020.**

16 **“(2) Notwithstanding the repeal of section 1 of this 2015 Act by**
17 **subsection (1) of this section, subject to modification or revocation**
18 **under section 1 of this 2015 Act, a temporary transfer of a determined**
19 **claim as defined in section 1 of this 2015 Act for a term beginning prior**
20 **to January 2, 2020, may continue in effect for the term of the tempo-**
21 **rary transfer. If a court judgment results in a modification of the de-**
22 **termined claim, the parties may continue the temporary transfer of**
23 **all or part of the water right as modified for all or part of the original**
24 **term of the temporary transfer.**

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

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