

**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,**
12 **during the period that judicial review of the order of determination is**
13 **pending, a determined claim is:**

14 **“(a) An existing water right that may be leased for a term as pro-**
15 **vided under ORS 537.348; and**

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

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

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

22 **“(b) Does not apply to a water right transfer that includes changing**

1 the point of diversion upstream; and

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

5 “(4) For purposes of determining under ORS 537.348 (5) or 540.523 (2)
6 whether the Water Resources Department may approve a lease or
7 temporary transfer of a determined claim, an injury to another de-
8 termined claim is an injury to an existing water right. Notwith-
9 standing ORS 537.348 (6) or 540.523 (5), the department shall deny,
10 modify or revoke the lease or temporary transfer of a determined
11 claim if the department determines that the lease or temporary
12 transfer has resulted in, or is likely to result in:

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

15 “(b) Enlargement of the determined claim.

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

18 “(6) If a determined claim is removed from land by lease or tempo-
19 rary transfer, the land from which the determined claim is removed
20 may not receive water during the term of the lease or temporary
21 transfer.

22 **“SECTION 2. (1) Section 1 of this 2015 Act is repealed January 2,**
23 **2020.**

24 **“(2) Notwithstanding the repeal of section 1 of this 2015 Act by**
25 **subsection (1) of this section, subject to modification or revocation**
26 **under section 1 of this 2015 Act, a lease or temporary transfer of a**
27 **determined claim as defined in section 1 of this 2015 Act for a term**
28 **beginning prior to January 2, 2020, may continue in effect for the term**
29 **of the lease or temporary transfer. If a court judgment results in a**
30 **modification of the determined claim, the parties may continue the**

1 lease or temporary transfer of all or part of the water right as modi-
2 fied for all or part of the original term of the lease or temporary
3 transfer.

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

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