

**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, ‘determined claim’ means**
4 **a water right in the Upper Klamath Basin determined and established**
5 **in an order of determination certified by the Water Resources Director**
6 **under ORS 539.130.**

7 **“(2) Except as provided in subsections (4) and (5) of this section,**
8 **during the period that judicial review of the order of determination is**
9 **pending, a determined claim for which the point of diversion lies out-**
10 **side of the sections listed in subsection (3) of this section is:**

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

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

15 **“(3) Subsection (2) of this section applies to a determined water**
16 **right for which the point of diversion lies outside of the following**
17 **sections:**

18 **“(a)(A) Township 33 south, range 6 east, sections 1, 12 to 14, 23 to**
19 **26, 35 and 36.**

20 **“(B) Township 33 south, range 7 1/2 east, sections 3 to 10, 15 to 23**
21 **and 26 to 35.**

22 **“(C) Township 33 south, range 7 east, section 33.**

1 “(b)(A) Township 34 south, range 6 east, sections 1, 2, 11 to 14, 23,
2 24 and 26.

3 “(B) Township 34 south, range 7 1/2 east, sections 1 to 14, 16 to 21,
4 23 and 24.

5 “(C) Township 34 south, range 7 east, sections 2 to 4, 9 to 16, 18, 19,
6 21, 22, 24 to 27, 30 and 34 to 36.

7 “(D) Township 34 south, range 8 east, sections 13 to 36.

8 “(E) Township 34 south, range 9 east, sections 16 to 21 and 27 to 34.

9 “(F) Township 34 south, range 11 east, sections 1, 12, 13, 24, 25 and
10 36.

11 “(G) Township 34 south, range 12 east, sections 5 to 8, 17 to 20 and
12 29 to 33.

13 “(c)(A) Township 35 south, range 7 east, sections 1 to 4, 9 to 12, 16,
14 17, 19 to 21 and 28 to 33.

15 “(B) Township 35 south, range 8 east, sections 1 to 15 and 24.

16 “(C) Township 35 south, range 9 east, sections 1 to 29 and 32 to 36.

17 “(D) Township 35 south, range 10 east, sections 7, 8 and 11 to 36.

18 “(E) Township 35 south, range 11 east, sections 18, 19, 30 and 31.

19 “(F) Township 35 south, range 12 east, sections 3 to 10, 14 to 16, 20
20 to 28 and 33 to 36.

21 “(G) Township 35 south, range 13 east, sections 19, 20 and 25 to 36.

22 “(H) Township 35 south, range 14 east, sections 14 to 17, 19 to 23 and
23 26 to 36.

24 “(d)(A) Township 36 south, range 7 east, sections 3 to 6, 8 to 10, 15
25 and 16.

26 “(B) Township 36 south, range 9 east, sections 1 to 5, 8 to 17 and 20
27 to 23.

28 “(C) Township 36 south, range 10 east, sections 1 to 25.

29 “(D) Township 36 south, range 11 east, sections 1 to 3, 7 to 30 and
30 34 to 36.

1 **“(E) Township 36 south, range 12 east, sections 1 to 36.**
2 **“(F) Township 36 south, range 13 east, sections 1, 2 and 12 to 24.**
3 **“(G) Township 36 south, range 14 east, sections 1 to 30 and 34 to 36.**
4 **“(H) Township 36 south, range 15 east, sections 6 to 8, 16 to 21 and**
5 **28 to 33.**
6 **“(e)(A) Township 37 south, range 11 east, sections 1, 2 and 12.**
7 **“(B) Township 37 south, range 12 east, sections 2 to 6.**
8 **“(C) Township 37 south, range 14 east, sections 1 to 3, 10 to 14, 23**
9 **and 24.**
10 **“(D) Township 37 south, range 15 east, sections 4 to 10 and 13 to 36.**
11 **“(E) Township 37 south, 16 east, sections 30 and 31.**
12 **“(f)(A) Township 38 south, range 15 east, sections 1 to 18, 21 to 27**
13 **and 34 to 36.**
14 **“(B) Township 38 south, range 16 east, sections 6, 7, 17 to 20 and 29**
15 **to 32.**
16 **“(g)(A) Township 39 south, range 15 east, sections 1, 2, 11 and 12.**
17 **“(B) Township 39 south, range 16 east, section 6.**
18 **“(4) 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**
23 **the point of diversion upstream; and**
24 **“(c) Does not allow a person to purchase, lease or accept a gift of**
25 **a determined claim for conversion to an in-stream water right as de-**
26 **scribed in ORS 537.348 (1).**
27 **“(5) For purposes of determining under ORS 537.348 (5) or 540.523 (2)**
28 **whether the Water Resources Department may approve a lease or**
29 **temporary transfer of a determined claim, an injury to another de-**
30 **termined claim is an injury to an existing water right. Notwith-**

1 standing ORS 537.348 (6) or 540.523 (5), the department shall deny,
2 modify or revoke the lease or temporary transfer of a determined
3 claim if the department determines that the lease or temporary
4 transfer has resulted in, or is likely to result in:

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

7 “(b) Enlargement of the determined claim.

8 “(6) The department shall revoke the lease or temporary transfer
9 of a determined claim if a court judgment stays the determined claim.

10 “(7) If a determined claim is removed from land by lease or tempo-
11 rary transfer, the land from which the determined claim is removed
12 may not receive water during the term of the lease or temporary
13 transfer.

14 **“SECTION 2. (1) Section 1 of this 2015 Act is repealed January 2,
15 2026.**

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 lease or temporary transfer of a
19 determined claim under section 1 of this 2015 Act for a term beginning
20 prior to January 2, 2026, may continue in effect for the term of the
21 lease or temporary transfer. If a court judgment results in a modifi-
22 cation of the determined claim, the parties may continue the lease or
23 temporary transfer of all or part of the water right as modified for all
24 or part of the original term of the lease or 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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