

**PROPOSED AMENDMENTS TO
SENATE BILL 264**

1 On page 1 of the printed bill, delete lines 5 through 24 and delete pages
2 2 and 3 and insert:

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

4 **“(a) ‘Joint management entity’ means the entity that is:**

5 **“(A) Composed of the landowner entity, the Klamath Tribes, the**
6 **United States and the State of Oregon; and**

7 **“(B) Responsible for overseeing the implementation of the settle-**
8 **ment agreement.**

9 **“(b) ‘Landowner entity’ means the entity formed by eligible land-**
10 **owners as provided in section 8 of the settlement agreement.**

11 **“(c) ‘Settlement agreement’ means the Upper Klamath Basin Com-**
12 **prehensive Agreement dated April 18, 2014.**

13 **“(2) The Water Resources Department may participate in activities**
14 **related to the joint management entity that are consistent with the**
15 **terms of the settlement agreement. The activities may include, but**
16 **need not be limited to:**

17 **“(a) Providing assistance in the formation of an Oregon tax-exempt**
18 **nonprofit corporation to function as the joint management entity for**
19 **the settlement agreement;**

20 **“(b) Drafting and giving approval of the articles of incorporation**
21 **and bylaws of the corporation;**

22 **“(c) Participating as a voting member of the board of directors for**

1 the corporation; and

2 “(d) Participating as a member of the technical team for the cor-
3 poration.

4 **“SECTION 2. (1) As used in this section:**

5 **“(a) ‘Determined claim’ means a water right determined and es-
6 tablished in an order of determination certified by the Water Re-
7 sources Director under ORS 539.130.**

8 **“(b) ‘Off-project area’ means the parts of the Wood Valley and of
9 the Upper Sprague, Sycan, Lower Sprague, Middle Williamson and
10 Lower Williamson River Basins that are within the area identified as
11 the off-project area in the Upper Klamath Basin Comprehensive
12 Agreement dated April 18, 2014.**

13 **“(2) Except as provided in subsections (3) and (4) of this section,
14 during the period that judicial review of the order of determination is
15 pending, a determined claim in the off-project area is:**

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

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

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

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

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

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

29 **“(4) For purposes of determining under ORS 537.348 (5) or 540.523 (2)
30 whether the Water Resources Department may approve a lease or**

1 temporary transfer of a determined claim in the off-project area as
2 described in subsection (2) of this section, an injury to another deter-
3 mined claim is an injury to an existing water right. Notwithstanding
4 ORS 537.348 (6) or 540.523 (5), the department shall deny, modify or
5 revoke the lease or temporary transfer of a determined claim in the
6 off-project area if the department determines that the lease or tem-
7 porary transfer has resulted in, or is likely to result in:

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

10 “(b) Enlargement of the determined claim.

11 “(5) The department shall revoke the lease or temporary transfer
12 of a determined claim in the off-project area if a court judgment stays
13 the determined claim.

14 “(6) If a determined claim in the off-project area is removed from
15 land by lease or temporary transfer, the land from which the deter-
16 mined claim is removed may not receive water during the term of the
17 lease or temporary transfer.

18 **“SECTION 3.** (1) Section 2 of this 2015 Act is repealed January 2,
19 2026.

20 “(2) Notwithstanding the repeal of section 2 of this 2015 Act by
21 subsection (1) of this section, subject to modification or revocation
22 under section 2 of this 2015 Act, a lease or temporary transfer of a
23 determined claim in the off-project area as defined in section 2 of this
24 2015 Act for a term beginning prior to January 2, 2026, may continue
25 in effect for the term of the lease or temporary transfer. If a court
26 judgment results in a modification of the determined claim, the parties
27 may continue the lease or temporary transfer of all or part of the
28 water right as modified for all or part of the original term of the lease
29 or temporary transfer.

30 **“SECTION 4.** This 2015 Act being necessary for the immediate

1 **preservation of the public peace, health and safety, an emergency is**
2 **declared to exist, and this 2015 Act takes effect on its passage.”.**

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