

**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 (3) and (4) of this section,**  
8 **during the period that judicial review of the order of determination is**  
9 **pending, a determined claim is:**

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

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

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

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

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

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

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

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

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

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

14       **“(6) If a determined claim is removed from land by lease or tempo-**  
15 **rary transfer, the land from which the determined claim is removed**  
16 **may not receive water during the term of the lease or temporary**  
17 **transfer.**

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 (1) Section 1 of this 2015 Act is repealed January 2,**  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

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

29       **“SECTION 3. This 2015 Act being necessary for the immediate**  
30 **preservation of the public peace, health and safety, an emergency is**

1 **declared to exist, and this 2015 Act takes effect on its passage.”.**

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