

Requested by Senator BURDICK

**PROPOSED AMENDMENTS TO
B-ENGROSSED HOUSE BILL 2027**

1 In line 2 of the printed B-engrossed bill, after “water” insert “; amending
2 section 23, chapter 705, Oregon Laws 2003; and declaring an emergency”.

3 Delete lines 4 through 13 and insert:

4 **“SECTION 1.** Section 23, chapter 705, Oregon Laws 2003, as amended by
5 section 1, chapter 283, Oregon Laws 2009, and section 2, chapter 384, Oregon
6 Laws 2015, is amended to read:

7 **“Sec. 23.** (1) In order to increase district water management flexibility,
8 the Water Resources Department shall establish a pilot project in which
9 districts may temporarily allow, for water uses subject to transfer, the use
10 of water on any land within the legal boundaries of the district established
11 pursuant to ORS chapter 545, 547, 552, 553 or 554.

12 **“(2)** The use of water on any land within the legal boundaries of the dis-
13 trict may be allowed if:

14 **“(a)** The rate and duty, and the total number of acres to which water will
15 be applied under the transfer, do not exceed existing limits on the water use
16 subject to transfer;

17 **“(b)** The type of use authorized under the water use subject to transfer
18 is for irrigation and remains the same; and

19 **“(c)** The land from which the water use is being transferred does not re-
20 ceive any water under the right being transferred during the irrigation sea-
21 son in which the change is made.

1 “(3) The department shall allow the pilot project to be implemented in the
2 Talent Irrigation District, the Owyhee Irrigation District, the Tualatin Val-
3 ley Irrigation District, the Central Oregon Irrigation District, the Swalley
4 Irrigation District, the Westland Irrigation District, the North Unit Irri-
5 gation District, the Arnold Irrigation District, the Stanfield Irrigation Dis-
6 trict, the West Extension Irrigation District, the Hermiston Irrigation
7 District, the Medford Irrigation District, the Sutherlin Water Control Dis-
8 trict, the Santiam Water Control District and the Ochoco Irrigation District
9 or their successor districts. However, any district participating in the project
10 must:

11 “(a) Have defined state district boundaries;

12 “(b) Have a management structure that can ensure that water is applied
13 only where the water use is authorized;

14 “(c) Not irrigate an area in any one irrigation season that exceeds the
15 maximum number of acres allowed to be irrigated under the original water
16 right;

17 “(d) Have a full and accurate measurement of the water appropriated;

18 “(e) Have an accurate map identifying the location of authorized use, by
19 priority date, for review upon request and provide a copy of the map to the
20 watermaster; and

21 “(f) Have on file statements by any landowner affected by the water use
22 change indicating that the landowner agrees to the change.

23 “(4) If any of the specified districts are unable to participate in the **pilot**
24 project, the department may identify another district for the project. **Dis-**
25 **tricts that may be identified under this subsection for the project in-**
26 **clude, but are not limited to, districts described in subsection (5) of**
27 **this section.** Before allowing another district to participate in the project
28 for the first time, the department shall publish notice of the planned partic-
29 ipation by publication in the weekly notice published by the department and
30 shall allow the public at least 20 days to provide information to assist the

1 department in determining whether the district meets the qualifications re-
2 quired under subsection (3) of this section.

3 **“(5) An irrigation district that is located within the Klamath Project**
4 **and is a claimant in a determined claim qualifies to be identified under**
5 **subsection (4) of this section if the district meets the requirements**
6 **specified in subsection (3)(a) to (f) of this section. If an irrigation dis-**
7 **trict described in this subsection participates in the project, the de-**
8 **termined claim shall be treated for purposes of this section in the**
9 **same manner as a water right subject to transfer. As used in this**
10 **subsection:**

11 **“(a) ‘Determined claim’ means a claimed interest in a stream for**
12 **which the Water Resources Director has issued an order of determi-**
13 **nation under ORS 539.130 and for which judicial review by the circuit**
14 **court is pending.**

15 **“(b) ‘Klamath Project’ has the meaning given that term in ORS**
16 **542.620.**

17 **“[(5)] (6) The department may require that use of water under the pilot**
18 **project cease and that the use revert to the use allowed under the water**
19 **right of record if the department determines that:**

20 **“(a) The district does not meet the qualifications established in subsection**
21 **(3) of this section;**

22 **“(b) The water is being used in a manner that violates the requirements**
23 **in subsection (2) of this section; or**

24 **“(c) The changes made to the use of water would result in injury to ex-**
25 **isting water rights or an enlargement of the original water right.**

26 **“[(6)] (7) The department shall annually, prior to commencement of the**
27 **irrigation season, publish notice of the districts that might intend to make**
28 **use of the pilot program during the year. The notice shall identify the dis-**
29 **tricts by name and provide the contact information for the watermasters for**
30 **the districts. The department shall publish the notice by publication in the**

1 weekly notice published by the department.

2 “[7] (8) Use of water under the pilot project constitutes a beneficial use
3 of water and does not constitute nonuse for purposes of forfeiture under ORS
4 540.610.

5 **“SECTION 2. This 2017 Act being necessary for the immediate
6 preservation of the public peace, health and safety, an emergency is
7 declared to exist, and this 2017 Act takes effect on its passage.”.**

8
