

HB 4016 STAFF MEASURE SUMMARY

House Committee On Energy and Environment

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Meeting Dates: 2/9, 2/12

WHAT THE MEASURE DOES:

Authorizes irrigation district, drainage district, water improvement district, water control district, nonpublic water control entity, or the Tulelake Irrigation District named in specified court filing as claimant of determined claim in Klamath Project to transfer the place of use of a determined water right claim to other land within the qualifying district. Requires the transferred use to continue to be used for irrigation and prohibits the land from which the determined claim is temporarily removed from receiving any water during the irrigation season. Authorizes the Water Resources Department to require the transfer to cease and revert only if: water is being used in a manner that violates certain requirements; transfer would result in injury; transfer would result in an enlargement of the determined claim; or court stays the determined claim. Requires that effective July 1, 2018, a qualifying district must make available for review, and submit to the watermaster an accurate map identifying the authorized place of use by priority date. Sunsets Act January 2, 2026. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Water right transfers allow a change in the point of diversion or appropriation, the place of use, or the beneficial use of a water right. The water right holder must obtain approval of a water right transfer from the Water Resources Department (Department) before making any of these changes. In reviewing an application for a water right transfer, the Department is responsible for ensuring that other water right holders will not be injured as a result of the proposed change. In 2003, the Legislative Assembly enacted Senate Bill 820 which authorized a pilot project allowing the Talent, Tualatin Valley, and Owyhee Irrigation Districts to make annual place of use changes to water rights within their legal boundaries without applying to the Department for a temporary transfer. In 2015, the Legislature extended the sunset on the pilot project to January 2, 2022.

House Bill 4016 authorizes a qualifying district named in specified court filing as claimant of determined claim in the Klamath Project to transfer the place of use to other land within qualifying district. The Act would sunset on January 2, 2026.