

HB 4016 -4 STAFF MEASURE SUMMARY
House Committee On Energy and Environment

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Meeting Dates: 2/9, 2/14

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:

-4 Replaces measure. Authorizes a qualifying district in the boundaries of the Klamath Project to temporarily transfer the place of use of a determined claim within its boundaries under specified circumstances. Establishes qualifying district criteria. Authorizes Water Resources Department (WRD) to require the temporary transfer to cease and revert back only if WRD determines that water is being used in manner that violates Act; changes would result in injury to other determined claims or existing water rights; changes would result in enlargement of determined claim; court stays determined claim; or court issues order or judgement on determined claim. Specifies water use under temporary transfer authorized by Act is not admissible as evidence of use in a court adjudication regarding a determined claim. Stipulates water use on land within preceding five years is not criterion for evaluating eligibility for transfer under Act until January 1, 2019. Requires accurate map identifying location of authorized place of use and proposed place of use to be available for review upon request and the qualifying district to provide copy of the map to watermaster the earlier of April 15, 2018 or the start of irrigation and no later than March 1st each year thereafter. Requires map to include authorized and proposed places of use by priority date effective January 1, 2019. Strikes the limiting word “only” from the section that identifies the factors that may cause the WRD to cause water use to cease effective January 1, 2019. Sunsets Act January 2, 2026. Declares emergency, effective on passage.

- No Revenue Impact
- Minimal Fiscal Impact

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

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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.