

SB 51 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

Prepared By: Beth Patrino, LPRO Analyst

Meeting Dates: 1/24

WHAT THE MEASURE DOES:

Defines "storage right subject to transfer." Establishes application requirements for changing all or a portion of the type of use identified in storage right subject to transfer. Requires storage right holder to identify in application any water rights subject to transfer under secondary permits for the stored water. When a secondary permit is held by storage right holder, authorizes combined applications for change in type of use of both storage right and secondary permits. When secondary permit is held by another, authorizes joint applications for change in type of use of both storage right and secondary permits. Directs Water Resources Department (WRD) to deny application for change in type of use that would result in inconsistency between storage right and secondary permit unless modified to be consistent or if secondary permit holder voluntarily cancels permits that are inconsistent with type of use sought for storage right. Ratifies and declares valid any change in type of use for storage right subject to transfer approved by WRD final order and final by operation of law or on appeal prior to the effective date of Act.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under ORS 537.120 all waters within the state of Oregon may be appropriated for beneficial use and any person intending to acquire the right to beneficial use must apply for a permit with the Water Resources Department (Department). If a water right holder wishes to transfer the point of appropriation, type of use, or place of use, they must submit a transfer application to the Department. To approve a transfer application, the Department must determine that the proposed change will not enlarge the water right and will not injure other water rights.

Senate Bill 51 would establish a process to change the type of use for a storage right and ratify and declare valid any change in type of use for a storage right that was approved by the Water Resources Department prior to the effective date of the Act.