

HB 3164 STAFF MEASURE SUMMARY

Carrier: Rep. Owens

House Committee On Agriculture, Land Use, Natural Resources, and Water

Action Date: 03/07/23

Action: Do Pass.

Vote: 8-0-1-0

Yeas: 8 - Boice, Hartman, Helm, Levy B, Marsh, McLain, Owens, Scharf

Exc: 1 - Gamba

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 3/2, 3/7

WHAT THE MEASURE DOES:

Makes permanent provision allowing water right lease to split use of water between existing water right and in-stream water right within the same year if both rights are not concurrent and the holders of the water rights measure and report the use of each water right to the Oregon Water Resources Department. Removes prohibition on leasing water right for split use for period of more than 10 years.

ISSUES DISCUSSED:

- History and intent of former sunset provisions associated with split use leasing
- Benefits of sunset provisions
- History of the split use leasing program

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Split season leases authorize the water right holder to use the water for a portion of the year with another party leasing that water for in-stream use during the same year. The split season leasing program was established by the Legislative Assembly in 2001. The program sunset was initially extended to January 2, 2014 by the 2007 legislature and again to January 2, 2024 by the 2013 legislature. While there is no limitation on the number of times a split lease can be renewed, the total number of years for which a water right may be leased for split use may not exceed 10 years.

House Bill 3164 would make permanent provisions conditionally allowing split use water rights within the same year and remove prohibition on leasing water right for split use for period of more than 10 years.