

HB 3164 STAFF MEASURE SUMMARY

Carrier: Sen. Golden

Senate Committee On Natural Resources

Action Date: 04/19/23

Action: Do pass.

Vote: 4-0-0-1

Yeas: 4 - Girod, Golden, Prozanski, Taylor

Abs: 1 - Smith DB

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 4/12, 4/19

WHAT THE MEASURE DOES:

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

ISSUES DISCUSSED:

- Legislative history of the split season leasing program
- Practices prior to the existence of the program
- Rationale for the current 10-year cap on program participation
- Varying compensation methodologies for farmers and ranchers
- Voluntary water management tools

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. Terms of split season leases may range from one to five years, and 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 would remove the prohibition on leasing water rights for split use for more than 10 years total.