

# House Bill 3365

Sponsored by Representatives OWENS, HELM (at the request of Oregon Water Resources Congress)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes certain Deschutes Basin irrigation districts to temporarily allow change of place of use of water, or change in point of diversion, within Deschutes Basin irrigation districts.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to district water management flexibility in Deschutes Basin; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 540.505 to**  
5 **540.585.**

6 **SECTION 2. (1) Notwithstanding ORS 540.505, as used in this section, "district" means**  
7 **the Arnold Irrigation District, Central Oregon Irrigation District, Lone Pine Irrigation Dis-**  
8 **trict, North Unit Irrigation District, Swalley Irrigation District, Three Sisters Irrigation**  
9 **District or Tumalo Irrigation District.**

10 **(2) The Legislative Assembly finds that:**

11 **(a) It is in the public interest to manage water efficiently and in a coordinated manner**  
12 **that benefits the environment and irrigated agriculture.**

13 **(b) Districts in the Deschutes Basin face unique challenges and provide unique opportu-**  
14 **nities to manage water as described in subsection (2)(a) of this section.**

15 **(3) Notwithstanding ORS 540.510, 540.520 and 540.530, a district may temporarily allow, for**  
16 **a water use subject to transfer, the use of water on any land within the legal boundaries of**  
17 **the district or another district:**

18 **(a) If the requirements of ORS 540.570 (1) are met and the type of use authorized under**  
19 **the water use subject to transfer is for irrigation; or**

20 **(b) On a split-season, split-rate or split-duty basis if:**

21 **(A) The total rate and duty do not exceed existing limits on the water use subject to**  
22 **transfer; and**

23 **(B) The type of use authorized under the water use subject to transfer is for irrigation**  
24 **and remains the same.**

25 **(4) Notwithstanding ORS 540.510, 540.520 and 540.530, a district may temporarily allow, for**  
26 **a water use subject to transfer, the diversion of water at a point of diversion downstream**  
27 **of the point of diversion allowed under the water right of record.**

28 **(5) While water is used pursuant to subsection (3) or (4) of this section, the districts from**  
29 **which and to which the water is transferred, or the district in which the downstream diver-**  
30 **sion occurs, must:**

31 **(a) Have defined state district boundaries;**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 (b) Have a management structure that can ensure that water is applied only where the  
2 water use is authorized;

3 (c) Not irrigate an area in any one irrigation season that exceeds the maximum number  
4 of acres allowed to be irrigated under the original water right, except as described in sub-  
5 section (3)(b) of this section;

6 (d) Have a full and accurate measurement of the water appropriated; and

7 (e) Have an accurate map identifying the location of authorized use, by priority date, for  
8 review upon request and provide a copy of the map to the watermasters for the districts.

9 (6) The Water Resources Department may require that a use of water pursuant to sub-  
10 section (3) of this section cease, and that the use revert to the use allowed under the water  
11 right of record, if the department determines that:

12 (a) The district does not meet the qualifications described in subsection (5) of this sec-  
13 tion;

14 (b) The water is being used in a manner that violates the requirements of subsection (3)  
15 of this section; or

16 (c) The changes made to the use of water would result in injury to an existing water  
17 right or an enlargement of the original water right.

18 (7) The department may require that a diversion of water pursuant to subsection (4) of  
19 this section cease, and that the diversion revert to the point of diversion allowed under the  
20 water right of record, if the department determines that:

21 (a) The district does not meet the qualifications described in subsection (5) of this sec-  
22 tion; or

23 (b) The changes made to the point of diversion would result in injury to an existing water  
24 right or an enlargement of the original water right.

25 (8) Use of water under subsection (3) or (4) of this section constitutes a beneficial use  
26 of water and does not constitute nonuse for purposes of forfeiture under ORS 540.610.

27 **SECTION 3.** This 2023 Act being necessary for the immediate preservation of the public  
28 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect  
29 on its passage.

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