House Bill 3580
Sponsored by Representatives MCINTIRE, OWENS, RESCHKE; Representative HELM

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 holders of certain water rights in Upper Klamath Basin to relocate points of diversion to consolidated point of diversion under certain circumstances.

A BILL FOR AN ACT
Relating to water rights in the Klamath Basin.

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

SECTION 1. (1) As used in this section, "determined claim" means a water right in the Upper Klamath Basin determined under an order of the Water Resources Director pursuant to ORS 539.130.

(2) Notwithstanding ORS 540.510, 540.520 and 540.530, holders of determined claims may relocate points of diversion to a consolidated point of diversion if:

(a) The State Department of Fish and Wildlife determines in writing that the relocation will facilitate the installation and proper operation of a fish screen.

(b) A request for the relocation is filed with the Water Resources Department and includes:

(A) All determined claim identification numbers affected by the relocation.

(B) A list of the holders of the determined claims proposed for relocation, including the holders' names and addresses.

(C) The authorized locations of the points of diversion of the determined claims proposed for relocation.

(D) The proposed location of the consolidated point of diversion.

(E) The written determination of the State Department of Fish and Wildlife that is described in paragraph (a) of this subsection.

(c) The Water Resources Department approves the request for relocation as described in subsection (3) of this section.

(3) The Water Resources Department shall approve a request for relocation under this section if:

(a) The holders comply with the requirements of subsection (2) of this section.

(b) The authorized sources of water of the determined claims are not changed.

(c) The department determines that no enlargement of the original water rights or injury to an existing water right or determined claim will result from the relocation, unless the criteria described in ORS 540.530 (1)(d) are met.

(d) The relocation does not move the point of diversion upstream or downstream beyond the point of diversion of a water right or determined claim that is not included in the relo-
cation.

(4) An approval under this section is conditioned on the holders of the determined claims complying with the requirements of ORS 498.306 and 509.585 before the relocation.

(5) The consolidated point of diversion shall be the point of diversion and distribution of water for the determined claims included in the relocation, consistent with the provisions of ORS 539.170 and 540.045.

(6) Upon approving a request under this section, the department shall issue a water right certificate, as described in ORS 539.140, that identifies the consolidated point of diversion as the point of diversion.

SECTION 2. The Water Resources Department shall provide copies of relocation requests approved under section 1 of this 2023 Act to the Klamath County Circuit Court as long as judicial review in the Klamath Basin Water Adjudication is pending.

SECTION 3. Section 2 of this 2023 Act is repealed on January 2, 2034.