

SB 761 A STAFF MEASURE SUMMARY

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

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Meeting Dates: 5/5, 5/12

WHAT THE MEASURE DOES:

The measure permits the Oregon Water Resources Department to, until January 2, 2030, approve an application by eligible districts in the Walla Walla basin to lease all or a portion of an existing water right for temporary conversion to an in-stream water right under certain conditions.

Detailed Summary:

- Authorizes the Oregon Water Resources Department (OWRD) to approve an application to lease all or a portion of an existing water right for temporary conversion to an in-stream water right if the following conditions apply:
 - The application is submitted by an irrigation district, a drainage district, a water improvement district, a water control district, or a corporation organized for irrigation, drainage, water supply, or flood control that is located wholly or partly within the Walla Walla basin (District)
 - The water right is held in the name of the District
 - The water use is subject to transfer
 - The water is currently used for irrigation
 - The district has delivered the full rate and duty of the water right at least once during the previous five years, has water use measurements for this time period, and complies with applicable measurement and reporting requirements.
 - Granting the lease will not injure existing water rights
 - The District assisted OWRD in evaluating the acreage within the District
 - The District has filed affidavits to voluntarily cancel any acreage subject to forfeiture due to nonuse
- Directs OWRD to publish notice of the application and accept any allegations of injury for at least 21 days. Prohibits OWRD from considering whether the lease enlarges an existing water right when evaluating an application.
- Prohibits the lease terms from increasing the irrigated acreage within the District, its consumptive water use, or use of supplemental or storage water rights. Requires the lease terms to comply with a water right duty as assigned by OWRD and provide for measurement of the district's water use above, below, or at the point of diversion or redirection, and provide these measurements to OWRD in real time.
- Authorizes OWRD to terminate the lease if it causes injury to an existing water right. Provides restoration of the original water right in the event of termination.
- Authorizes the Water Resources Commission to adopt rules as needed for implementation. Sunsets the Act on January 2, 2030.

FISCAL: Has minimal fiscal impact

REVENUE: No revenue impact

SENATE VOTE: Ayes 28; Nays 0; Excused 1

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

This summary has not been adopted or officially endorsed by action of the committee.

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The semi-arid Walla Walla River basin is located in southeastern Washington state and northeastern Oregon, covering an area of approximately 1780 square miles. Surface water in the basin is considered over-appropriated and ground water level have been observed to be declining since the 1940s. Temporary water right transfers must be approved by the Oregon Water Resources Department and allow for a temporary change in place of use, or change of the type of use, or change in the point of diversion for up to five years. Currently, temporary transfers of an irrigation right's certificated rate for the purposes of an instream lease while continuing to irrigate the same number of acres are not allowed.

PRELIMINARY