

House Bill 2097

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Water Resources Department)

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**.

Repeals sunset on split use leasing of in-stream water right under certain circumstances during same water or calendar year.

A BILL FOR AN ACT

1
2 Relating to water rights; amending ORS 537.348; and repealing section 3, chapter 205, Oregon Laws
3 2001.

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

5 **SECTION 1.** ORS 537.348, as amended by section 2, chapter 205, Oregon Laws 2001, is amended
6 to read:

7 537.348. (1) Any person may purchase or lease all or a portion of an existing water right or
8 accept a gift of all or a portion of an existing water right for conversion to an in-stream water right.
9 Any water right converted to an in-stream water right under this section shall retain the priority
10 date of the water right purchased, leased or received as a gift. At the request of the person the
11 Water Resources Commission shall issue a new certificate for the in-stream water right showing the
12 original priority date of the purchased, gifted or leased water right. A person who transfers a water
13 right by purchase, lease or gift under this subsection shall comply with the requirements for the
14 transfer of a water right under ORS 540.505 to 540.585.

15 (2) Any person who has an existing water right may lease all or a portion of the existing water
16 right for use as an in-stream water right for a specified period without the loss of the original pri-
17 ority date. During the term of such lease, the use of the water right as an in-stream water right
18 shall be considered a beneficial use.

19 **(3) A lease of all or a portion of an existing water right for use as an in-stream water**
20 **right under subsection (2) of this section may allow the split use of the water between the**
21 **existing water right and the in-stream right during the same water or calendar year, pro-**
22 **vided that:**

23 **(a) The uses are not concurrent; and**

24 **(b) The holders of the water rights measure and report to the Water Resources Depart-**
25 **ment the use of the existing water right and the in-stream water right.**

26 **SECTION 2. Section 3, chapter 205, Oregon Laws 2001, is repealed.**
27

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.