

D R A F T

SUMMARY

Directs Water Resources Department to establish program to facilitate transfers of water rights or uses between properties accessing same water source.

A BILL FOR AN ACT

Relating to the transfer of interests in water.

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

SECTION 1. (1) The Water Resources Department shall establish a program to facilitate the transfer of existing water rights or uses between properties capable of accessing the same aquifer, stream or other water source.

(2) The department may acquire or transfer, or may facilitate an acquisition or transfer of, all or part of an existing right in or use of surface water, ground water, stored water or reclaimed water from or to properties capable of accessing the same aquifer, stream or other water source. A transfer under this subsection may be by purchase, grant, donation, lease, contract or other means, but may not be by condemnation. The department shall make a water right or use acquired by the department under this subsection available for purchase or other transfer to a person on a temporary or permanent basis for beneficial use by the person.

(3) If a right or use is transferred under this section, subject to subsection (4) of this section, the department shall issue a new permit, certificate or other applicable document reflecting the transfer. The

1 terms and conditions of the transferred right or use, including but not
2 limited to the priority date, shall be identical to the superseded permit,
3 certificate or other document unless the terms and conditions are
4 changed under a process described in ORS 540.510 or in conformance
5 with ORS 540.520 and 540.530. If the transfer is a permanent transfer
6 of a water right or use, the department may issue a superseding water
7 right permit, certificate or other document in the name of the person
8 acquiring the right.

9 (4) The department may not issue a new permit, certificate or other
10 applicable document reflecting a transfer of a water right or use under
11 this section if the transfer would:

12 (a) Cause injury to an existing water right that is not a part of the
13 transfer; or

14 (b) Enlarge a water right or use or enlarge the sum of the retained
15 and transferred parts of a water right or use.

16 (5) The department shall maintain a website showing water rights
17 or uses available for purchase or other transfer on a temporary or
18 permanent basis for beneficial use by a person capable of accessing the
19 same aquifer, stream or other water source.

20 (6) The department may condition the beneficial use of a trans-
21 ferred water right or use under this section for the purpose of pro-
22 tecting existing water rights or preventing enlargement of a water
23 right, or as required for consistency with state or federal law.