

Senate Bill 946

Sponsored by Senator DEMBROW, 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**.

Makes process for transfer of water use applicable to qualifying right to store water. Ratifies and declares valid past changes to water rights for stored water that have been approved and have become final.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to transfers of rights to stored water; creating new provisions; amending ORS 540.505; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 540.505 is amended to read:

6 540.505. As used in ORS 540.505 to 540.585:

7 (1) "District" means an irrigation district formed under ORS chapter 545, a drainage district
8 formed under ORS chapter 547, a water improvement district formed under ORS chapter 552, a wa-
9 ter control district formed under ORS chapter 553 or a corporation organized under ORS chapter
10 554.

11 (2) "Primary water right" means the water right designated by the Water Resources Commission
12 as the principal water supply for the authorized use, or if no designation has been made, the water
13 right designated by the applicant as the principal water supply for the authorized use.

14 (3) "Supplemental water right or permit" means an additional appropriation of water to make
15 up a deficiency in supply from an existing water right. A supplemental water right or permit is used
16 in conjunction with a primary water right.

17 (4) "Water use subject to transfer" means:

18 (a) A water use established by:

19 [(a)] (A) An adjudication under ORS chapter 539 as evidenced by a court decree;

20 [(b)] (B) A water right certificate;

21 [(c)] (C) A water use permit for which a request for issuance of a water right certificate under
22 ORS 537.250 has been received and approved by the Water Resources Commission under ORS
23 537.250; or

24 [(d)] (D) A transfer application for which an order approving the change has been issued under
25 ORS 540.530 and for which proper proof of completion of the change has been filed with the Water
26 Resources Commission[.]; **or**

27 (b) **A right to store water that is established by:**

28 (A) **An adjudication under ORS chapter 539 as evidenced by a court decree;**

29 (B) **A water right certificate;**

30 (C) **A storage permit for which a request for issuance of a water right certificate under**

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 **ORS 537.250 has been approved under ORS 537.250; or**

2 **(D) A transfer application for which:**

3 **(i) An order approving the change has been issued under ORS 540.530; and**

4 **(ii) Proper proof that the change has been completed has been filed with the commission.**

5 **SECTION 2. The Legislative Assembly hereby ratifies and declares valid any change in a**
6 **storage right described in the amendments to ORS 540.505 by section 1 of this 2019 Act that**
7 **was approved and became final by operation of law or on appeal prior to the effective date**
8 **of this 2019 Act.**

9 **SECTION 3. The amendments to ORS 540.505 by section 1 of this 2019 Act apply to ap-**
10 **plications made before, on or after the effective date of this 2019 Act that are approved or**
11 **disapproved on or after the effective date of this 2019 Act.**

12 **SECTION 4. This 2019 Act being necessary for the immediate preservation of the public**
13 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
14 **on its passage.**

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