

HB 3580 STAFF MEASURE SUMMARY

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

Prepared By: Anna Glueder, LPRO Analyst

Meeting Dates: 3/21, 4/4

WHAT THE MEASURE DOES:

Authorizes holders of certain water rights in the Upper Klamath Basin to relocate points of diversion to a consolidated point of diversion if the Oregon Department of Fish and Wildlife determines in writing that the relocation will facilitate the installation and proper operation of a fish screen and the relocation request is filed with and approved by the Oregon Water Resources Department (OWRD) in a specific way. Require OWRD to approve the request for relocation if: (1) the holders comply with the application requirements, (2) the authorized water sources of the water right are not changed, (3) OWRD determines no enlargement of the original water rights or injury to certain existing water rights, and (4) the relocation does not move the point of diversion upstream or downstream beyond the point of diversion that is not included in the relocation. Requires the holder of the water right seeking relocation complies with regulations related to fish screening or by-pass devices prior to approval. Requires the consolidated point of diversion to be the point of diversion and distribution of water for the determined claims included in the relocation. Requires OWRD to, upon approval, issue a water right certification that identifies the consolidated point of diversion as the point of diversion. Requires OWRD to provide copies of the relocation requests to Klamath County Circuit Court while judicial review in the Klamath Basin Water Adjudication is pending. Sunsets January 2, 2034.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A water right is the right to use water for a beneficial purpose and specifies the quantity of water, point of diversion, place of use, type of use, season of use, and priority date. The point of diversion may be changed by applying to the Oregon Water Resources Department (OWRD). The transfer will be approved if the OWRD determines that the modification can be made without injury to other water rights or enlargement of the original right. Fish protection screens are devices installed at surface water diversions to physically preclude passage of fish into the intake and injury of fish at the intake. Adjudication is the process by which pre-1909 vested water rights are quantified and documented through an administrative and judicial procedure. The most recent adjudication was in the Klamath Basin, which began in 1975. The first phase was the review and determination of claims by the WRD, including the hearing of contests to claims and the issuance of proposed orders by administrative law judges. With the WRD's issuance of the Adjudicator's Findings of Fact and Final Order of Determination on March 7, 2013, this phase of the process was complete. The second phase of the process is the review of the Final Order of Determination by the courts.

House Bill 3580 would authorize certain water rights in the Upper Klamath Basin to relocate points of diversion to consolidated points of diversion under certain circumstances if the Oregon Department of Fish and Wildlife determines the relocation will facilitate the installation and proper operation of a fish screen.