

SB 718 -2 STAFF MEASURE SUMMARY

Senate Committee On Natural Resources

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Meeting Dates: 2/1, 3/27

WHAT THE MEASURE DOES:

Provides that a year in which the Governor declares that drought exists or is likely to exist within a county does not count toward the five-year water right forfeiture time period.

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

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

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Replaces the measure. Defines 'drought year' as a calendar year in which the Governor issues a declaration that a severe, continuing drought exists, or is likely to exist, within a county. Provides that a drought year does not count as a year for purposes of forfeiture for a water right holder within the county for which the drought year was declared, if the holder has a facility capable of handling the entire authorized rate and duty and is otherwise ready, willing, and able to make full use of the water right. Provides that a year during which nonuse occurs that precedes or follows a drought year, counts as a year for purposes of forfeiture. Prohibits application to water right transfer applications.

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

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

BACKGROUND:

Oregon's water right forfeiture laws state that whenever a water right holder fails to use all or part of their appropriated water for a period of five successive years, a "rebuttable presumption of forfeiture" is established (ORS 540.610). The water right holder can challenge that "presumption of forfeiture" and maintain their water right by successfully showing evidence of one or more of fourteen circumstances named in law. One of those circumstances provides that the water right holder was unable to make full beneficial use of the water because water was not available, and the water right holder must show that they were ready, willing, and able to use the water had it been available.

Senate Bill 718 would provide that a year in which the Governor declares that drought exists or is likely to exist within a county does not count toward the five-year water right forfeiture time period.