

HB 3365 -1 STAFF MEASURE SUMMARY

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

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Meeting Dates: 4/3, 4/4

WHAT THE MEASURE DOES:

Authorizes certain Deschutes County irrigation districts to temporarily allow, for a water right authorized for irrigation, a change of place of water use within the district or another district if the requirements for a temporary transfer within districts is met, or, on a split-season, split-rate, or split-duty basis, if the total rate and duty do not exceed existing limits on the water right. Authorizes certain Deschutes County irrigation districts to temporarily allow a change in the point of diversion to a place downstream of the original point of diversion. Specifies district requirements conditioning these authorizations and allows the Oregon Water Resources Department to require cessation of a transfer of place of use or the point of diversion if the district or transfer requirements are not met or changes made to the use or point of diversion would injure an existing water right or enlarge the original water right. Specifies that resultant changes in the place of water use or point of diversion do not lead to forfeiture of the underlying water right due to nonuse. Establishes requirement for districts from which and to which water is transferred. Declares emergency, effective on passage.

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:

-1 Requires the temporary place of water use to be located within specified boundaries. Adds additional compliance requirements for irrigation districts. Sunsets the measure on January 2, 2030.

REVENUE: No revenue impact

FISCAL: Has indeterminate fiscal impact

BACKGROUND:

Under Oregon law, all water belongs to the public and, with some exceptions, users must obtain a water right certificate from the Oregon Department of Water Resources to use water. The use of water under a water right is restricted to the terms and conditions described in the water right certificate, including the place of use, point of diversion, and type of use; a transfer application is required to make changes to a water right. When issuing a proposed final order on a water right application, the department is required to cite findings of fact, including the allowed rate and duty of the water right. (ORS 537.621) [Oregon Administrative Rule 690-25-0010 \(12\)](#) defines "rate and duty" as the "(m)aximum quantity of water in cubic feet per second or gallons per minute (rate) and the total quantity of water in acre-feet per acre per year that may be diverted for irrigation (duty)."

House Bill 3365 would authorize certain Deschutes Basin irrigation districts under specified conditions to temporarily change of the place of use or the point of diversion of a water right within the legal boundaries of the district or another Deschutes Basin irrigation district.