

# House Bill 3580

Sponsored by Representatives MCINTIRE, OWENS, RESCHKE; 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**.

Authorizes holders of certain water rights in Upper Klamath Basin to relocate points of diversion to consolidated point of diversion under certain circumstances.

## A BILL FOR AN ACT

1  
2 Relating to water rights in the Klamath Basin.

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

4 **SECTION 1. (1) As used in this section, "determined claim" means a water right in the**  
5 **Upper Klamath Basin determined under an order of the Water Resources Director pursuant**  
6 **to ORS 539.130.**

7 **(2) Notwithstanding ORS 540.510, 540.520 and 540.530, holders of determined claims may**  
8 **relocate points of diversion to a consolidated point of diversion if:**

9 **(a) The State Department of Fish and Wildlife determines in writing that the relocation**  
10 **will facilitate the installation and proper operation of a fish screen.**

11 **(b) A request for the relocation is filed with the Water Resources Department and in-**  
12 **cludes:**

13 **(A) All determined claim identification numbers affected by the relocation.**

14 **(B) A list of the holders of the determined claims proposed for relocation, including the**  
15 **holders' names and addresses.**

16 **(C) The authorized locations of the points of diversion of the determined claims proposed**  
17 **for relocation.**

18 **(D) The proposed location of the consolidated point of diversion.**

19 **(E) The written determination of the State Department of Fish and Wildlife that is de-**  
20 **scribed in paragraph (a) of this subsection.**

21 **(c) The Water Resources Department approves the request for relocation as described in**  
22 **subsection (3) of this section.**

23 **(3) The Water Resources Department shall approve a request for relocation under this**  
24 **section if:**

25 **(a) The holders comply with the requirements of subsection (2) of this section.**

26 **(b) The authorized sources of water of the determined claims are not changed.**

27 **(c) The department determines that no enlargement of the original water rights or injury**  
28 **to an existing water right or determined claim will result from the relocation, unless the**  
29 **criteria described in ORS 540.530 (1)(d) are met.**

30 **(d) The relocation does not move the point of diversion upstream or downstream beyond**  
31 **the point of diversion of a water right or determined claim that is not included in the relo-**

**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 cation.

2 (4) An approval under this section is conditioned on the holders of the determined claims  
3 complying with the requirements of ORS 498.306 and 509.585 before the relocation.

4 (5) The consolidated point of diversion shall be the point of diversion and distribution of  
5 water for the determined claims included in the relocation, consistent with the provisions  
6 of ORS 539.170 and 540.045.

7 (6) Upon approving a request under this section, the department shall issue a water right  
8 certificate, as described in ORS 539.140, that identifies the consolidated point of diversion as  
9 the point of diversion.

10 **SECTION 2.** The Water Resources Department shall provide copies of relocation requests  
11 approved under section 1 of this 2023 Act to the Klamath County Circuit Court as long as  
12 judicial review in the Klamath Basin Water Adjudication is pending.

13 **SECTION 3.** Section 2 of this 2023 Act is repealed on January 2, 2034.  
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