

SB 761 A STAFF MEASURE SUMMARY

Carrier: Sen. Nash

Senate Committee On Veterans, Emergency Management, Federal and World Affairs

Action Date: 04/08/25

Action: Do pass with amendments and requesting subsequent referral to Ways and Means be rescinded. (Printed A-Eng.)

Vote: 4-0-1-0

Yeas: 4 - Manning Jr, Meek, Smith DB, Thatcher

Exc: 1 - Woods

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Kevin Rancik, LPRO Analyst

Meeting Dates: 2/6, 4/1, 4/8

WHAT THE MEASURE DOES:

The measure permits the Oregon Water Resources Department (OWRD) to approve an application by an eligible water-related district wholly or partly in the Walla Walla basin to lease all or a portion of an existing water right for temporary conversion to an in-stream water right in specified circumstances. It provides for public notice of the application review and specifies limitations on the lease. It allows the OWRD to terminate a lease if it causes injury to an existing water right. It allows the Water Resources Commission to adopt rules to implement the Act. It repeals the Act on January 2, 2030.

Detailed Summary

Permits the Oregon Water Resources Department (OWRD) to approve an application by an eligible water-related district located wholly or partly in the Walla Walla basin to lease all or a portion of an existing water right for temporary conversion to an in-stream water right if:

- The water right is held in the name of the district;
- The water use is subject to transfer;
- The water is currently used for irrigation;
- The district has delivered the full rate and duty of the water right at least once during the five years preceding the application, has water use measurements for this time period, and complies with applicable measurement or reporting requirements;
- The lease does not cause injury to an existing water right;
- The district assisted OWRD in evaluating the acreage within the district; and
- The district has filed affidavits to voluntarily cancel any acreage subject to forfeiture.

Directs OWRD to publish notice of the application in its weekly published notice and prohibits OWRD from considering whether the lease enlarges an existing water right during its review.

Prohibits the terms of the lease from increasing the irrigated acreage within the district or its consumptive water use or use of supplemental or storage water rights. Requires the lease terms to comply with a duty for the assigned water right and provide for measurement of the district's water use above, below, or at points of diversion or redirection, and provide these measurements to the district in real time.

Permits OWRD to terminate the lease if it causes injury to an existing water right. Provides restoration of the original water right in the event of termination.

Permits the Water Resources Commission to adopt rules to implement the Act. Sunsets on January 2, 2030.

ISSUES DISCUSSED:

This summary has not been adopted or officially endorsed by action of the committee.

SB 761 A STAFF MEASURE SUMMARY

- Provisions of amendment
- Requirements to fallow ground and effect on water rights and perennial crops
- Collaborative nature of Senate Bill 1567 (2024) and Senate Bill 761 (SB 2025)

EFFECT OF AMENDMENT:

The amendment replaces the measure. It permits the Oregon Water Resources Department (OWRD) to approve an application by an eligible water-related district wholly or partly in the Walla Walla basin to lease all or a portion of an existing water right for temporary conversion to an in-stream water right in specified circumstances. It provides for public notice of the application review and specifies limitations on the lease. It allows the OWRD to terminate a lease if it causes injury to an existing water right. It allows the Water Resources Commission to adopt rules to implement the Act. It sunsets the Act on January 2, 2030.

BACKGROUND:

The Walla Walla watershed sits in southeastern Washington state and northeastern Oregon. Roughly one-third of its area is in Oregon, nearly all of which is in Umatilla County. The governments of Oregon, Washington state, and the Confederated Tribes of the Umatilla Indian Reservation maintain a [website](#) covering issues related to the watershed, noting an overallocated water supply and changes in climate and snowpack supplying the area. The Walla Walla Water 2050 Strategic Plan sets out a 30-year plan to improve stream flows and water supplies in the watershed. [Senate Bill 1567 \(2024\)](#) declared that the State of Oregon shall share in the cost of implementing the Walla Walla Water 2050 Strategic Plan, subject to the availability of appropriated funding.

Senate Bill 761 A permits OWRD to allow eligible water-related districts to lease existing water rights for temporary conversion to in-stream water rights in specified circumstances. It allows the Water Resources Commission to adopt rules to implement the Act and repeals the Act on January 2, 2030.