

Requested by Senator NASH

**PROPOSED AMENDMENTS TO
SENATE BILL 761**

1 Delete lines 4 through 7 of the printed bill and insert:

2 **“SECTION 1. (1) As used in this section:**

3 **“(a) ‘District’ has the meaning given that term in ORS 540.505.**

4 **“(b) ‘Water use subject to transfer’ has the meaning given that**
5 **term in ORS 540.505.**

6 **“(2) Notwithstanding ORS 537.348, the Water Resources Department**
7 **may approve an application by a district that is wholly or partly within**
8 **the Walla Walla basin to lease all or a portion of an existing water**
9 **right for temporary conversion to an in-stream water right, by split-**
10 **ting the rate and duty of the water right between an existing use and**
11 **in-stream use, if:**

12 **“(a) The application demonstrates that:**

13 **“(A) The water right is held in the name of the district;**

14 **“(B) The water use is a water use subject to transfer;**

15 **“(C) The existing use of the water under the water right is for ir-**
16 **rigation; and**

17 **“(D) The district has diverted the full rate of water allowed in the**
18 **water right, and the full duty of water allowed in the water right, if**
19 **applicable, beneficially and without waste at least once in the five**
20 **years preceding the application; and**

21 **“(b) The department determines that:**

1 **“(A) Granting the lease will not cause injury to an existing water**
2 **right;**

3 **“(B) The district is in compliance with any applicable water use**
4 **measurement or reporting requirements;**

5 **“(C) The department has water use measurements for the water**
6 **right for the five years preceding the application;**

7 **“(D) The district has assisted the department with evaluating the**
8 **acres within the district, using satellite imagery, and has provided**
9 **relevant input and information to the department; and**

10 **“(E) The district has filed affidavits to voluntarily cancel any acres**
11 **that are subject to forfeiture under ORS 540.610.**

12 **“(3) In reviewing an application under subsection (2) of this section,**
13 **the department:**

14 **“(a) Shall publish notice of the application in the weekly public**
15 **notice published by the department and accept any allegations of in-**
16 **jury for at least 21 days after publication of the notice.**

17 **“(b) May not consider whether the lease will enlarge an existing**
18 **water right.**

19 **“(4) The terms of a lease under this section must provide that,**
20 **during the term of the lease, the district:**

21 **“(a) May not increase the number of acres that are irrigated within**
22 **the district;**

23 **“(b) May not increase the district’s consumptive use of water under**
24 **all water rights held in the name of the district and the water right**
25 **that is subject to the lease;**

26 **“(c) May not increase the district’s use of supplemental water rights**
27 **or storage water rights;**

28 **“(d) Shall comply with a duty for the water right that the depart-**
29 **ment assigns, if no duty otherwise applies to the water right; and**

30 **“(e) Shall measure the district’s water use, above, below and at the**

1 point of diversion or points of rediversion and provide the measure-
2 ments to the department in real time, to the satisfaction of the
3 watermaster.

4 “(5) At any point, if the department finds that a lease under this
5 section causes injury to an existing water right:

6 “(a) The department may terminate the lease; and

7 “(b) If the lease is terminated pursuant to this subsection, the wa-
8 ter use for the water right will revert to the terms of the original
9 water right.

10 “(6) The Water Resources Commission may adopt rules as needed
11 to implement this section.

12 “SECTION 2. Section 1 of this 2025 Act is repealed on January 2,
13 2030.”.

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