

# Senate Bill 51

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## 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**.

Establishes process for holder of qualifying storage right to change type of use for which water is stored. Ratifies and declares valid past changes in type of use for stored water approved by Water Resources Department that have become final.

## A BILL FOR AN ACT

1 Relating to changes in the type of use of stored water.

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

3 **SECTION 1. (1) As used in this section, "storage right subject to transfer" means a right**  
4 **to store water that is evidenced by:**

5 (a) **An adjudication under ORS chapter 539 as evidenced by a court decree;**

6 (b) **A water right certificate;**

7 (c) **A storage permit for which a request for issuance of a water right certificate under**  
8 **ORS 537.250 has been approved by the Water Resources Commission under ORS 537.250; or**

9 (d) **A transfer application for which:**

10 (A) **An order approving the change has been issued under ORS 540.530; and**

11 (B) **Proper proof that the change has been completed has been filed with the commission.**

12 (2) **Except as provided in ORS 540.570, if the holder of a storage right subject to transfer**  
13 **desires to change all or a portion of the type of use identified in the storage right subject**  
14 **to transfer, the holder shall file an application for the change with the Water Resources**  
15 **Department. The application must contain:**

16 (a) **The name of the holder of the storage right;**

17 (b) **The previous type of use and proposed type of use for which the water is stored;**

18 (c) **A description of the reservoir location and storage capacity;**

19 (d) **Evidence as required by commission rule that the water has been stored in the res-**  
20 **ervoir at least once during the preceding five years in accordance with the terms and con-**  
21 **ditions of the storage right;**

22 (e) **The applicable fee under ORS 536.050; and**

23 (f) **Any other information required by the department by rule.**

24 (3) **The department and a holder applying under this section shall comply with the re-**  
25 **quirements for transfer under ORS 540.520 (5) to (7) and 540.530.**

26 (4) **If the holder of a storage right subject to transfer applies to change all or a portion**  
27 **of the types of use allowed under the permit, the holder shall identify in the application any**  
28 **water rights subject to transfer established under secondary permits for the stored water.**  
29 **If the holder of the storage right intends to also change the type of use under all or a portion**  
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**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 of one or more secondary permit rights held by the storage right holder, the holder may file  
2 a combined application to change the type of use for both the storage right and secondary  
3 permit rights. If the holder of the storage right intends that the type of use under secondary  
4 permit rights held by another be changed, the holder of the storage right and the holder of  
5 the secondary permit right may jointly file applications to change the type of use for the  
6 storage right and the secondary permit right. The holder of the secondary permit right shall  
7 make the jointly filed application to change the type of use under the secondary permit right  
8 as provided under ORS 540.510.

9 (5) If the holder of a storage right subject to transfer applies to change the type of use  
10 under the permit to a use that is inconsistent with water rights subject to transfer estab-  
11 lished under secondary permits for the stored water, the department shall deny the applica-  
12 tion to change the type of use for the storage right unless:

13 (a) The holder of the storage right modifies the types of use sought for the storage right  
14 in the application to be consistent with existing types of use for the secondary permit rights;

15 (b) The secondary permit right holder applies to change the types of use allowed under  
16 the secondary permit to be consistent with the types of use sought for the storage right in  
17 the application; or

18 (c) The secondary permit right holder voluntarily cancels the secondary permit right that  
19 has types of use inconsistent with the types of use sought for the storage right in the ap-  
20 plication.

21 **SECTION 2.** The Legislative Assembly hereby ratifies and declares valid any change in  
22 type of use for a storage right subject to transfer, as defined in section 1 of this 2019 Act,  
23 that was approved by Water Resources Department final order and became final by operation  
24 of law or on appeal prior to the effective date of this 2019 Act.  
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