

House Bill 3156

Sponsored by Representative FLORES (at the request of Water for Life, Inc.)

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**.

Defines "holder" and "owner" for purposes of ORS chapters 536 to 543.

A BILL FOR AN ACT

1
2 Relating to definitions of terms relating to water laws; creating new provisions; and amending ORS
3 536.007.

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

5 **SECTION 1.** ORS 536.007 is amended to read:

6 536.007. As used in ORS [*196.600 to 196.905, 541.010 to 541.320 and 541.430 to 541.545, 541.700 to*
7 *541.990 and ORS chapters 536 to 540, 542 and 543*] **chapters 536 to 543:**

8 (1) "Commission" means the Water Resources Commission.

9 (2) "Department" means the Water Resources Department.

10 (3) "Director" means the Water Resources Director.

11 (4) "Existing right" or "vested right" or words of similar import include an inchoate right to the
12 use of water to the fullest extent that the right is recognized, defined or declared by the commission,
13 the director or any court within this state.

14 (5) **"Holder," when used to refer to a holder of a water right for irrigation use within a**
15 **district formed under ORS chapter 545, 552 or 553 or a corporation formed under ORS chap-**
16 **ter 554, or within a United States Bureau of Reclamation project, means the person owning**
17 **the land to which the water right is appurtenant.**

18 [*5*] (6) "Order" has the meaning given in ORS 183.310.

19 (7) **"Owner," when used to refer to an owner of a water right for irrigation use within a**
20 **district formed under ORS chapter 545, 552 or 553 or a corporation formed under ORS chap-**
21 **ter 554, or within a United States Bureau of Reclamation project, means the person owning**
22 **the land to which the water right is appurtenant.**

23 [*6*] (8) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock
24 companies, public and municipal corporations, political subdivisions, the state and any agencies
25 thereof, and the federal government and any agencies thereof.

26 [*7*] (9) "Public corporation" includes any city, county or district organized for public purposes.

27 [*8*] (10) "Rule" has the meaning given in ORS 183.310.

28 [*9*] (11) "State agency" includes any office, board, commission or department of a state gov-
29 ernment.

30 [*10*] (12) "State water resources policy" means the water resources policy provided for in ORS
31 536.295 to 536.350 and 537.505 to 537.534.

32 [*11*] (13) "Undetermined vested right" means a water right claimed under ORS 539.010 as

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 having vested or as having been initiated before February 24, 1909, that has not been determined
2 in an adjudication proceeding under ORS chapter 539 nor is evidenced by a permit or certificate
3 issued under the Water Rights Act.

4 [(12)] (14) "Waters of this state" means any surface or ground waters located within or without
5 this state and over which this state has sole or concurrent jurisdiction.

6 [(13)] (15) "Water resources of this state" means waters of this state and the following auxiliary
7 lands whose usage directly affects the development and control of the waters of this state:

8 (a) Potential reservoir sites.

9 (b) Floodplain areas forming the predictable channels of floodwater drainage of rivers and
10 streams.

11 **SECTION 2. (1) Nothing in the amendments to ORS 536.007 by section 1 of this 2005 Act**
12 **shall be construed to limit any law granting a district formed under ORS chapter 545, 552**
13 **or 553 or a corporation formed under ORS chapter 554 the legal authority to divert, store**
14 **or deliver water for patrons, subscribers, members or other water users of the district.**

15 **(2) All statutorily prescribed powers of a district formed under ORS chapter 545, 552 or**
16 **553 or a corporation formed under ORS chapter 554, in effect on January 1, 2006, are not**
17 **affected by passage of this 2005 Act.**

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