



Summary of Legislative Concept 660 (2013)

LC 660 Split Season Leasing Program – Remove Sunset

Goal

Continue the Department’s Split Season Leasing Program, a tool that agricultural water users, municipal water users, and the conservation community have all used with success since 2001.

Background

Split season leasing allows water right holders to use water beneficially for a portion of the year, and lease water instream for the remainder of the year, provided that the uses do not occur at the same time.

This program, authorized under ORS 536.348, Section 3, is part of the Water Resources Department’s broader portfolio of instream leasing programs. The split season leasing program has been in place since 2001, passing with strong support from the Oregon Legislature. In 2007, its sunset was extended to January 2, 2014, again with strong Legislative support. It has enjoyed participation from about a dozen water right holders from across the state; the largest concentration of leasing projects are located in the Deschutes, Rogue, and Willamette Basins.

Proposal

This concept removes the program sunset. Responding to concerns voiced during the 2012 legislative session, this concept also clarifies that the Department will (and already does) guard against injury and enlargement of the water right during the course of program implementation.

Stakeholder Feedback

The Department conducted a stakeholder review of this program during 2012 in accordance with Oregon Administrative Rules 690-077-0079. Workgroup participants included: Deschutes River Conservancy, The Freshwater Trust, Klamath Basin Rangeland Trust, League of Oregon Cities, Network of Oregon Watershed Councils, Oregon Water Resources Congress, and Water for Life.

Workgroup members are supportive of the program and noted that it serves as a valuable tool for all water users.

Participants asked to see protections against injury and enlargement spelled out in statute in addition to administrative rules, where they currently reside. They asked that language about public notice, approval by order, revocation or modification of an order, and five-year length of lease also be brought from rule into statute. Finally, they also asked the Department to broaden the relating clause and clarify language that applies to the overall instream leasing program. The Department included all of these requests into this legislative concept.

Contact

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OUR MISSION

To serve the public by practicing and promoting responsible water management through two key goals:

- (1) to directly address Oregon’s water supply needs, and
- (2) to restore and protect streamflows and watersheds in order to ensure the long-term sustainability of Oregon’s ecosystems, economy, and quality of life.