

## **BENEFICIAL USE WHAT DOES IT MEAN AND WHAT ARE YOUR OPTIONS?**

Per Oregon Revised Statute and Oregon Administrative Rule, a water right holder is required to beneficially use a water right for its intended purpose without waste, once every five consecutive years.

An irrigation water right is considered beneficially used when something is planted (such as a crop, pasture, yard, or other landscaping), irrigated, and producing. Irrigation of native vegetation such as sagebrush and bunchgrass, or invasive and non-invasive weeds (cheatgrass, foxtail, etc.) is not beneficial use of an irrigation right.

If you have an irrigation water right, you may not use that water for dust abatement.

COID is here to help you use and protect the water. You can meet with our beneficial use team to review the water right and determine a plan to maintain the water.

If a landowner cannot or does not want to use all or a portion of the water right appurtenant to their land and there is valid evidence of beneficial use of the water right within the last five years, there are programs through the Oregon Water Resources Department (OWRD) that provide beneficial use to a water right. Those programs are listed on the next page.

If you have a mapped water right, you must irrigate and beneficially use the water specifically as the water is mapped to the ground.

If you have an unmapped water right, you must irrigate the amount of land equivalent to the amount of water right you have. For example, if you have 1 acre of irrigation water right, you must irrigate and grow something on 1 acre of land.

If you have an efficient irrigation system, you can use a reduced rate of water, as long as you are irrigating the full footprint of the water right and are ready, willing, and able to receive the entire authorized rate and duty.

The beneficial use history of the water runs with the property. If you sell the property, the beneficial use history remains and continues under the new ownership. A new property owner does not start beneficial use at year one.

If a water right holder fails to beneficially use the water right, Oregon water law provides process for an irrigation district to remove the unused water right in the 5<sup>th</sup> consecutive year of nonuse through a forfeiture transfer. When a water right is forfeited, it is permanently removed from the appurtenant land (without compensation) and placed on other property within the boundary of COID.

If nonuse has occurred for more than five consecutive years, the District cannot remove the water through forfeiture and the water may not meet OWRD criteria to lease instream or transfer to another place of use.

## **OPTIONAL PROGRAMS:**

1. **TEMPORARY INSTREAM LEASE:** A deeded property owner may request to temporarily transfer a portion or all a water right instream for a 1-year period or up to a 5-year period. When a water right is temporarily transferred instream, the water stays in the Deschutes River to benefit the river rather than being diverted through the District's canals. Because the water is benefiting the river and its aquatic life, the State considers it beneficially used, equal to irrigating the land. When the temporary instream lease expires, the water right automatically goes back to the land it is appurtenant to, available for use the following season. If this option is chosen, the landowner continues to be responsible for paying their annual assessment to the District. There is no monetary compensation for leaving the water right in the river. OWRD calls this type of transfer an **Instream Lease**. *Requests for an Instream Lease should be submitted to COID no later than February 15<sup>th</sup>.*
2. **TEMPORARY TRANSFER:** A deeded property owner may request a temporary transfer to remove a portion (or all) of the water right through the Districts temporary transfer program, leasing the water to another farmer for a 1-year period. There is no fee to temporarily transfer water off. The farmer receiving the water pays fees to COID for the use of the water and COID will credit a portion of those fees to the originating property owner. The farmer receiving the temporary water is obligated to beneficially use the water on their land. The temporary transfer expires at the end of the irrigation season and the water right automatically goes back to the originating land, available for use the following irrigation season. OWRD considers a temporary transfer beneficial use of the water. Please contact COID for information. *Requests for a Temporary Transfer should be submitted to COID no later than February 15<sup>th</sup>.*

## **OTHER OPTIONS:**

1. **SELLING WATER RIGHTS:** A deeded property owner may request to sell a portion or all the water right to the District or to a District-approved buyer. Please contact the District to discuss options and process. A transfer fee is required.
2. **OWN-LANDS TRANSFER:** A property owner may request to transfer a portion of their water right from the mapped area of their land to a new area. Contact COID to discuss the process and if it is an option for you. A transfer fee is required.

If you have questions regarding the information provided, please call the COID office at: 541-548-6047