

Beneficial Use of Water Rights:

One of Hermiston Irrigation District's top priorities is the protection and preservation of water rights. Preserving this precious resource is a collaborative effort between the District and the landowners that we provide irrigation water to.

Oregon Revised Statute (ORS) 540.610 governs the requirement of beneficial use and it states that:

ORS 540.610 - Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities. (1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.

Failure to prove beneficial use as stated is a very serious matter and is cause for forfeiture of the unused water right. At this time, there are **5 options** to protect this water right and they are as follows:

1. **BENEFICIALLY USE THE WATER:** Use the full water right on the ground during the 2016 irrigation season exactly as it is mapped. Feel free to contact our office for mapping information regarding the exact location of the placement of the water right.
2. **TRANSFER TO OTHER LANDS:** The deeded property owner may permanently move all or a portion of their water right from one area on their land to another area within that same property or to another property within the District that is owned by the landowner. The landowner may request a review to determine if there is additional ground to move the water right to.
3. **SELLING WATER RIGHTS:** The deeded property owner may request to permanently sell and transfer off the water right to other lands within the District. The terms of the sale of the water right is a separate transaction that will be negotiated between the buyer and seller. If a property owner wishes to sell their water right the District will review the potential transfer to verify that the lands that the water right is coming from and going to are within acceptable parameters.
4. **TEMPORARY TRANSFER:** A deeded property owner may request a Temporary Transfer of any portion of their water right for use on other District approved lands for a 1-year period. There is a fee of \$250 to temporarily transfer water off. When a water right is temporarily transferred to other lands within the District boundaries, the water is not delivered to the appurtenant landowner's property during the period of temporary transfer. It is instead delivered to the lands to which it has been temporarily moved to. When the temporary transfer expires the water right reverts back to the original land it is appurtenant to and the water is once again delivered to the landowner's property.
5. **SIGN WATER RIGHTS OVER TO THE DISTRICT:** The deeded property owner can sign their water rights over to the District and the District will facilitate the transfer of unused water onto other property within the District.

A water right that is not beneficially used at least once every five years is considered to be forfeited by the landowner and the District will have no choice but to confiscate the unused water right by filing a petition with the Oregon Water Resources Department.