

dence of failure to commence work, prosecute work with due diligence, complete work, or apply water to the beneficial use contemplated by the permit in proceedings under ORS 537.410 to 537.440 for the cancellation of permits. [Amended by 1985 c.673 §45]

### CONSERVATION AND USE OF CONSERVED WATER

**537.455 Definitions for ORS 537.455 to 537.500 and 540.510.** As used in ORS 537.455 to 537.500 and 540.510:

(1) "Conservation" means the reduction of the amount of water diverted to satisfy an existing beneficial use achieved either by improving the technology or method for diverting, transporting, applying or recovering the water or by implementing other approved conservation measures.

(2) "Conserved water" means that amount of water that results from conservation measures, measured as the difference between:

(a) The smaller of the amount stated on the water right or the maximum amount of water that can be diverted using the existing facilities; and

(b) The amount of water needed after implementation of conservation measures to meet the beneficial use under the water right certificate. [1987 c.264 §1; 1993 c.641 §1]

**Note:** 537.455 to 537.500 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 537 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**537.460 Legislative findings; policy.** (1) The Legislative Assembly finds and declares that conservation and efficient utilization of water benefits all water users, provides water to satisfy current and future needs through reduction of consumptive waste, improves water quality by reducing contaminated return flow, prevents erosion and allows increased in-stream flow.

(2) It is therefore declared to be the policy of the State of Oregon to:

(a) Aggressively promote conservation;

(b) Encourage the highest and best use of water by allowing the sale or lease of the right to the use of conserved water; and

(c) Encourage local cooperation and coordination in development of conservation projects to provide incentives for increased efficiency and to improve streamflows.

(3) As used in this section, "efficient utilization" means use without waste, upgrading of irrigation equipment to comply with modern practices within a reasonable time period or other methods used to meet both current and future water needs at the

least cost. [1987 c.264 §2; 1993 c.641 §2; 2003 c.93 §1; 2005 c.22 §379]

**Note:** See note under 537.455.

**537.463 Applicability of ORS 537.455 to 537.500.** The provisions of ORS 537.455 to 537.500 establish a voluntary program and apply only to those persons who choose to apply for an allocation of conserved water under ORS 537.465. [1993 c.641 §11; 2003 c.93 §2]

**Note:** See note under 537.455.

**537.465 Application for allocation of conserved water; submission; required contents.** (1) Any person or group of persons holding a water use subject to transfer as defined in ORS 540.505 may submit an application to the Water Resources Commission for approval of an allocation of conserved water for a measure that:

(a) The person or group of persons intends to implement; or

(b) Was implemented by the person or group of persons within five years prior to the submission of the application.

(2) An application submitted under subsection (1)(a) of this section shall include:

(a) A description of the proposed measures;

(b) A description of the existing diversion facilities and an estimate of the amount of water that can be diverted at the facilities;

(c) The amount of water that will be needed to supply existing rights after implementation of the conservation measures;

(d) The amount of conserved water expected from implementation of the conservation measures;

(e) The proposed allocation and use of the conserved water if different from the allocation specified in ORS 537.470;

(f) The intended use of any water allocated to the applicant;

(g) The applicant's choice of priority date for the conserved water; and

(h) Any other information the commission considers necessary to evaluate the effectiveness of the proposal.

(3) An application under subsection (1)(b) of this section shall include:

(a) A description of the measure as implemented and the date on which the measure was implemented;

(b) A description of the diversion facilities before the conservation measure was implemented and the amount of water that was diverted at the facilities before the conservation measure was implemented;

(c) The amount of water needed to supply existing rights after implementation of the conservation measure;