



Re: HB 3228

March 20, 2021

Dear Representatives,

The Oregon Land And Water Alliance is a 501c3 organization in the greater Sisters area and throughout Deschutes County. In brief, OLAWA works in the public interest to support the Rule of Law with an emphasis on public natural resource management and the conservation of our public water and scenic beauty. I am the Vice President of OLAWA, and I am authorized by our Board of Directors to submit this public testimony in opposition to HB 3228 in its present form on behalf of our organization and its members.

Thank you for the opportunity to testify here today.

All waters in Oregon belong to all Oregonians, and those waters are held by the State of Oregon in trust for the benefit of the public under Oregon's Public Trust Doctrine. The State of Oregon exercises its public trust duties by and through the Oregon Water Resources Commission and through the Oregon Water Resources Department.

The State of Oregon cannot legally delegate its burden of caring for all of the public's waters to any local or regional group or body. Oregon must maintain the State's control and management of all the public waters of the state in order to ensure that Oregon's public trust duties are fully fulfilled.

To some, at least at first blush, it might seem OK to allow more local control over local streams and groundwater management. But our local stream waters and our ground water belong to all the people of Oregon, and not just to those who happen to live nearby.

Legally the citizens of any one area or region of our State have no more ownership interest in the waters of that region than any other Oregonians. Under the law, all Oregon waters belong to all the people throughout the entire State of Oregon.

This bill is in reality a Trojan Horse; it may look good on the surface, but on the inside, it is an invitation to much mischief. If the State of Oregon were ever to give up State management and legal protection of our public waters to local interests, then those public waters would shortly come under the control of profit seeking private interests such as the irrigation companies and large corporate agricultural operators with strong local political connections.

In very short order local political control over local public waters would most likely recreate the same “tragedy of the commons” that caused our State to exercise its control and regulation of those very same waters in the first place twelve decades ago. That is, each politically powerful entity would have an incentive to capture as much of the public waters for its own private benefit as possible. And, since these public waters are limited in supply, all too soon they would become over-subscribed, and that public resource would quite literally dry up.

Thank you for your consideration of OLAWA’s views on this bill.

Please vote No on HB 3228.

Paul J. Lipscomb

Vice President of OLAWA