

Chair Helm and Water Committee members:

I am submitting testimony in opposition of HB2244. I believe that maintaining the status quo in the event of a appeal gives the water user due process. OWRD's water models used in the Upper Klamath Basin are highly contentious and seem to be at odds with stream flow data and static water levels in wells. The court case "Brooks VS. OWRD" supports irrigators right to due process and also their ability to enter data disputing OWRD's water model findings.

Tribes claim that water user's are abusing the "stay" provision. These claims are not supported by OWRD's own information (32 appeals filed since 2015, only 1 or 2 repeated cases). Also under current law if OWRD believes that a senior water right holder will be negatively impacted, and their final order is legally solid, they can lift the automatic stay (this has happened 6 times since 2015).

Thank you for the opportunity to submit this testimony.

Lyndon Kerns