



WaterWatch of Oregon

Protecting Natural Flows In Oregon Rivers

SB 710

Testimony of WaterWatch of Oregon

By Kimberley Priestley

Senate Committee on Environment and Natural Resources
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Founded in 1985, WaterWatch is a non-profit river conservation group dedicated to the protection and restoration of natural flows in Oregon's rivers. We work to ensure that enough water is protected in Oregon's rivers to sustain fish, wildlife, recreation and other public uses of Oregon's rivers, lakes and streams. We also work for balanced water laws and policies. WaterWatch has members across Oregon who care deeply about our rivers, their inhabitants and the effects of water laws and policies on these resources.

WaterWatch opposes SB 710

This is one of a series of bills we have seen over the years attempting to weaken the Oregon Water Resources Department's (OWRD) authority to conjunctively manage Oregon's surface and ground waters.

Among other things, this bill will restrict existing OWRD authority to regulate junior groundwater right holders off in favor of senior surface water rights and will also affect agency determinations in permitting decisions (ability to deny and/or condition water right permit applications). Concerns include but are not limited to:

- Restricts/ limits the information that the OWRD can utilize to determine interference in order to protect senior surface water right holders.
- Does not allow for consideration of cumulative effects, which could result in significant impacts on streams and/or senior surface water right holders.
- The requirement that the use be measurable within one season of use ignores attenuated effects of groundwater pumping on surface water rights that are present in many basins (e.g. the Deschutes Basin).
- Appears to prohibit the ability of the state to regulate in favor of tribal or state instream water rights as instream rights are not "appropriated" rights.
- Limits the state's ability to condition and/or deny groundwater applications based on surface water restrictions in permitting decisions. Rejection of a groundwater application can only occur after a hearing.
- Deletes existing state police power granted to the Oregon Water Resources Commission to regulate groundwater rights.

Conclusion: At a time when Oregon is facing increasing complexities and conflicts over groundwater and surface water interference and management, the state should focus on advancing conjunctive management of these resources to achieve a sustainable water future. We would urge the Committee to reject SB 710, which would achieve just the opposite.

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