



Oregon

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To: The Honorable Ken Helm, Chair
House Committee on Agriculture, Land Use, Natural
Resources, and Water



House Bill 3164

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The Oregon Department of Fish and Wildlife (ODFW) appreciates this opportunity to provide information relevant to House Bill 3164 and has no position on the bill.

Improving instream flow quantity is vital to ODFW's mission to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations. HB 3164 would make permanent provisions allowing for split season leasing of water rights.

Split season leases authorize a water right holder to split the use of a water right within a single season, with a portion of the season's water use going to the existing out of stream use, and a portion of the season's water for instream use. In this way, split season leases give water right holders another tool to generate revenue, as well as voluntarily and collaboratively enhance instream flow during critical periods for Oregon's aquatic life. This is an attractive leasing mechanism because it can provide for continued agricultural production during early-season irrigation and provides instream benefits during the most critical late-summer low-flow months.

In addition to making this authority permanent, HB 3164 also removes the 10-year limitation on leasing a water right for split use, allowing a split season lease to be renewed every 5 years, without a 10-year cap on participation. Allowing the continuation of split season lease program participation beyond the current 10-year "cap" reflects the benefits from this voluntary program for water users and instream needs since its inception.

The Department appreciates the opportunity to provide background on this bill.

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