



Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

Office of the Director

4034 Fairview Industrial Drive SE

Salem, OR 97302

(503) 947-6044

FAX (503) 947-6042

odfw.com

Date: April 12, 2023

To: The Honorable Jeff Golden, Chair
Senate Committee on Natural Resources



House Bill 3164

Debbie Colbert, Deputy Director for Fish and Wildlife Programs
Oregon Department of Fish and Wildlife

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 and quality 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 water use going to the existing out of stream use and a portion of the water for instream use. In this way, split season leases give water right holders another tool to protect their water rights in times of shortage as well as enhancing 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 indefinitely. Allowing the continuation of successful split season leases beyond the current 10-year "cap" reflects the benefits from this voluntary program for water users and instream needs since its inception in 2013.

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

CONTACTS:

Debbie Colbert, Deputy Director, (503) 947-6072