

TUMALO IRRIGATION DISTRICT

March 25th, 2025

Senate Committee on Natural Resources and Wildlife

Written Testimony on Senate Bill 1153

Chair Golden, Vice-Chair Nash, Senator Girod, Senator Prozanski, Senator Taylor:

We are writing to express our strong opposition to Senate Bill 1153. Tumalo Irrigation District (TID) is in Central Oregon and provides agricultural water to over 7400 acres of land and has 700 patron farmers. The current water rights transfer process provides TID and its patrons with sufficient flexibility to actively engage in water conservation projects. These ongoing state and federally promoted/funded projects allow us to conserve water, manage and prepare for the effects of climate change, build drought resilience, provide more water certainty for farmers, and improve public safety, all while putting more water in-stream, causing no harm to any other water right, and meeting or exceeding environmental needs. The proposed legislation is not only unnecessary, but also passage could shut down crucial existing and future projects within our district and statewide.

Under current Oregon law, water right changes cannot “enlarge” the right or “result in injury to an existing water right.” Senate Bill 1153 introduces radical, extremely difficult to define, new limitations against “loss of in-stream habitat” or “water impairment.” Although the intent may seem laudable and the new provisions include parameters *ostensibly* intended to limit their applicability, the reality is that the provisions are unworkable, the limitations are largely fictional, and the harm to ongoing TID conservation projects will negatively impact farmers, the environment, and all Oregonians.

Besides these important conservation projects, TID and its patrons also use the current water rights transfer process to help ensure the beneficial use of water and efficient management of on-farm water use within the district. SB 1153 authorizes the conditioning of water right transfers with measurement and reporting or the installation of fish screening or bypass devices. This is unduly burdensome and prohibitively expensive, which will produce the opposite of the intended effect by limiting TID’s and its patrons’ ability to more efficiently manage water on-farm.

SB 1153 looks at changing the existing roles of state agencies who already have the authority to provide information to OWRD and condition water right transfers. Examples are Oregon Department of Fish and Wildlife (fish screens, fish passage) Oregon Department of State Lands (removal-fill) Oregon Department of Land Conservation and Development (land use planning and statewide goals) and Department of Environmental Quality (water quality).

A large portion of streams in Oregon are already designated as habitat for a sensitive, threatened, or endangered species or are listed as temperature impaired under Section 303(d) of the Clean Water Act due to low water flow. Under these circumstances, any new transfer application could trigger concern about habitat or water quality impacts. The Oregon Department of Fish and Wildlife (“ODFW”) and the Oregon Department of Environmental Quality (“DEQ”) both have the statutory authority to apply for instream water rights on any stream in Oregon at any time to protect aquatic species and water quality. SB 1153 would subvert this authority and create undefined standards.

The proposed new requirements would also require extensive OWRD analysis which would dramatically increase the already long delays in transfer processing that can continue for years. OWRD does not have the authority or expertise to evaluate the impacts of water right transactions on aquatic species or water quality. These new provisions would undoubtedly encourage protests of

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even simple transfers. Even if such protests are ultimately determined to lack merit, they have the potential to completely halt the transfer process or make the process so time-consuming and expensive that it will be nearly impossible for TID or its patron farmers to use the existing transfer process to increase on-farm efficiency and to provide other environmental benefits.

In closing, we should be seeking ways to enhance water right flexibility to ensure water users can improve operational efficiencies while protecting existing water rights, including instream water rights. Tumalo Irrigation District encourages you to vote against Senate Bill 1153. We look forward to continued conversations about how to further improve the efficiency of Oregon's current water right transfer process for the benefit of communities, agriculture and the environment.

Sincerely,

Chris Schull
District Manager/ Secretary of the Board
Tumalo Irrigation District