

# WATER LEAGUE

*Water League engages the public  
in water stewardship.*

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March 24, 2025

To: Senate Committee on Rules  
Senator Kayse Jama, Chair  
Senator Daniel Bonham, Vice-Chair  
Senators Jeff Golden, James Manning Jr., and Kim Thatcher

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**In Memoriam**  
John L. Gardiner

Re: Water League supports SJR 28, a legislative referral to voters intended to amend the Oregon Constitution to guarantee citizens the right to a clean, safe, and healthy environment.

Dear Chair Jama, Vice-Chair Bonham, and committee members,

Constitutional ideas are timeless; the articles, sections, and clauses are essential to the well-being and life of a citizenry throughout time. Whether measured in minutes, days, years, or generations, the future moment is our trajectory. While the Oregon Constitution guarantees citizens fundamental rights and ensures their well-being, it does so in the present to secure their future. We support the premise that “all people, including children and future generations, have the fundamental right to a clean, safe and healthy environment.”

The Oregon Constitution helps us care for who we will become, which is unknown. It does so for each individual and society. Oregonians wrote the existing constitutional articles to hedge against that unknown by focusing in the present on our rights (always doing “the next *right* thing”) so that whatever may come would be as good as it could get. Even if future events, whether human-caused or “acts of god,” conspire to threaten the welfare of humans, flora, and fauna, the Oregon Constitution can stand proud in the midst of all that comes in the future as the underwriter that ensures our individual and collective well-being to the greatest extent possible.

Well, almost. Oregonians are always learning by progressing intellectually and spiritually, so from time to time, we amend the Oregon Constitution to adapt to what we have learned in the past, who we have become in the present, and where we'd like to go in the future. Amending our state constitution is an act of kindness to our future selves, individually and collectively. We act today for tomorrow. Today, we take action on SJR 28, the legislative referral to voters intended to amend the Oregon Constitution to guarantee citizens the right to a clean, safe, and healthy environment. We must consider this amendment in the present to secure our future.

How often have we looked back to history and wondered about whether our predecessors thought more about their welfare at the moment or if they focused on how their actions would impact their descendants? The mix of self-preservation at the moment and self-sacrifice for the benefit of the future has been balanced at times for certain aspects of life; at other times, it has been imbalanced for other aspects of life. The Oregon Constitution seeks to find balance in all aspects of life at all times, present and future.

We question how Oregonians pump water from aquifers and streams and how that behavior compares to the short-term mindset of quarterly earnings profits acquired at the expense of future access to water. Oregon has been aware for 150 years that it must regulate water use; by degrees, the state has been able to stave off severe destruction of water sources. However, as climate change dries out summers and reduces winter groundwater recharge, we must address how water use in the present impacts the future at the constitutional level.

Oregonians know that their officials have a fiduciary duty to hold water in trust for the public because legislators enacted ORS 537.110 *Public ownership of waters*, which states: "All water within the state from all sources of water supply belongs to the public." We also know that despite lawmakers' efforts to refine statutes, statutory law cannot solve our water use problems alone; we need constitutional law to underwrite the standards by which Oregonians use water. The significance of our challenges is monumental: we are fighting the future with its hands tied behind its back in what appears to be a resource war over access to water. The present has *Seniority* over the future, and we in the present are regulating the future off from access to water.

We acknowledge that the text of SJR 28 states: "Courts shall consider sustainable measures toward clean water, clean air, thriving ecosystems and a more stable climate to be compelling state interests..." We believe that no water or insufficient amounts of water are reasonably

understood to be factors of clean water to the extent that there must be water for cleanliness to be a factor. Declining water quality is a step or phase in the progression towards dewatering streams and draining aquifers. Water quality declines as streams lose water: water temperatures increase, algae blooms and decays, cyanobacteria flourish, and humans, flora, and fauna suffer. As groundwater reservoirs decline, the water can become saltier, making the water non-potable and non-irrigable; also, reservoir structures can collapse in a process called *subsidence* that permanently destroys the water source.

Oregon officials are not alone in their responsibility to hold water in trust; all Oregonians have the right and responsibility to hold water in trust. We call this idea [The Beneficial Use of Water For Posterity](#), our 2023 letter to officials, which we incorporate here by reference in the hyperlink. The proposed amendment to the Oregon Constitution, as articulated by SJR 28, empowers Oregonians to engage in water stewardship by holding their elected and appointed officials responsible for their welfare in the present and future regarding the rights of all citizens to a clean, safe, and healthy environment.

We request that legislators refer the question of whether “all people, including children and future generations, have the fundamental right to a clean, safe and healthy environment” and the full contents of SJR 28 to the voters for a vote in the next general election as an amendment to the Oregon Constitution.

Thank you,

A handwritten signature in black ink, appearing to read "Chris Hall", written in a cursive style.

Christopher Hall  
Executive Director