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Subject: North Unit Irrigation District's Opposition to SB 1153

North Unit Irrigation District is the second largest irrigation district in the state of Oregon and the largest in the Deschutes Basin providing irrigation water to nearly 60,000 acres of diverse irrigated agriculture in Jefferson County. Irrigation districts, and their water users, across the state rely on the water right transfer process to efficiently manage water use within and outside of their districts. It goes without saying that transfers are a vital tool for water users in Central Oregon and SB 1153 has the potential to make an already cumbersome process even more complicated.

SB 1153 would require the Oregon Water Resources Dept. (OWRD) to evaluate new transfer criteria that will entail an extensive and time-consuming analysis that will further slow the transfer process. OWRD's transfer review process already has significant delays stretching into years, and implementation of SB 1153 would make the transfer process nearly impossible to use in the future. As you know, OWRD may not approve a transfer if the transfer would enlarge or expand an existing water right in any way, or cause injury to any other existing water right(s) on a water system. We believe the existing injury standard ensures that existing water rights, including instream water rights, are protected.

SB 1153 would also expose even the simplest temporary transfer to protests by unrelated parties leading to even more delays and protracted litigation. SB 1153 will lead to internal transfer application processing delays and open the door for unrelated third-party challengers that will cause additional delays in the contested case or litigation context. OWRD also lacks resources to meet its current legal expenses, which would undoubtedly increase if SB 1153 passes.

Oregon's legislature should seek ways to enhance water right flexibility to ensure water users can improve operational efficiencies while protecting existing water rights, including instream water rights. The new standards under SB 1153 do the opposite; are not conducive to the wise and efficient use of Oregon's water resources; and, if implemented, will have far-reaching effects on Oregon's economy and the livability of communities across Oregon.

Before any new standards are added to the transfer process, we must resolve the underlying issues that have caused OWRD's processes, including the transfer process, to become inefficient and unworkable. Until these core issues are resolved, no additional language can convert the transfer process into the effective and protective tool it is intended to be for all water stakeholders.

For these reasons and more, we urge you to vote against SB 1153.

Sincerely,

Josh Bailey
General Manager