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March 27, 2025

Senate Committee on Natural Resources and Wildfire

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

I am writing to express my strong opposition to Senate Bill 1153 on behalf of the Santiam Water Control District (SWCD). As a General Manager deeply invested in the sustainable management of Oregon's water resources, I believe this bill poses significant challenges to our ability to efficiently manage and utilize existing water rights.

Introduction: Senate Bill 1153 introduces two new transfer evaluation standards that will significantly slow the transfer review process and hinder water management flexibility and efficiency for farms, ranches, irrigation districts, and other agricultural water suppliers across the state. As we head into a future where new water rights are no longer available, the water right transfer process will provide crucial flexibility for water right holders to manage existing water rights more efficiently.

Concerns:

1. **Impact on Water Management Flexibility:** SB 1153 will establish two new transfer evaluation standards that will significantly slow the transfer review process and stymie water management flexibility and water use efficiency for farms, ranches, irrigation districts, and other agricultural water suppliers across the state. Our members rely on the water right transfer process to efficiently manage water use in their respective operations and to secure additional water supplies when new water rights are not available.
2. **Evaluation Criteria:** The bill requires the Oregon Water Resources Department (OWRD) to evaluate whether a transfer will result in the loss of instream habitat for sensitive, threatened, or endangered aquatic species in stream reaches that are not protected by an existing water right, and whether the water right transfer will contribute to water quality impairment in water quality listed streams. This extensive and time-consuming analysis will further slow the transfer process and open the door for transfer challengers to cause additional delays in the contested case or litigation context.
3. **Administrative Burden:** OWRD is charged with water quantity allocation and does not have the authority or expertise to evaluate the impacts of water right transactions on aquatic species or water quality. The implementation of SB 1153 will almost certainly lead to similar delays in the transfer process as seen with OWRD's attempt to evaluate aquatic habitat and water quality considerations in the new water right permitting context.

Conclusion: At this juncture, 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 standard under SB 1153 does the opposite; it is not conducive to the wise and efficient use of Oregon's water resources, and, if implemented, it will have far-reaching effects on Oregon's economy and the livability of communities across Oregon. For these reasons, I urge you to vote against SB 1153.

It is also important to note that district transfers should be exempt from the new standards proposed in SB 1153. The effects on aquatic species and water quality have already been thoroughly examined during the initial approval of these water rights, and subsequent transfers within districts would not alter those effects. Exempting district transfers would ensure that water management remains flexible and efficient without compromising environmental protection.

Moving forward, I believe that before the Oregon Legislature contemplates adding any new standards 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 amount of additional language can convert the transfer process into the effective and protective tool that it is intended to be.

Both SB 1153 and SB 427 involve complex policy discussions that require careful consideration. Due to this complexity, it is advisable to have a comprehensive approach when developing new transfer criteria, including input from the Oregon Legislative Water Caucus. To ensure all voices are heard and to address future water use issues in Oregon, it is recommended to convene a task force consisting of stakeholders to resolve issues and improve the process.

I look forward to participating in future conversations about how to improve the efficiency of Oregon's transfer process for the benefit of Oregon's economy, communities, and environment.

Sincerely,

Brent Stevenson

General Manager, Santiam Water Control District