



March 27, 2025

Senate Committee on Natural Resources and Wildlife

RE: Testimony in opposition to Senate Bill 1153

To Chair Golden, Vice-Chair Nash, Senator Girod, Senator Prozanski, and Senator Taylor,

Farmers Irrigation District (FID) watched the March 25th public hearing and found several of the claims in support of Senate Bill 1153 concerning, and out-of-touch with practical realities of managing water rights and the systems/communities they support. Farmers Irrigation District provides irrigation water to about 6,000 acres and operates two Low Impact Hydropower Institute certified hydropower plants in the northwest corner of the Hood River Valley. The District holds 20 water right permits and certificates in trust for our almost 2,000 agricultural and residential patrons, with our oldest water right dating from 1874 and the majority of our system built-out in the early 1900s.

Concerning Claim #1: The changes proposed by Senate Bill 1153 are “targeted”, “limited”, or “simple”.

The creation of new review standards for transfers on existing water rights and, most importantly, the opening of transfer applications to third-party protests is a major and very broad change to Oregon’s water right system. Even if many transfers are ultimately approved under the proposed standards, it opens them up to increased risk, uncertainty, cost, delay, and litigation (for both OWRD and the water right holder).

Nor is the broad and undefined proposed language of “not result in a loss of in-stream habitat” or “not contribute to water quality impairment” simple to implement. At the beginning of the meeting, the Governor’s representative displayed some of the potential issues when she explained that she was unsure how one would determine if minor changes in a big system will be additive to existing impacts and when she clarified that the potential “losers” from the bill would be water right holders seeking a change that COULD harm habitat or water quality. The quantity and quality of data, and the level of data analysis, that would be required to answer this question in numerous waterways throughout the state is not within the capacity of either OWRD or applicants, and is ripe for protest/litigation about the quality/analysis/interpretation.

Concerning Claim #2: The changes proposed by Senate Bill 1153 won't impact "all" water right transfers.

While it is true that not all waterways would fall under the in-stream habitat or water quality portions of the proposed bill, all transfers will be subject to the tribal review, water measurement/fish screening conditions, and potential third-party protests. In addition, the claim minimizes the reality that the vast majority of waterways in the State of Oregon are considered water quality impaired (impaired waters are purple in the map on the right), subjecting the vast majority of water right transfers to the new standards proposed in Senate Bill 1153.

Defining and/or proving that a transfer "does not contribute to water quality impairment" is particularly difficult given the limited water quality data available on most waterways.

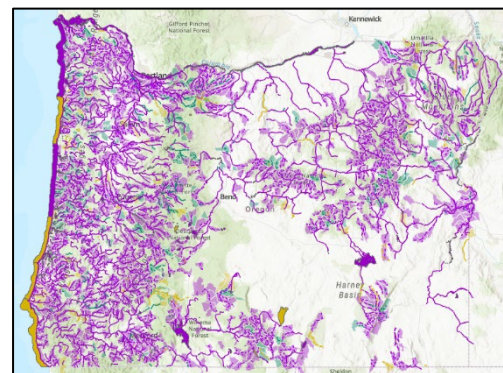


Figure 1: Screenshot of the 2024 Integrated Report on Surface Water Quality and 303(d) List of Impaired Waters

Concerning Claim #3: Defined the public interest as solely environmental concerns.

Farmers Irrigation District agrees that the public interest includes protection of sensitive, threatened, or endangered species and protection of water quality. Farmers Irrigation District also believes the public interest includes their neighboring communities and their regional farms having water, as well as the State of Oregon supporting existing housing and new housing development, agricultural land viability, commercial and industrial sustainability, and a functioning economy. Instead of working to find a balance between the myriad of public interests, Senate Bill 1153 seems to place environmental interests above all others. Communities, irrigation districts, and other water users have and will continue to face unexpected situations where a Point of Diversion/Appropriation needs to be adjusted as a result of a flood, debris flow, or other disaster, and timely recovery/replacement is in the public interest. The District also believes it is in the public's interest to provide water users the ability to transfer places of use from areas that are no longer suitable for crop growth (whether as a result of development, climate change, or other natural/man-made limitations) to areas better suited to our current/future world.

Concerning Claim #4: That water rights could be "conditioned" to meet the proposed requirements of Senate Bill 1153.

Farmers Irrigation District is one of the few organizations that has gone through OWRD's Seasonally Varying Flow (SVF) process, which conditions a water right to protect/maintain ecological function (via instream flows). While the specific mechanism is different, the process and conditions on our SVF-impacted water right permit are illustrative of the risks and challenges to the idea that a transfer could result in new conditions on existing water rights (and especially the risks that a small transfer of a portion of a water right certificate could alter the entire certificate).

The SVF-impacted permit includes conditions on measurement and reporting, the timing and quantity of diversions, the utilization of a separate water right certificate, instream flow releases, water quality, and fish screening. The permit conditions require six new permanent monitoring sites, including three instream gaging stations. Each site has cost the District between \$20,000-50,000 to establish. And while the District is one of the more technologically capable irrigation districts in Oregon, the technical requirements of operating and

maintaining these monitoring sites has been incredibly challenging for our staff. The water quality conditions allow for use to be restricted if “the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards”, meaning the permit/certificate could be invalidated at any time based on water quality. The fish screening conditions require the upgrading of two of the District’s existing fish screens, requiring the approval of the US Forest Service (a years-long process largely outside of the District’s control) and a cost of at least \$500,000. While all of these conditions on a new permit are challenging enough, the costs to communities and water users of these conditions being implemented on existing water rights are catastrophic. Senate Bill 1153 and the potential conditions that would be imposed as a result of these new standards risk turning off the tap for communities, farms, and other users with no warning and no timeline for relief.

Farmers Irrigation District is open to real and collaborative conversations about how to modernize and improve Oregon’s water management processes, but Senate Bill 1153 is an existential threat to the ability of Oregon’s communities or economy to rely on water rights as a meaningful system for current operations or future investment.

We urge you to vote against Senate Bill 1153, and hope future efforts to amend Oregon’s water right processes will occur in a more planned, thoughtful, and collaborative manner.

Thank you,

Farmers Irrigation District