



284 E Water St, Stayton, OR 97383

June 3, 2025

Senate Committee on Rules

Chair Jama, Vice-Chair Bonham, Senator Golden, Senator Manning Jr., Senator Thatcher:

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 responsible management of Oregon's water resources, I believe this bill poses significant challenges to our ability to efficiently manage and utilize existing water rights.

Concerns:

- Inequity of exempting Municipal water rights:**
SB 1153-5 exempts municipal water rights from the new evaluation criteria, creating an uneven regulatory burden. Agricultural and district water users—who are already operating under tight constraints—should not be subject to more stringent standards than municipalities. A District transfer would have to follow the same regulatory requirements as any municipality.
Section 10 of the -5 amendment grants OWRD broad authority to impose conditions on transfers, including fish screening, water quality monitoring, and tribal consultation. These requirements, while well-intentioned, will further delay transfers and increase costs for districts potentially adding dual layers of mitigation.
- Vague and Conflicting 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.
- Increased Administrative and Legal 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, especially given the vague terms of the -5 language. The implementation of SB 1153 will almost certainly lead to long 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.
- Mix of exempt and non-exempt water rights:** SWCD diverts and delivers a mix of municipal, irrigation and other water rights. A process that would exempt some of the water rights while adding additional review criteria to others would be impossible to administer. Requiring agricultural users to mitigate while exempting a municipal right all using the same Point of Diversion is unjust and would likely lead to a legal quagmire and stalemate.

SB 1153 involves complex policy discussions that require careful consideration, 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.

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. Furthermore, it introduces significant additional legal and administrative costs, imposing undue burdens on water users and stakeholders. 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.

Sincerely,

Brent Stevenson

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General Manager, Santiam Water Control District