



June 5, 2025

## **RE: Testimony in Opposition to Senate Bill 1153-5**

Chair Jama, Vice Chair Bonham, Members of the Committee,

Thank you for the opportunity to submit testimony on behalf of Oregon Cattlemen's Association (OCA). OCA represents ranchers across the state of Oregon and works to promote environmentally and socially sound cattle industry practices by maintaining an active political presence in these related areas. Water is a critical and precious resource for sustaining animal life and producing food and valuable byproducts for the State and the world.

OCA appreciates the narrowing of issues in SB 1153-5, but the bill still suffers from critical shortcomings that have not been resolved. Additionally, the process this bill has undertaken has been private and secretive between a few individuals, depriving the public, including OCA, from meaningful participation. The -5 Amendments were posted for the first time a few hours before the public hearing, and amendments are continuing to be posted since the date of the hearing.

The issues outlined below, in conjunction with the shameful process employed with this bill require that you vote "No" on SB 1153-5. This bill has serious problems, and should not be pushed through the Legislature in the last days of session without adequate public involvement or time to correct the errors in the bill.

### **Vague Standards**

SB 1153-5 uses undefined terms such as "contributes to" and "loss of in-stream habitat" without providing any objective standards to determine when these conditions are met. The bill is vague and will result in endless litigation.

### **Inconsistent Standards**

SB 1153-5 is very poorly drafted. Some sections (1(5)(b); 2(1)(a)(B); Section 3(7)(b); 4(5)(b)) require that the Oregon Water Resources Department ("OWRD") must make a finding that the application would "contribute to" the reduction in stream flow that results in a loss of in-stream fish habitat or an increase in water quality impairment. Other sections (4(2)(b); 5(1)(a)(B); 6(2)(a)(B)(ii); 6(3)(b)(B); 6(6)(b)(B)(ii)) require that OWRD find that the application would not "contribute to" these same criteria (that is, prove a negative, which is extremely difficult if not impossible to do). The standards used in the bill are not consistent, are poorly drafted, will be difficult if not impossible to implement, and will result in endless litigation.

### **Prejudicial Standards**

SB 1153-5 exempts municipal entities and water rights from the harmful provisions of the bill due to politics, in order to garner support for the bill. Other transfer applications will require the same environmental reviews as municipal applications, but only municipalities have been exempted for political reasons.

### **Incomplete Fiscal Analysis**

SB 1153-5 will require OWRD and the Oregon Department of Fish and Wildlife to employ new standards, data, and involvement in processing transfer applications. Additionally, new rulemaking will be required to implement the vague statutory provisions. Finally, OWRD will need increased funding to address the rise in contested case hearings that will result due to increased protests to transfer applications (OWRD already has a tremendous contested case backlog due to lack of funding for such litigation). The fiscal analysis for the bill is completely lacking a realistic analysis. The costs of this bill will be extremely high.

### **New Contested Case Provisions**

Oregon Administrative Rules 690-310-0170, -0180, and -0270 already include timelines for contested cases that conflict with the proposed contested case timelines in SB 1153-5. Furthermore, the proposed “process improvements” will not solve the contested case backlog, which is caused by OWRD refusing to refer protests to contested cases, not the time it takes to complete a contested case once referred. SB 1153-5 will create conflicts with existing laws without doing anything to create efficiency or solve the current contested case backlog.

### **New Basin Program Provisions**

SB 1153-5 introduces at Section 14 extremely vague language that would apply Basin Programs, which set standards for issuance of new water rights, to transfer applications, which seek to change existing water rights. This provision is vague, nonsensical, and extremely poorly drafted.

Thank you for your consideration of these important issues. Please vote “No” on SB 1153-5. Questions can be directed to Tammy Dennee, Oregon Cattlemen’s Association Executive Director, (503) 361-8941.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sarah Liljefelt", is written over a light blue rectangular background.

Sarah Liljefelt, Water Committee Chair  
OREGON CATTLEMEN’S ASSOCIATION