



Food & Wildlife for the Future

June 5, 2025

Electronically submitted

Senate Committee on Rules
Senator Kayse Jama, Chair
Senator Daniel Bonham, Vice-Chair
Senator Jeff Golden
Senator James Manning Jr.
Senator Kim Thatcher

RE: Senate Bill 1153

On behalf of Water for Life, Inc., I would like to submit the following comments regarding the Committee's consideration of SB 1153. Water for Life, Inc., respectfully requests your opposition to this legislative proposal for two basic reasons, first, on the issue of process and second, on the issue of policy.

It appears the Oregon Legislative Assembly during recent times has taken great pride in its efforts to maintain an open and transparent process -- a process open and accessible to the public and the many various interests. Without question, the process surrounding the development of this piece of legislation has been far from open and transparent in any manner. As identified during the initial public hearing before the Senate Committee on Natural Resources and Wildfire in March, followed by the most recent public hearing before the Senate Rules Committee, this legislation has been predominantly developed by a small group of interests, from the Governor's office, four members of the Legislative Assembly, as well as a limited number of representatives from certain specific interest groups. As identified during these limited public hearings, these meetings were attended by a select group of individuals, were not posted or noticed for any type of open legislative meeting and were for all intents and purposes coordinated behind closed doors. Again, this woefully fails any resemblance to an "open and transparent" process.

This now brings the discussion to recent days -- a public hearing before the Senate Rules Committee on Tuesday, June 3, followed by a work session scheduled for Thursday, June 5. With a limited public hearing on this immediate Tuesday, I do not believe the "public" has been afforded the opportunity to address the details contained within, nor the general policy implications associated with SB 1153. A 37-page amendment noted as SB 1153-5 was

formally posted at 9:32 a.m. on Tuesday morning, once again limiting open, objective input from the public or impacted interest groups.

At the current time, we now address a new set of amendments noted as SB 1153-6 posted at 4:01 p.m. on this Wednesday.

The development and evolution of this specific legislative proposal represents a public process that, unquestionably, cannot be described as “open and transparent” in any manner possible.

Turning to the policy implications contained in the proposed amendments, I believe one of the most immediate contentions put forth by proponents is the existing policy framework surrounding the transfers of water rights fails to provide for any significant degree of public input or consideration. I strongly encourage a review of provisions contained in existing statutory provisions as they relate to such transfers.

ORS 540.520, in part, provides any person to protest a transfer application:

ORS 540.520

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“(6) Within 30 days after the last publication of a newspaper notice of the proposed transfer or the mailing of the department’s weekly notice, whichever is later, any person may file, jointly or severally, with the department, a protest against approval of the application.

(7) If a timely protest is filed, or in the opinion of the Water Resources Director a hearing is necessary to determine whether the proposed change as described by the application would result in injury to existing water rights, the department shall hold a hearing on the matter.”

Thus, existing statutory provisions do indeed provide for avenues for individuals to protest or challenge a requested transfer and further provide direction to the Oregon Water Resources Department to hold a hearing with respect to a submitted protest.

One of the main concerns echoed by individuals directly engaged with the Water Resources Department in recent years has been the length of time for the processing of any applications. As proposed, the modifications to transfer provisions contemplated through SB 1153 will unquestionably slow processing timelines, add contention and enhance opportunities for ultimate litigation. This does not seem to represent a prudent course for our state.

Abundantly evident are the limited options remaining for individuals or entities reliant upon the beneficial use of Oregon’s water resources. Surface water resources are virtually fully allocated throughout the state, while recently adopted rules significantly curtail other options for the access to groundwater resources. Transfers remain as one of the very few opportunities remaining for individuals engaged with our state’s water resources.

We strongly encourage the Committee to refrain from further consideration of SB 1153 at the present time. In the alternative, we encourage the Committee to recommend the Department in coordination with interested parties to undertake a comprehensive review of the transfer process, including specific types of transfers, the number of transfers and pertinent issues which are associated with individual transfer applications filed in recent years. As noted in our initial comments, we strongly recommend this process represent an open and transparent process.

Thank you and again, we strongly discourage the Committee from advancing or taking further action with respect to SB 1153.

Glenn Barrett
President, Water for Life, Inc.