



June 5, 2025

Oregon Senate Committee on Rules

RE: Testimony in Opposition to SB 1153

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

The Deschutes Basin Board of Control (DBBC) is comprised of eight Central Oregon irrigation districts, including Arnold, Central Oregon, North Unit, Ochoco, Swalley, Three Sisters, Tumalo, and Lone Pine (Districts). Through the DBBC, formed in January 2002, the Districts coordinate and share their respective resources and management assets to conserve water, improve their services for farm and ranch families, and enhance river conditions for salmon, steelhead, other fish and wildlife species, and recreational opportunities. The DBBC spent over a decade working with federal, state, local, and tribal governments and non-governmental organizations to develop a Deschutes Basin Habitat Conservation Plan (HCP) for the benefit of species listed under the federal Endangered Species Act (ESA) present in the rivers and streams in our basin. We will spend the next several decades implementing this plan. Given our past experiences with collaborative efforts and given the years of collaboration we have in front of us, the DBBC is firmly opposed to SB 1153.

At its core, SB 1153 makes a water right transfer, or a change to an existing water right, more difficult and less likely to secure. Water right transfers are a fundamental tool in our basin to move water to where it's needed the most, whether that need is out-of-stream for food production, municipal demand, or economic activities, or instream for fish and wildlife. The Deschutes Basin HCP envisions a steady shift toward instream needs and uses over time as the Districts implement conservation projects that will reduce their irrigation water diversions. Water right transfers are required in order to accomplish this shift. In particular, transfers are needed not only to move water between districts, but they are needed to change authorized points of diversion, authorized places of use, and authorized types of use (from irrigation use to instream use or flow augmentation). Some of these transfers are temporary, while others are permanent. Flexible water use in our basin also means making changes to our storage water rights to maximize the benefits of stored water as well. In short, efficient water right transfer processes are essential to our efforts.

SB 1153 adds yet another layer of unnecessary review and complexity to an already difficult, slow, and overly regulated process. Introducing additional public interest review standards to water right transfers makes no sense in our basin when there is already a guiding framework, formally approved by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service after a years-long process under the ESA, with multiple opportunities for input from other stakeholders. Even if there were some rational basis to add yet another level of review for transfer applications, given OWRD is already overworked, understaffed, and chronically underfunded, there should at least be some balancing to remove low-risk transfers from its jurisdiction. Along these lines, the DBBC Districts are each a local irrigation district

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DBBC Member Districts

*Arnold Irrigation District • Central Oregon Irrigation District • Lone Pine Irrigation District • North Unit Irrigation District
Ochoco Irrigation District • Swalley Irrigation District • Three Sisters Irrigation District • Tumalo Irrigation District
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organized under ORS chapter 545, with full time managers and staff, elected boards, and expertise in local water management activities. And like all irrigation districts, the DBBC Districts are also subject to public records laws, open meetings laws, and other statutes and rules applicable to local governments. A more sensible discussion of public interest considerations in water right transfers would include efforts to balance priorities, taking into account agency resources, with the potential to put districts like ours in charge of their own water transfer activities without the unnecessary and often duplicative oversight of the Department. Meanwhile, SB 1153 does nothing to balance priorities or take into account agency resources. (And in fact, the bill's supporters have even argued that a fiscal impact review isn't even required here, apparently implying that transfer applications that trigger the new public interest review standards will simply be denied out of the gate by the Department without any meaningful review).

In short, we understand that SB 1153's supporters have tried to address concerns by narrowing the scope of the bill's impact to certain point of diversion and point of appropriation changes, and to areas that do not have established instream water rights (whether due to a lack of applications by ODFW, DEQ, or OPRD, or whether due to the fact that applications are only pending or have been denied). We further understand that the supporters have exempted out certain municipal interests and uses (but have refused to extend the exemption to local governments like irrigation districts) in order to secure sufficient political support. These concessions are not enough for the DBBC. SB 1153 is an unbalanced bill, making one of the few tools we have for proactively and efficiently managing water all the more difficult, with little to no expected benefit to our rivers and streams.

Thank you for your consideration and the opportunity to comment.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. Horrell', is positioned above the printed name.

Craig Horrell
President, Deschutes Basin Board of Control