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Alan Olsen, Vice-Chair
Committee on the Environment and Natural Resources
Oregon State Capitol
900 Court St. NE
Salem, OR 97301

MEASURE: SB1513
EXHIBIT: 7
2012 SESSION S ENV. & NAT. RESOURCES
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SUBMITTED BY: Joe Whitworth

February 7, 2012

Re: Support for SB 1513 removing the sunset on split season instream leasing

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Joe S. Whitworth, President

BOARD OF DIRECTORS

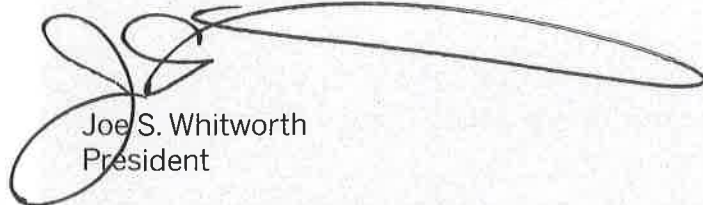
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On behalf of the Board of Directors and more than 2,000 members members from across the state, The Freshwater Trust (TFT) urges passing SB 1513. As the nation's first water trust, TFT represents a broad group of stakeholders who support conservation efforts that benefit agriculture by engaging in cooperative, market-based actions that strengthen local economies and the environment. We are writing to express our support of SB 1513 and the removal of the 2014 sunset on Oregon's split season instream leasing law. Split season instream leasing is a powerful tool to help balance instream and out-of-stream water needs. Under this provision, irrigators can divide their use of water between growing a crop and instream leasing—irrigating during the early summer when crop growth is most robust and dedicating water instream late in the summer when fish need it most while keeping the water right intact.

When split season leasing was first enacted in 2001, the legislation included a sunset to provide time for the tool to be tested. The sunset was extended once in 2007. The tool works and landowners increasingly see this as a way to better manage their operation financially. Today, TFT and its landowner partners as well as other conservation and agricultural interests across the state have demonstrated the success of split season instream leasing. Over the years, Oregon Water Resources Department (OWRD) has approved fourteen (14) split season leases protecting 25 cubic feet per second (cfs) instream, and have an additional eight (8) applications for 10 cfs instream this year. Based on this success and on the prospects for expanding the use of this tool in the coming years, the time has come to remove the sunset provision and make this a permanent feature of Oregon law. Simply put, landowners need time to plan. Removing the sunset will clear up lingering uncertainty that landowners may have about participating in split season instream leases beyond 2014 while providing critical flows to endangered fish.

In 2012, Oregon will debut its first Integrated Water Resources Strategy, the primary purpose of which is to balance instream and out-of-stream needs now and in the future. Split season leasing is one of the very few tools that employs smart incentives to achieve this balance, and it and similar tools need to be expanded, allowing operators to make good financial choices that benefit the environment.

In earnest,



Joe S. Whitworth
President

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The Freshwater Trust is a 501(c)(3) non-profit
organization and its tax ID is 93-0843521.

The Freshwater Trust resulted from the merger of Oregon Trout and Oregon Water Trust.