



# Oregon

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## Water Resources Department

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Before the  
House Agriculture and Natural Resources Committee  
Representative Brad Witt, Chair

### **Testimony on Senate Bill 200A “Splitting a Permit”**

Presented by: the Oregon Water Resources Department  
May 2, 2013

Thank you for the opportunity to present testimony on Senate Bill 200A, a Department bill that would authorize the Water Resources Department to split a water right permit, retaining all conditions related to the original permit.

#### **Background**

As properties are divided and sold over the years, the water right appurtenant to the land is also affected. It is not unusual to have one or more water right holders ready to “prove up,” or certificate, their portion of a water right, while the rest are not yet ready or willing. Having a certificated water right provides the holder with more options as to how they use and manage their water.

#### **Proposal**

Senate Bill 200A would amend the water use permit amendment process, allowing permit holders to certificate their portion of the original water use permit as they become eligible. The water right permit must have a future completion date.

This permit amendment would not release any of the water right holders from obligations that existed under the original permit, as it would carry forward any terms and conditions from the original permit.

This bill and its amendments clarify that this authority would extend only to agricultural-types of water use. The amendments also require the applicant to supply specific documentation. The bill would allow the Department to recover its processing costs.

The Oregon Senate approved this bill with a vote of 28-1-1(excused).

#### **Stakeholder Feedback**

The Department developed this bill at the request of agricultural water right holders who find themselves in an economic development predicament. These water right holders have the interest and means to “prove up” on their portion of a water right, while others involved in the same water right do not.

The Department has worked closely with conservation groups and water users to craft the language in a way that guards against: injury to existing water rights; enlargement of the water right; and modified permit conditions.