

**Testimony before the House Committee on Agriculture and Natural Resources**  
**Senate Bill 200 A**  
**Presented by Steve Shropshire**  
**May 2, 2013**

Chair Witt, members of the Committee, I am Steve Shropshire, of the Jordan Ramis law firm in Lake Oswego, Oregon. I am a water rights attorney with experience representing clients throughout the state, including many agricultural land owners.

I appreciate this opportunity to speak in support of Senate Bill 200 A. The bill remedies a problem we have encountered with Oregon's water code with respect to water right permits covering properties owned by more than one individual. SB 200 A would remedy this problem by authorizing the Oregon Water Resources Department ("Department") to split a permit so that it matches up with ownership of the underlying properties.

The bill moved out of the Senate Environment and Natural Resources Committee with a unanimous Do-pass recommendation. It then moved through the Senate on a 28-1 vote, with the lone dissent coming about as a result of an agreement to disagree about the relative merits of a University of Oregon tie presented as a gift to a certain freshman Senator who happens to be a proud OSU alumnus. This is a good bill with broad support.

**SB 200 A provides a necessary change to Oregon's permitting statutes.**

When a water right permit is issued by the Department, it describes the place of use for the water. Currently, if the place of use under a permit is split into one or more properties, there is no corresponding mechanism for the Department to also split the appurtenant water right permit.

This shared ownership situation creates a number of challenges for both the Department and the landowners. The Department's records do not match with the proper owner of the appurtenant lands, making it difficult to communicate with and potentially regulate those users. The landowners are unable to perfect their water use (Oregon law requires a landowner to perfect the permitted water use by putting it to beneficial use and then applying to the Department for a water right certificate) and obtain a permanent water right certificate. This can impair the landowner's ability to buy and sell property, obtain financing, and make investments in their property that drive our state's economy.

**SB 200 A is a thoughtful approach to solving this problem.**

SB 200 A would give the Department the authority to split a permit among one or more landowners who hold title to the properties covered by the permit. However, it also has sideboards that protect other landowners and the environment.

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- It does not permit enlargement of the original permit. In other words, the amount of water and the rate of withdrawal or diversion may not increase if the permit is split.
- It cannot result in injury to existing water right holders.
- It does not allow the addition of more wells or surface diversions—those types of changes would have to be pursued through a separate application for a permit amendment.
- It requires notice and consent by all landowners under the original permit. If all landowners cannot be located or will not provide consent, the bill provides a process for them to voice objections as part of the public comment process.
- It allows the public to provide comments and to file protests against the proposed permit split if a person feels the action will result in injury or enlargement.
- It requires the applicant to pay a fee to fund the Department's time and expense in processing the permit split application.

**Conclusion.**

SB 200 A is a measured and rational approach to address a very real problem with Oregon's water code. A vote to move the bill forward today is a vote that will help promote the state's economy while also protecting the state's water resources.

I thank you for the opportunity to appear before you today. I would be happy to answer any questions you may have.