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February 7, 2013

VIA E-MAIL

Jackie Dingfelder, Chair
Senate Committee on Environment and Natural
Resources
Oregon State Capitol
900 Court Street NE, Room 347
Salem, OR 97301

Re: SB 199: Split Season In-Stream Leasing

Dear Sen. Dingfelder:

I am writing in support of SB 199, relating to in-stream water right transfers and, in particular, eliminating an existing sunset provision for the “split-season” leasing program. In working with clients on water rights matters throughout the state, I know from personal experience how valuable the in-stream leasing program has become as a tool for more effective water management and to help facilitate collaborative, voluntary efforts to restore in-stream flows.

A year ago, when the Legislative Assembly considered a similar measure – SB 1513 – I expressed support for the in-stream and split-season leasing programs, but also echoed a concern about ambiguous wording in the existing law that might not accurately reflect an intention, and clear practice by OWRD to ensure protection against injury to other water right holders when reviewing applications for in-stream leases. SB 199, which was filed at the request of OWRD, reflects the department’s efforts to collect input from an interim work group to clarify the procedures for ensuring against injury. As a result of that interim effort, SB 199 addresses my prior concerns.

In addition, by eliminating the sunset provision on a program that has been operating smoothly and without a protest for the last 12 years, the Legislative Assembly will send a clear message to water users that they can rely on the benefits of this program for long-term planning.

Jackie Dingfelder, Chair

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Thank you for the opportunity to comment. I urge the Committee's approval of this important measure.

Sincerely,



Martha O. Pagel

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cc: Committee Members (via e-mail):

Sen. Alan Olsen

Sen. Alan Bates

Sen. Bill Hansell

Sen. Mark Hass

Beth Reiley, Committee Administrator (via e-mail)

Brenda Bateman, OWRD (via e-mail)

