



## **SB 1578--OPPOSE**

### **Testimony of WaterWatch of Oregon Submitted to the Senate Committee on Rural Communities and Economic Development February 13, 2014**

Founded in 1985, WaterWatch is a non-profit river conservation group dedicated to the protection and restoration of natural flows in Oregon's rivers. We work to ensure that enough water is protected in Oregon's rivers to sustain fish, wildlife, recreation and other public uses of Oregon's rivers, lakes and streams. We also work for balanced water laws and policies. WaterWatch has members across Oregon who care deeply about our rivers, their inhabitants and the effects of water laws and policies on these resources.

#### **WaterWatch opposes SB 1578**

In addition to the damaging land use implications of this bill, SB 1578 poses a risk to the state's entire array of environmental laws that were adopted by past legislative bodies to protect the health, welfare and safety of Oregon's citizens. SB 1578 is also contrary to existing laws and policies that were adopted to ensure that economic development was consistent with longstanding statewide environmental and sustainability goals that benefit the citizenry of this state as a whole.

For the purposes of today's testimony, WaterWatch will focus our comments on the effects of this bill on water. SB 1578 poses a great risk not only to Oregon's rivers and streams, but also to the many water right holders who use our state's water resources within the existing parameters of the Oregon Water Code.

Specifically, once a county or government body has adopted an ordinance outlining the approval criteria for the siting and use of an industrial, manufacturing or natural resource facility in an area of high unemployment, then Section 4(5) of the bill binds all state agencies as to the approval, construction and operation of the project, including, specifically a provision that requires state agencies to issue permits, licenses and certificates needed for the construction and operation of a facility.

When applied to water, the directive in Section 4(5) would require the Oregon Water Resources Department to issue a water right not only for the construction of a facility, but for the ongoing operation of the facility. This directive requires a water right be issued regardless of existing permitting statutes that protect both the public interest and other water right holders. This means that even if a stream is wholly over appropriated and new surface water rights cannot be granted under the Oregon Water Code, the Department would be required to issue a new water

right. The Department would be required to issue a water right regardless of the effect on the river, and regardless of the “injury” to existing water right holders (farmers, cities, etc).

Moreover, as drafted, the bill requires the Water Resources Department to issue a water right that will ensure ongoing operation. We read this to mean that the Water Resources Department would not only be required to issue a water right regardless of the effect on the resource or other water right holders, but that the water right could also not be enforced in accordance with the prior appropriation doctrine that governs water use in this state. Rather, these facilities would have to be granted a type of super water right that would allow operation of the facility regardless of the effects on senior water right holders, including cities and farmers.

We urge the Committee to reject SB 1578.

Contacts: Kimberley Priestley, WaterWatch of Oregon, 503-295-4039 x 3, [kjp@waterwatch.org](mailto:kjp@waterwatch.org)  
Jonathan Manton, Sawnee Services, WaterWatch Lobbyist, 541-729-2923,  
[jonathan@sawneeservices.com](mailto:jonathan@sawneeservices.com)