



The Special Districts Association of Oregon and League of Oregon Cities urge your support of SB 1584-A.

Passage of this bill is of critical importance to the drinking water supply of a number of Oregon communities and the ratepayers they serve. This bill will protect approximately 60 Oregon communities from having their existing permitted drinking water supply retroactively curtailed. Many of these communities have experienced water supply shortages in recent years. Further reduction of these supplies would be incredibly challenging in terms of meeting public health, public safety and economic development needs.

The bill provides a legislative fix to a 2013 Court of Appeals decision which retroactively applied what are known as "fish persistence conditions" to certain municipal water right permits. Fish persistence conditions were not enacted into law until June of 2005. In 2006, the Oregon Water Resources Department (OWRD) adopted rules to apply these conditions to the undeveloped portion of these permits on a prospective basis. The court's decision to retroactively condition these permits would result in a portion of water that may have been used by certain communities since the mid-1990s being no longer available for use.

Many of these communities have invested millions of dollars into expanding their drinking water treatment plants and distribution systems. They did so believing that the water would be available to them for public use. To reduce water use under these permits now, would not only negatively impact the investments they have made, it would put some of these communities in jeopardy of reducing drinking water supply during times when drought has already had negative impacts that threaten a sufficient supply of water for these communities.

Many similar permits, which were able to be processed prior to the 2013 court decision, were not subject to retroactive conditioning as they received the benefit of the law as OWRD had implemented it. Therefore, failure to pass SB 1584-A would create an unfair playing field, with certain permits being retroactively conditioned when others that are similar from neighboring communities were not, simply because of the timing of their extension being processed.

The A-Engrossed version of the bill will still have some retroactive impact to communities, it also provides certainty to these communities and protects drinking water supply that was developed and associated investments. We think this is a reasonable compromise that maintains appropriate protections for fish while protecting drinking water.

Further, this bill does not impact whether a community will need to adopt water management and conservation plans unless the community had used all of the water under their permit prior to 2010. This would be a very rare occurrence and is something we are willing to address in a future legislative session. Regardless of whether a community is required to have a conservation plan, a majority of Oregon communities surveyed have implemented conservation programs in recent years and will continue to do so. This bill will not change those current conservation efforts or reduce future conservation efforts.

The following municipal water suppliers have extensions pending with the Oregon Water Resources Department and may be subject to retroactive fish persistence conditions for their municipal water permits without passage of SB 1584.

City of Richland	City Hood River
Lakeside Water District	City of Sandy
City of Klamath Falls	City of Waldport
City of Enterprise	City of Lake Oswego
Coos Bay-North Bend Water Board	City of Adair Village
City of Ontario	South Fork Water Board
City of Hood River	City of Salem
Neahkahnie Water District	City of Roseburg
City of Bay City	City of Westfir
City of Drain	Alsea Water District
Arch Cape Service District	City of Sutherlin
City of Depoe Bay	City of Fairview
City of Scotts Mills	City of Falls City
City of Oak Ridge	City of Dunes City
City of Stayton	Heceta Water District
City of Mt. Vernon	City of Medford
City of Grants Pass	City of Nehalem
City of Wheeler	Astoria Water Commission
City of Philomath	City of Astoria
Southwest Lincoln County Water District	City of Warrenton
Tri City Water District	City of McMinnville
City of Siletz	City of Bend
City of Detroit	City of Sisters
City of Brownsville	City of Prineville
City of Cascade Locks	City of Carlton
North Clackamas County	City of Klamath Falls
Harbor Water P.U.D.	City of Hermiston
City of Cottage Grove	
North Clackamas County Water Commission – Sunrise Water Authority	