



Oregon

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To: The Honorable Michael Dembrow, Chair
Senate Committee on Environmental and Natural Resources



Senate Bill 791

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Good afternoon Chair Dembrow and members of the committee. The Department appreciates the opportunity to provide testimony on Senate Bill 791.

Senate Bill 791 would change the existing criteria under the Oregon Water Resources Department's Division 9 rules for determining impairment of surface water from a groundwater withdrawal. It establishes impairment or interference only if the groundwater use:

- a) Becomes measurable within one season of use;
- b) Is 0.1 cubic feet per second or more; and
- c) Results in the available water in the surface source being insufficient to satisfy earlier water rights.

The proposed new criteria could have unintended consequences for fish and wildlife species and their water needs. Groundwater, by nature, can take more than one season to impact surface water and cumulative impacts over time of many small water withdrawals can be significant. The new criteria could allow the issuance of new groundwater rights with surface water connectivity, even if surface water was already not available or the use could impair instream rights.

In many areas of the state, surface flows are currently insufficient to meet instream water rights and fish life history needs. If new uses are permitted under this bill, cumulative impacts to surface flow are likely to increase and lead to a reduction of habitat over time, particularly in headwater streams vital for salmonid spawning and rearing. Integrated management of Oregon's water resources includes conjunctive management of surface and groundwater, provides protection of out of stream uses as well as flows necessary to support ecosystems, and seeks to form partnerships in finding creative solutions to an increased demand for water across all sectors.

Thank you for the opportunity to provide testimony.

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