

Watts Remy

From: Susan Strauss <storyteller@q.com>
Sent: Tuesday, April 2, 2019 9:50 AM
To: SENR Exhibits
Subject: Senate Bill Number: SB 946 TRANSFERS OF RIGHTS TO STORED WATER

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To: Chair Dembrow and members of the Senate Committee on Environment and Natural Resources

I am writing on behalf of four voters in our family. We live in a rural part of Deschutes County, use irrigation water for farm production and believe that the health of our wildlife and ecosystems are essential for the success of our state.

We are all in strong opposition to SB 946.

The waters of the state belong to the people of the state. New water facilities can affect the ecology and create health and safety risks. They can displace water that could be used elsewhere to better serve the public interest and can add to evaporative loss of this finite resource. For this reason, any new place of storage of water should be subject to a meaningful public interest review, as is the case under current law prior to construction of new storage facilities that require their own separate permit.

Under SB 946 the public interest review would be circumvented by a water storage permit holder transferring the place of storage rather than applying for a right to store water at a new location subject to public interest review. Such circumvention should not be allowed.

My husband and I are water patrons of Tumalo Irrigation District ("TID"). It has a fiduciary duty to protect the interests of its water patrons as a whole, not to favor a particular water patron that would pay money to commandeer a storage right of the district for its own private, pecuniary benefit (such as for a private water ski lake) without a meaningful public review process as would be allowed if SB 946 were to be enacted. We have seen in our district how, through an effort to transfer a storage right, a water permit holder can try to escape public scrutiny. This should not be allowed.

In 1961 TID obtained a permit to store water in its own reservoir to serve its district as a whole. Now it is piping its entire system. It no longer needs as much storage within the district as it did then. Allowing a storage right holder to transfer to another place for another purpose water storage it no longer needs-- as SB 946 apparently would do--without there being an objective, independent determination by the state that it is in the public interest for such a transfer and re-purposing of the storage right would effectively privatize the storage right. This should not be allowed. The stored water is owned by the state to be used in the public interest. It should not be left to the holder of a storage permit to decide where water is to be stored or by whom or for what purpose.

The state has a duty to protect the public interest in such matters. Please reject SB 946.

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