

Senate Judiciary Committee:

We strongly oppose Senate Bill 977-1.

This bill will eliminate any irrigators right to due process under the law as prescribed in ORS 536.075 (5).

The opportunity for a “stay” provides **water user protection** and due process while being a safety valve against **frivolous, invalid, futile, or erroneous** final orders. The rules, in place since the mid-80’s, recognize that orders may have been secured with **poorly-developed** evidentiary findings, **inconsistent** applicability, or for **nefarious** purposes.

The sub-section that would be stripped from a right holder’s **toolbox** is:

ORS 536.075 (5) The **filing of a petition** in either the circuit court or the Court of Appeals **shall stay enforcement of the order** of the commission or the department **unless** the commission or the department determines that **substantial public harm** will result if the order is stayed. If the commission or the department **denies the stay, the denial shall be in writing** and **shall specifically state the substantial public harm** that will result from allowing the stay.

Destroying this part of procedural **due process** would be **devastating** to water right holders who are under a curtailment action **during or mid-way through** an irrigation season.

Please oppose SB 977-1.

Sincerely,

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