



January 28, 2023

To Senate Committee on Natural Resources

From: Oregon Association of Conservation Districts

Re: **Oppose SB 713 – Collection of Diffuse Surface Water**

Chair Golden and Committee Members,

The Oregon Association of Conservation Districts (OACD) represents Oregon's 45 Soil and Water Conservation Districts (SWCDs), special districts governed by elected boards. The Districts protect and enhance soil quality, water quality and quantity, and habitat by supporting voluntary conservation in partnership with private landowners and managers as well as federal, state, and nonprofit partners.

OACD opposes SB 713 which authorizes the collection, storage, and use of diffuse surface water. Under current statute there are several exceptions to the requirement to obtain a water right permit, and one of the exceptions is the collection of precipitation water from an artificial impervious surface. This existing exception is a good and important tool in managing our water resources. Because it is limited to collection from artificial impervious surfaces, the amount of water that can be practically collected without a water right is relatively small, and compliance with the requirement is easy to determine. This existing tool can be very useful in situations where small quantities of water are needed, and other available water supplies are not readily available.

SB 713 eliminates the existing exception and replaces it with a much broader exception that allows the collection, storage and use of all diffused surface water that has not yet reached a well-defined channel. This is problematic for the following reasons:

1. The amount of water that could be collected without a water right is much larger than the existing exception, and if it were used extensively, it could lead to significant impacts to in-stream flows and the amount of water available to water right holders.
2. It would be very difficult to define what is exactly allowed under this exception, leading to difficulty with compliance and enforcement. One challenge is defining a well-defined channel, the point at which the water can no longer be collected. Another challenge is determining the allowable means to collect the water. For example, could a landowner construct a ditch along the entire downhill edge of their property so that no water leaves their site?

3. The exception allows storage without a permit. Currently state statute requires permits for reservoirs. Does this exception override reservoir storage permit requirements?

Thank you for the opportunity to provide input.



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