



# WaterWatch of Oregon

## Protecting Natural Flows In Oregon Rivers

### SB 713

Testimony of WaterWatch of Oregon  
By Kimberley Priestley

### Senate Committee on Environment and Natural Resources February 1, 2023

Founded in 1985, WaterWatch is a non-profit river conservation group dedicated to the protection and restoration of natural flows in Oregon's rivers. We work to ensure that enough water is protected in Oregon's rivers to sustain fish, wildlife, recreation and other public uses of Oregon's rivers, lakes and streams. We also work for balanced water laws and policies. WaterWatch has members across Oregon who care deeply about our rivers, their inhabitants and the effects of water laws and policies on these resources.

#### **WaterWatch opposes SB 713**

What the bill does: This bill would allow people to store, collect or use water derived from falling rain, melting snow or other precipitation that is diffused over the surface of the ground that has not yet joined with a "well defined" channel without having to get a water right.

Concerns: Rivers across Oregon are over-appropriated most months of the year, meaning more water rights have been issued than nature can fulfill. This has left existing water right holders and ecosystems without enough water to meet their needs. SB 713 would make a bad situation worse by allowing collection/use/storage of water that would otherwise make it to larger streams, where the water would otherwise supply water rights and ecosystems.

Moreover, allowing capture of waters outside "well defined channel" will allow people to capture water flowing in small streams and/or gullies, including intermittent and ephemeral streams. Many intermittent and/or ephemeral streams provide important habitat to aquatic species.

HB 713 also allows "storage" which presumably means people could build dams across these small streams or gullies without first procuring a reservoir right. Water could be stored year round to the detriment of other water right holders, and because it would be an exempt use the state could not regulate them off if the use was found to harm other water right holders, whether instream or out-of-stream.

Existing law already allows collection of waters that flows off artificial impervious surfaces, such as rooftops or parking lots. This bill is not that, and in fact deletes existing statutory authority. Under SB 713, the widely used practice of collecting rainwater from rooftops (not diffuse over the ground) would now require a water right.

Conclusion: Oregon rivers and streams are over-appropriated across the state; a problem that is being compounded by climate change and increasing incidents of drought. This bill will only make things worse for water right holders and ecosystems that are already not receiving enough water to meet their needs.

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