



January 31, 2023

Senator Jeff Golden, Chair
Senator Fred Girod, Vice-Chair
Senate Committee on Natural Resources

Re: Trout Unlimited opposes Senate Bill 713

Dear Chair Golden, Vice-Chair Girod, and Members of the Committee,

Trout Unlimited (“TU”) is a non-profit organization dedicated to the conservation of cold-water fish (such as trout, salmon, and steelhead) and their habitats. TU has more than 350,000 members and supporters nationwide, including many members in Oregon.

SB 713 is intended to exempt collection, storage, and use of “diffuse surface water” from precipitation from the statutory requirement to obtain a water right or certificate.

TU opposes SB 713.

Oregon law already provides an exemption from the water right permitting laws for “collection of precipitation water from an artificial impervious surface and the use of such water.” ORS 537.141(1)(h). This allows Oregonians to collect and use water from rooftops and parking lots without a water right.

The current law makes reasonable sense because it (1) allows homeowners to collect rainwater – which might otherwise strain municipal sewers and water treatment plants during storms – and store that water for later use in their gardens, and (2) efficiently reduces the administrative burden on OWRD staff by not requiring the agency to process a water right application for every parking lot bioswale and rainwater collection barrel in Oregon.

This bill would replace that narrowly-tailored exemption from the water right permitting framework with a major exemption applying to similar activities on all “ground” that is not a “well-defined channel.” In other words, landowners would be allowed to capture, store, and use without a water right any water that falls on their acreage, whether an impervious surface, field, wetland, or even channels that are not “well-defined.” To provide only one example of TU’s concerns with this concept: this bill would likely cause a rush to construct water-retention features on private land (e.g., ponds and dams) to prevent diffuse surface waters from reaching streams and lakes. That would harm rivers, aquatic habitat, and fish in Oregon.

Thank you for this opportunity to provide comments on this bill, and please let me know if you have any questions.

Sincerely,

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