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House Committee on Agriculture, Land Use,  
Natural Resources, and Water

February 23, 2023

**Subject: Support for HB 3164 – Relating to the leasing of water rights for split use.**

Dear Chair Helm, Vice-Chairs Hartman and Owens, and Committee Members:

Thank you for the opportunity to submit testimony in support of HB 3164. I submit this testimony on behalf of The Freshwater Trust. The Freshwater Trust (TFT) is a non-profit organization whose mission is to preserve and restore freshwater ecosystems. For nearly 40 years, TFT has collaborated with landowners, regulated entities, governments, and private businesses to design and implement watershed conservation programs. Among the tools that TFT has utilized is Oregon's split-season instream leasing program.

TFT supports HB 3164, which would make permanent provisions allowing water right leases to be split between the existing use and instream use within the same year. This program was originally created with broad bipartisan support and has been successfully utilized since its inception; however, it is currently set to sunset in January 2024. These split-season leases are a voluntary tool, subject to approval from the Water Resources Department, allowing water right holders to use their water right on their land for part of the irrigation season while dedicating water instream later in the irrigation season when it has the greatest benefit for fish and ecosystem health. Now more than ever, we need a variety of innovative tools that allow for the flexible use of water, supporting productive and efficient agricultural use while also creating environmental benefits.

We urge you to support HB 3164, allowing the continued use of split-season leasing in Oregon, removing the sunset and the 10-year cap restricting the number of years a right can be leased instream on a split-season basis. Working lands and healthy rivers can coexist, and keeping this program in the toolbox will help make sure that happens.

Sincerely,

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