



TO: House Committee on Climate, Energy, and Environment
FROM: Quinn Read, Center for Biological Diversity
DATE: March 29, 2023
RE: Testimony in Opposition to HB 2765 – Relating to treated wastewater discharged by the South Suburban Sanitary District

On behalf of the Center for Biological Diversity, we respectfully submit the following comments in opposition to HB 2765, which would grant South Suburban Sanitary District (SSSD) exclusive use of reclaimed water – water that is currently discharged into the Klamath system – to use or sell. The Center is a nonprofit, public interest environmental organization dedicated to the protection of imperiled species and the habitat and climate they need to survive. The Center is supported by more than 1.7 million members and online activists throughout the country, including 32,000 members and activists in Oregon. We strongly oppose HB 2765 because it would set a dangerous precedent for undermining long-standing water law in an already over-allocated system – to the detriment of fish and wildlife, as well as other water rights holders.

This bill would undermine bedrock principles of water law in Oregon as well as specific laws related to reclaimed water rights. It effectively creates a new appropriation of surface water that would otherwise be available for public use. As the Department of Water Resources stated in its testimony: “This legislation circumvents the doctrine of prior appropriation and potentially enlarges the water right in a system that is fully allocated, which could result in injury to other senior water rights.” This bill would allow the SSSD to make water allocation decisions without consideration for existing water rights, fisheries, or the public interest in healthy fish and wildlife.

Proponents of the bill have inexplicably claimed that this water will go to the National Wildlife Refuges located in the Klamath basin even though the bill itself is silent on this matter. Rather, the bill allows SSSD to sell water to the highest bidder. It’s unlikely the refuges would see any water in this scenario. Further, even as the Klamath River’s chinook fishery is collapsing, the bill explicitly prohibits the water at issue from being used to fulfill any state or federal requirements pertaining to fish and wildlife.

Please oppose HB 2765, sets a dangerous precedent for legislating carve-outs to existing water statutes, while doing nothing for fish and wildlife or the wildlife refuges.

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