

May 9, 2023

Dear Chair Helm, Vice Chair Hartman, Vice Chair Owens, Members of the House Agriculture, Land Use, Natural Resources, and Water Committee.

Local Governments stand in strong support of SB 718 and respectfully request the bill be scheduled for a Work Session. SB 718 would allow an individual to not be at risk of losing their water right if the Governor declares a drought to exist in their area.

The current statute (ORS 540.610) states that whenever a water right holder fails to use all or part of their appropriated water for a period of five successive years, it is a presumption of forfeiture for that right. Statute does lay out the process a water right holder can use if they wish to challenge the *presumption of forfeiture*, however, they need to show that had the water been available they were ready, willing, and able to use what was being allotted to them.

Local Governments, pursuant to ORS 536, can seek an official drought declaration from the Governor. Before requesting the declaration, however, they should take the official action to declare a drought at the local level. The official declaration is submitted to the Governor requesting the official designation to occur. Local Governments typically are the ones to request water conservation efforts to occur. If we know a drought is on the horizon and request individuals to not use as much water, under the current statutory provisions, they could be at risk of losing their water rights.

As of today, three counties have already declared a drought and two of them received the Governor declaration. In 2022, 17 of Oregon's 36 counties received a Governor Drought Declaration. In 2021, 26 counties received such a declaration and in 2020 the number was 15. With rising temperatures and a changing climate, it is anticipated water scarcity will continue.

Again, we respectfully request that SB 718 be scheduled for a work session and that water right holders can have the comfort and safety of doing conservation activities without the fear of a water right forfeiture presumption.

Thank you for your consideration on this request,

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