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To the Honorable Members of the Oregon Legislative Assembly,
Subject: Opposition to Senate Bill 1154 - Relating to Ground Water

Dear Senators and Representatives,

I am writing to express my strong opposition to Senate Bill 1154, which proposes significant changes to the laws governing ground water quality in Oregon. As a property owner in Oregon for over 20 years, with a vested interest in maintaining my water well system and septic system, I am deeply concerned about the potential negative impacts of this bill on my property rights and the rights of other landowners across the state.

I. Unwarranted Infringement on Property Rights

Senate Bill 1154 contains provisions that, in my view, represent an overreach of government authority and an infringement upon fundamental property rights. Specifically, the bill's provisions regarding the establishment of ground water management areas and the subsequent regulations imposed on landowners within these areas raise serious concerns.

Potential for Devaluation of Property: The restrictions on land use and development, particularly the potential prohibition of new residential dwellings unless connected to urban water supply services or a community well, could significantly decrease property values. This devaluation constitutes a taking of private property without just compensation, a violation of the Fifth Amendment of the U.S. Constitution and Article I, Section 18 of the Oregon Constitution.

Mandatory Connection Requirements: The requirement to connect to urban water supply services or a community well, as outlined in Section 16 of the bill, disregards the investment and autonomy of landowners who have independently managed water and wastewater systems for many years. Forcing such connections imposes a financial burden on homeowners and undermines their right to choose how to utilize their property.

II. Conflict with Existing Oregon Law

Several provisions of Senate Bill 1154 appear to conflict with existing Oregon laws that protect property owners:

ORS Chapters 195 and 197: Section 16 of the bill introduces provisions that may conflict with existing land use regulations under ORS Chapters 195 and 197, potentially destabilizing established land use rights and creating uncertainty for property owners.

ORS 215.213 and 215.283: The bill's amendments to these sections, allowing counties to provide water and wastewater services in ground water management areas, could lead to the imposition of unwanted services and associated costs on rural landowners.

III. Lack of Scientific Justification and Due Process

Broad Triggers for Restrictions: The bill allows for the declaration of ground water management areas based on contaminant levels that are only a fraction of the levels established under ORS 468B.165. This broad trigger could lead to the imposition of restrictions on property owners even when there is no imminent threat to public health or the environment.

Limited Local Control: While the bill establishes ground water management committees, their role is primarily advisory. This diminishes the ability of local communities and property owners to influence decisions that directly affect their land and livelihoods.

IV. Conclusion

In conclusion, I urge you to reject Senate Bill 1154. This bill threatens to strip away the property rights of Oregonians, impose undue financial burdens, and undermine local autonomy. The existing framework of Oregon law, combined with responsible stewardship by landowners, is sufficient to protect ground water resources without resorting to the draconian measures proposed in this legislation.

Thank you for your time and consideration of this critical matter.

Sincerely,
Shawn Clark