



# Oregon

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Before the  
Senate Environment and Natural Resources Committee  
Senator Jackie Dingfelder, Chair

## **Testimony on SB 1513 “Removing the Sunset on Split-Season Leasing”**

Presented by:  
Oregon Water Resources Department  
February 2, 2012

Thank you for the opportunity to present testimony on Senate Bill 1513, a bill that would remove a sunset date of 2014 from one of the Water Resources Department’s currently existing programs called, “Split-Season Leasing.” This is a program that has been in place for the past decade and has worked well for the Department, its customers, and the environment.

### **Program Background**

“Split Season Leasing” allows for both instream and out-of-stream uses to occur from the same water right, but at different times of the year. Typically, an irrigator would bring in a harvest or two with an existing water right, and then would work with the Department to leave and protect water “instream” for the remainder of the growing season. Formally putting this water to beneficial use protects the water right from potential forfeiture and has the added benefit of enhancing streamflows.

This program, authorized under ORS 536.348, Section 3, is part of the Water Resources Department’s broader portfolio of instream leasing programs. To be eligible for the program, a user must be holding a water right that is “subject to transfer.” That is, the right has been certificated or adjudicated by the Department, and not forfeited. Established in 2001 and amended in 2007, the program is supported by Department rules found in OAR 690-077-0079.

This is one of the Department’s smaller programs, with about a dozen participants thus far. Participants have joined at a rate of one or two per year. In the early years of the program, participants had to renew their participation each year. More recent statutes and rules have made this program consistent with the Department’s other instream leasing programs. Now, participants can contract for five years at a time, with the option to renew.

Although this program is available state-wide, most participants are irrigators from the Deschutes, Rogue River, and Willamette Basins.

Typically, a third party partner will help to match a water right holder with this program, providing information, assisting with forms, or even providing financial incentives to participate. The majority of program participants have come through partnerships with the Deschutes River Conservancy or The Freshwater Trust.

### **Implementation**

Participants are required to measure and report their water use, in order to ensure there is no enlargement of the water right or injury to other water right holders. That is, the instream and out-of-stream use should add up to the total amount noted on the water right, and not more. Participants have to agree to measurement and reporting conditions with the Water Resources Department even before making a formal application to the program. To date, most program participants have already had measurement in place before applying.

The local Watermaster relies on information reported from the measurement device in order to manage the state's water resource, regulating where necessary to protect water rights in the system.

### **Conclusion**

SB 1513 would modify ORS 537.348 to remove the sunset date of 2014 from the Split-Season Leasing Program.