



House Energy and Environment Committee

PLEASE OPPOSE HB 2851

February 26, 2018

Chair Helm and Members of the Committee,

Thank you for the opportunity to testify on HB 2851. While HB 2851 is a significant improvement from the measurement and reporting proposals brought forward in 2017, there is still the potential for significant unintended consequences from this proposal that must be addressed prior to moving forward with any water rights reporting proposals.

By way of background, Oregon Farm Bureau is Oregon's largest grassroots agriculture association, representing nearly 7,000 farming and ranching families across the state. Our mission is to promote educational improvement, economic opportunity, and social advancement for our members and the farming, ranching, and natural resources industry as a whole.

OCA's purpose is to advance the economic, political and social interests of the Oregon cattle industry. As the voice of the cattle industry in Oregon, OCA's mission is to promote environmentally and socially sound industry practices; to promote a positive, contemporary image of the industry; to improve and strengthen the economics of the industry; to assure a strong political presence in all areas affecting the industry; and to protect our industry communities and private property rights.

Water is the lifeblood for Oregon's farmers and ranchers; it is essential for the Oregon's agricultural economy and many farms and ranches in Oregon cannot operate without secure access to irrigation water. Agriculture contributes an estimated \$50 billion dollars to the state's economy, making it Oregon's second largest economic driver. Given the importance of water to all of Oregon's 220+ commodities, the state must protect farmers' water rights and ensure that management decisions are workable for Oregon's farmers and ranchers.

Farmers and ranchers are the original conservationists, and our approach to water resources management is no exception. In the past two decades, farmers, ranchers and irrigation districts across Oregon have invested millions of dollars into improving water efficiency, piping and lining irrigation canals, and ensuring water is placed instream to benefit fish and wildlife. While there is assistance for this work available at the federal and state level, demand for upgrading to efficient irrigation system always exceeds the available funds to cost share within those programs. Additionally, through these programs and other state programs, many farmers have begun to measure their water use, and are finding that their actual use is often much less than the full extent of their water right.

HB 2851 would allow the Oregon Water Resources Department to require the reporting of water use if it requires measurement for water use. While this is a laudable goal for water resources management, we are concerned about several unintended consequences of this proposal:

- **Reported data could be used in forfeiture proceedings.** As farmers increase their efficiency, many are starting to use less than the full amount allowed by their water right. As efficiency increases, farmers want to use the least amount of water possible to meet their farm's needs. However, farmers need to maintain the ability to grow the crops that work for their operation, and crops have variable water needs. If a farmer is in carrot seed for five years – which can often be irrigated through drip irrigation – but then as part of their rotation system, needs to transition to another commodity that doesn't accommodate drip irrigation, the farmer must maintain their ability to use the full extent of their water rights. This is particularly important in the face of a changing climate and the diverse nature of our state meaning we grow crops with a variety of water needs. As a state, we must be able to encourage conservation without risking forfeiture of the water rights needed to maintain our farms and rural families.
- **The bill doesn't provide what happens in the event of a measuring device breaking.** As measurement devices age, it is likely that the device breaks or may not stay calibrated correctly. A farmer should not be required to report data when their device breaks or the data becomes inaccurate, nor should they be out of compliance if the device breaks in the middle of the irrigation season or harvest and they cannot replace it immediately due to time or resource constraints.
- **The bill doesn't specify a reporting period.** Other entities, such as irrigation districts, are only required to report annually at the end of the season of use. However, OFB is aware that the department has asked for live time data on a few occasions when they require reporting on new water rights. Reporting should be required no more than annually and at the end of the season.
- **The Department cannot utilize the data without additional resources.** Reporting is data for data's sake. Tracking and reporting will be time consuming and expensive for farmers to undertake, and right now the department does not have the resources to do anything with the reported data. Farmers should not be required to incur the cost of providing data to OWRD that it cannot use.

Thank you for the opportunity to comment, and we urge you to oppose HB 2851.

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