



March 21, 2019
House Committee on Energy and Environment
Representative Ken Helm, Chair

Testimony on House Bill 3182
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Thank you for the opportunity to provide information on HB 3182 as it pertains to the Oregon's water quantity laws. HB 3182 allows for the Department of Environmental Quality to authorize the reuse of "rainwater and graywater" for nonpotable purposes, including irrigation, if it has been treated onsite. The Department understands that there may be forthcoming amendments that change the definitions. In addition, the introduced version of the bill does not currently address the interface with Oregon's water quantity laws; however, the Department has been speaking with the bill proponents about potential solutions to address the nexus. This testimony is intended to provide the committee with information and the Department is taking no position on the bill.

With a few exceptions, Oregon's water quantity laws require a water right in order to use water in the state. Some of the most common exceptions are identified in ORS 537.141 and ORS 537.545.

Of particular note for this legislation, ORS 537.141(1)(h) allows for "the collection of precipitation water from an artificial impervious surface," such as a roof or a parking lot, without a water right. Outside of this exception, collecting waters that run off the surface and eventually join streams *does* require a water right.

In addition, in regards to reusing for a purpose that may not be the same as the purpose for which the underlying water right or authorization is allowed can also create conflicts with Oregon's water quantity laws. In recognition of this, Oregon's statutes have specific exemptions or registrations to allow for reuse.

For example, ORS 537.141(1)(i) allows for the land application of groundwater for irrigation purposes in specific circumstances without a water right, if the water was first appropriated under a water right for industrial or confined animal feeding operation purposes and the land application is applied pursuant to a permit from the Department of Environmental Quality or Department of Agriculture (see statute for specifics).

Similarly, through the reclaimed water registration process, water that was appropriated under a municipal permit and treated pursuant to Oregon Department of Environmental Quality requirements can be reclaimed and used for another purpose provided certain requirements are met, and a registration is submitted to the Oregon Water Resources Department (see ORS 537.131 and ORS 537.132).

The Department is continuing to discuss the nexus with Oregon's water quantity laws with the bill proponents, including tying the bill's provisions to the reclaimed water registration process.