



Oregon  
Environmental  
Council  
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The Nature  
Conservancy



Chair Helm and members of the Committee,  
House Committee on Water  
Feb. 25<sup>th</sup>, 2021

RE: Water Use Measurement & Reporting

Trout Unlimited, WaterWatch of Oregon, Wild Salmon Center, The Nature Conservancy, and Oregon Environmental Council (hereinafter Conservation Groups) would like to thank the Water Committee for this opportunity to share with you an update on our work to date in advance of the forthcoming substantive amendment. While HB 3166 is a placeholder bill, we offer the following collective comments on the need for enhanced measurement and reporting and the Conservation Groups' participation in the Water Data Work Group.

Water use measurement and reporting is the cornerstone of effective water management, efficient water use and accurate long-term water planning. It is a foundational, common-sense tool that is necessary to provide good data on water use throughout the state both to help water users better manage their water rights and to help the state carry out its many water management responsibilities, including planning for Oregon's water future. Increasing conflicts over water, burgeoning demand for limited water supplies, water transfers, instream flow protection, federal laws, water right adjudications, smart economical farm management – all of these things necessitate enhancements to Oregon's current framework for water use measurement and reporting.

**A. The benefits of enhanced water user measurement and reporting include:**

**1. Better Water Management and Water Planning:** In order for the state to fulfill its water management responsibilities and water planning functions, it is essential that water use be measured and reported. Water use data is used for a variety of the Oregon Water Resources Department's existing program areas, including:

- Understanding water availability: Water use data is used to refine WRD's water availability model, which is then used to evaluate whether new permits can be issued
- Sustainable water management: Water use data is used in basin groundwater studies to assist with characterizing the aquifers and in long-term management of aquifers, including critical groundwater areas
- Protecting existing water right holders from injury in water right transactions: Historical water use data is used to support injury determinations for proposed water right transfers, permit amendments and instream leases
- Protecting water rights on the ground: Water use data is used by water masters to distribute and regulate water use for the protection of senior rights, resolving disputes among water users and ensuring use is within limits of the water rights
- Promoting efficiency: Water use information can support efficiency and conservation projects
- Certification of water rights: Water use data provides information for use as final proof evidence needed to receive a water use certificate

**2. Equity Amongst Users:** All governmental entities, including municipalities and irrigation districts (ORS 537.099(1)), and most new water permits issued since 1993 are required to measure and/or report water use. This accounts for roughly 23% of all water use. Basic fairness, common sense and principles of good management demand that all water users that make a significant diversion of streamflow or appropriate water within a high priority area for groundwater should measure their use.

**3. Improved Efficiency and Management:** Water use measurement enables active water management by water users. By knowing how much water is being diverted, a user can adjust water withdrawals to comply with legal limits and can also manage diversions more accurately for crop and other needs at any particular time. Better on-farm management can lower costs, reduce waste, stretch supplies, and increase yields. Measurement data can help users develop improvements in their business operations and to plan for present and future needs. Measurement data also enables water users to engage in split-season instream leasing and to support applications for grants and loans for efficiency upgrades. Water use data can be used to rebut allegations of forfeiture for nonuse. Cities and irrigation districts can use water use data in water conservation and management plans.

**B. The state of Oregon has long recognized the importance of water use measurement and reporting:**

The importance of water use data has been highlighted in numerous state water reports including but not limited to the 1997 Oregon Plan, the 2000 Water Resources Commission Water Management Strategy, the 2012 Integrated Water Resources Strategy, the 2016 Secretary of State Audit of the Oregon Water Resources Department, the 2017 Integrated Water Resources Strategy Update, and the 2019-2024 Water Resources Commission Strategic Plan. These documents recognize that water use data provides a solid foundation for the state to make sound decisions to protect existing water right holders, facilitates planning for future water supplies and may prevent time consuming and costly conflicts in the future.

**C. Conservation Groups' collective efforts to increase the pace and scale of water use measurement and reporting in the 2021 session**

Conservation groups have long sought to increase the pace and scale of water use measurement and reporting in the state. From urging the state to require measurement and reporting on all new water rights in the early 1990s, to participating in the Commission's development of its 2000 Strategic Water Measurement Plan, to influencing the Integrated Water Resources Strategy's approach to increased measurement and reporting, our message has been consistent: "you can't manage what you don't measure."

In approaching the 2021 session, Conservation Groups were active participants in the Water Data Work Group convened by Chair Helm. We carefully reviewed notes from Rep. Helm's 2017 Measurement and Reporting Workgroup and other past efforts and attempted to include in our proposed legislative concept language that addresses concerns raised by users over time. In frequent meetings with the water user group, we shared our goals and suggested solutions, committed to continued collaboration to ensure those solutions would be supported in the budget process, and produced several proposals for consideration by the water user group.

In August of 2020, Conservation Groups developed a broad Measurement and Reporting Principles Document (attached). From there, Conservation Groups developed a draft legislative proposal that built upon and refined the Commission's 2000 Water Measurement Strategy. In the first week of

January 2021, Conservation Groups discussed and distributed our draft legislative proposal to the Policy Subgroup of the Water Data Workgroup. Later in January, we also developed, discussed and distributed to the Policy Subgroup a document outlining areas where the Conservation Groups were willing to discuss possible amendments to our original proposal. All distributed documents were developed by the Conservation Group collectively. Though we have received alternate proposals from one or more members of the water user group, Conservation Groups are still awaiting feedback from the full water user group regarding our initial proposal and our possible amendments.

Throughout this work, we have appreciated the timely and thorough responses from the Water Resources Department and their willingness to make key staff available for meetings with the Work Group to explain current policies and practices related to water use measurement and reporting.

**Summary:** Measurement is fundamental to management. Water measurement is a common-sense tool that is necessary to provide reliable data on water use throughout the state, to help water users stay within their legal limits and use water more efficiently, and to help the state carry out its statutory water management responsibilities. This is essential information as the state works to manage our current water use and to craft a sustainable, equitable and scientifically based water future that ensures enough water is available to meet the needs for both instream and out-of-stream uses.

The Conservation Groups have appreciated the opportunity to work with a diverse group of stakeholders on this important issue and look forward to further discussions following introduction of the substantive amendment to HB 3166.