

# WATER LEAGUE

*The mission of Water League is to engage  
the public in the stewardship of water.*

P.O. Box 1033  
Cave Junction, OR  
97523

chris@waterleague.org  
(541) 415-8010

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February 11, 2023

To: House Committee On Agriculture, Land Use, Natural Resources, and Water  
Representative Ken Helm, Chair  
Representatives Annessa Hartman and Mark Owens Vice-Chairs

RE: Water League opposes HB 3187 because it reduces the standards for who may become Certified Water Right Examiners (CWREs), runs afoul of the spirit of the statutes throughout ORS 672, and confers a special-interest authority to irrigation, drainage, and water control districts to have their employees perfect and manage water rights leading to potentially serious and wide-ranging conflicts of interests.

Chair Helm, Vice-Chairs Hartman and Owens, and Committee Members,

Water League opposes HB 3187 because it selects certain water users (irrigation, drainage, and water control districts) at their request to be preferred entities whose employees can be certified as Water Right Examiners. The selection of these employees for special status, hitherto given only to educated and licensed engineers, lowers the bar for the professionalism of CWREs and begs the question: why them?

Why are not farmers who have been water right certificate holders for seven or more years also eligible? Or, why not allow all the long-term staff at SWCDs and watershed councils to become CWREs? Or, for that matter, why not permit water dowers who've been in business for more than seven years to have a crack at being a CWRE? What's to stop anyone from being eligible?

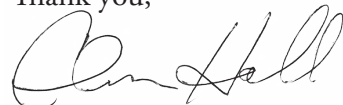
HB 3187 suggests that working seven years for an irrigation, drainage, or water control district (no matter their actual skills and education) is equivalent to the specific education, registration, and licensing required of professional engineers, geologists, or land surveyors. There is no justification or credible proof for such a suggestion; rather, there is only an arbitrary assertion without cause. Working for any one of the districts for seven years (or any amount of time) is not comparable to the professional engineering education and degrees required to obtain a license or registration. Reducing the need for professional qualifications, as HB 3187 does, is not justified.

HB 3187 scoffs at the spirit of the ORS 672 statutes such as ORS 672.098 “Minimum qualifications for registration as professional engineer” and other similar statutes. ORS 672.146 “Alternatives to degree requirements” declares “The rules adopted by the board under this section shall include, but need not be limited to, provision for recognizing military training or experience **that is substantially equivalent to education received in a degree program...**” The inconsistency between HB 3187 and the existing statutes guarding the integrity of Oregon’s engineered systems demonstrates that the rationale for HB 3187 is political, preferential, and unscientific. HB 3187 exemplifies some of the most damning critiques in the recent scathing Advisory Report, “State Leadership Must Take Action to Protect Water Security for All Oregonians,” published by the Oregon Secretary of State Audit Division on the poor governance and management of Oregon’s water.

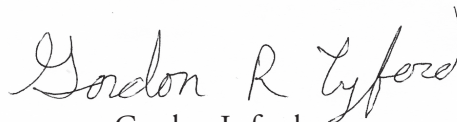
Statewide, there are just under 250 CWREs. There is a strong argument brewing for ongoing management of the existing water rights in Oregon given increasing water scarcity and the need for better governance and management. The state must ensure ongoing water use established by water right certificates is beneficial, that it is in the public interest, and that it does not impair the public health, welfare, and safety. Ever since thousands of water rights were perfected in the state, they have been used without reasonable and sufficient oversight. If more CWREs are needed, and they are, going to employees of irrigation, drainage, and water control districts would make the lack of oversight worse because it would inject a serious conflict of interest into the process with the irrigation, drainage, and water control districts deciding the fate of new water right permits, transfers, and existing certificates for themselves and for others from whom they lack critical and professional distance.

There is a need for more CWREs to periodically go about and audit all the water rights in Oregon to ensure the water use established by those rights is continuously beneficial and in the public interest. And in some cases, there is a need for transfers and the issuance of new water right certificates. But HB 3187 is not a solution to meet this need; instead, it is a bill that would most likely lead to water right certificates that impair the public health, welfare, and safety.

Thank you,



Christopher Hall  
Executive Director



Gordon Lyford  
Board Member, CWRE #341