

WATER LEAGUE

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

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February 16, 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: Follow-up response to the Public Hearing on HB 3187 on February 14, 2023

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

After watching the HB 3187 public hearing at 4:30 pm on February 14, 2023, I, Gordon Lyford, want to provide these follow-up comments for your consideration. HB 3187 proposes a shortcut for some irrigation district employees to become Certified Water Right Examiners (CWRE). The testimony was from representatives of three irrigation districts and an industry lobbyist. Their testimony went beyond the limited description in the bill text. It seems that the main problem they hope to solve is the difficulty of hiring CWREs in a timely manner. They also mention that it is only a minor change.

Firstly, it is not just a minor change but a fundamental change to a successful 35-year-old law.

Secondly, reducing the CWRE standards is not the solution to hiring more CWREs. The CWRE program created by the Legislature in 1987 has worked well, and since then hundreds of CWREs have been registered. Perhaps these irrigation districts want a reduction in CWRE qualifications to avoid due diligence. One district witness even maligned the entire engineering profession to support their argument.

An industry lobbyist who testified at the public hearing noted that the irrigation and water districts are government agencies, suggesting the public sector is unlikely to experience conflicts of interest. That statement is just more lobbying and we know it not to be true.

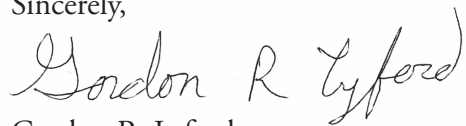
I wonder if these irrigation districts hire licensed plumbers, licensed electricians, lawyers of the bar, licensed commercial truck drivers, or professional engineers to

do any district work. Would they also eventually want to get shortcuts to lower standards so that irrigation district employees, with seven years of experience, can do the work of these licensed professions?

Instead of changing a state law that has worked well to protect Oregon's engineered systems, perhaps these few water districts should have an employee go through the regular procedures to become a CWRE.

What is the real problem causing such a large demand for CWREs in these irrigation and water districts? It seems that the need for CWREs is related to water right transfers. For transfers, CWREs only need to prepare application maps, and eventually, Claim of Beneficial Use Reports and Maps. CWREs are not required to prepare the water right transfer applications. Is there a large need for district water right transfers to bring into compliance non-conforming water uses? If so, maybe a full audit of the irrigation districts' water rights should be conducted by qualified CWREs?

Sincerely,

A handwritten signature in cursive script that reads "Gordon R. Lyford". The signature is written in black ink and is positioned above the printed name.

Gordon R. Lyford

Board Member CWRE #341