



March 23, 2023

House Committee on Agriculture, Land Use, Natural Resources, and Water
Oregon State Legislature
900 Court St. NE
Salem, Oregon

RE: HB 2929 - Oppose

Chair Helm, Vice Chairs Owens and Hartman, and Members of the Committee,

Thank you for the opportunity to submit testimony in opposition to HB 2929. The organizations joining in this letter support the goal of stopping illegal water use. Our members are legal water users who may be injured by illegal water use. However, we oppose HB 2929 because the Oregon Water Resources Department (“OWRD”) already has authority to halt illegal water use, and the mechanism proposed by HB 2929 poses an unacceptable threat to legal water users.

The Oregon Water Resources Department (“OWRD”) already has authority to issue orders to stop what it perceives as illegal water use. Further, OWRD has authority to issue civil and criminal penalties against persons and entities who engage in illegal water use. OWRD rarely exercises these tools, and we are concerned about expansion of the injunction statute, beyond its original intent, without additional benefits to combat the issue of illegal water use, and without OWRD identifying that such additional authority is necessary to fulfill its duties.

Moreover, we are worried that HB 2929 will not be supportive of current, legal water users. OWRD’s orders are not always correct. The current process for regulating off water users affords such legal users a clear process to challenge incorrect orders and satisfy due process before water is taken without compensation. Under the current process, water users may ask the State’s circuit courts for judicial review of OWRD’s orders, and stay OWRD’s orders while the courts decide the cases.

HB 2929 proposes to expand ORS 537.781, which currently only allows OWRD to obtain injunctions to *prevent* illegal well drilling. In such cases, the injunctions seek to maintain the *status quo*, rather than seeking to stop ongoing water use. Such an expansion would reverse the current procedure for stopping illegal water use. We are concerned this reversal would not afford legal water users the same opportunity to challenge incorrect agency determinations.

For these reasons, the undersigned organizations urge the Committee to vote against HB 2929, and seek alternatives to combat illegal water use that will not be detrimental to the legal water user community.

Sincerely,
Oregon Association of Nurseries
Oregon Cattlemen's Association
Oregon Dairy Farmers Association
Oregon Farm Bureau
Oregon Water Resources Congress