

March 29, 2023

Dear Chair Helm, Vice Chair Hartman, Vice Chair Owens, Members of the House Agriculture, Land Use, Natural Resources, and Water Committee.

Local Governments stand in strong support of HB 3021, a bill that would allow an individual to not be at risk of losing their water right if water conservation practices are conducted.

Current statute (ORS 540.610) states that whenever a water right holder fails to use all or part of their appropriated water for a period of five successive years, it is a presumption of forfeiture for that right. Statute does lay out the process a water right holder can use if they wish to challenge the 'presumption of forfeiture;' however one of those pieces is they need to show that had the water been available they were ready, willing, and able to use what was being allotted to them.

Local Governments, pursuant to ORS 536, can seek an official drought declaration from the Governor. Before requesting the declaration however, they need to take official action to declare a drought at the local level. Local governments also frequently make the request of their constituents to conserve water when a drought declaration is approaching or having been declared. If we know a drought is on the horizon and request individuals to not use as much water, under the current statutory provisions, they could be at risk of losing their water rights.

As of today, four counties have already declared a drought and all of them received the Governor declaration. In 2022, 17 of Oregon's 36 counties received a Governor Drought Declaration. In 2021, 26 counties received such a declaration and in 2020 the number was 15. With rising temperatures and changing climate, it is anticipated that water scarcity will continue.

Again, we respectfully request your support for HB 3021 and that our constituents with water rights can have the comfort and safety of doing conservation activities without the fear of a water right forfeiture presumption.

Thank you for your consideration on this request,

Branden Pursinger
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