



February 20, 2025

House Committee on Agriculture, Land Use, Natural Resources, and Water
Oregon State Legislature

Dear Co-Chair Helm, Co-Chair Owens, Vice-Chair Finger McDonald, and Members of the Committee:

Our organizations collectively represent the most significant sectors of Oregon's agricultural community. Our members produce food and fiber in every county in the state, and all rely—at varying levels—on adequate and timely irrigation to sustain local economies, maintain viable farm operations, and contribute to food production at the local, regional, national, and international levels.

We appreciate the opportunity to share our concerns regarding HB 3419 and the -3 amendments. Our members fundamentally oppose blanket water use reporting for several reasons, which we outline below. We believe that agricultural water use is already highly regulated and that the Oregon Water Resources Department (OWRD) currently has the authority to require measurement in many instances, including in specific geographic areas where there are conflicts or concerns. Given the department's ongoing financial constraints, staffing shortages, and administrative backlogs, we question the feasibility of implementing this expanded reporting requirement effectively. Before granting OWRD new or additional authority, especially when, as here, related to modifying existing, vested water rights (real property rights), we urge a more deliberate examination of what specific new authority or data collection mechanisms the department actually needs.

Without proper data protection, we believe that there is a substantial risk of misinterpretation that would dramatically expose the state, water users generally, and the agricultural community as a whole to the fallout of unintended consequences. We've already seen legislation considered this session that clearly highlighted the lack of understanding with respect to the fundamental agronomic complexity of farm/crop systems. It is not unreasonable to anticipate that any data collected would be subject to similar well-meaning, yet misguided scrutiny in a public forum that may not be properly suited for its consideration.

Key Concerns

1. Data Privacy and Forfeiture Risks

HB 3419 -3 does not include protections limiting how OWRD or third parties can use the collected data. Most farmers use less than their legally authorized water allocation yet want to maintain that water right for future cropping flexibility and/or for conservation uses. Without clear safeguards, this data could be weaponized in forfeiture proceedings by outside interests. The bill must include explicit provisions protecting water users from forfeiture claims based on reported usage data.

2. Aggregation of Data

Municipalities and irrigation districts currently report their water use in an aggregated format, ensuring that individual water users remain anonymous. We strongly believe that any new reporting requirements must maintain this level of aggregation, ensuring data is released only at a basin-wide or system-wide level. Additionally, we urge the committee to focus on aggregate diversions and oppose the measurement of internal re-diversions within an irrigation system.

3. Annual, End-of-Season Reporting Only

While irrigation districts and municipalities already report annually, we are concerned that some special interests and perhaps even OWRD seek continuous remote access to measuring devices, many of which are directly linked to irrigation system controls. Perhaps in the future this may be more of a reality, but for now it raises serious data security and operational concerns. Family farms and ranches should not be required to submit data in real-time or provide access to critical infrastructure. We urge that any reporting requirement remain annual, end-of-season only, ensuring that compliance does not interfere with peak irrigation demands.

4. Cost Burdens and Contingencies

While the bill outlines cost-sharing provisions, the financial burden of measurement devices, installation, and maintenance remains prohibitively expensive for many agricultural operations. The bill states that the state *may cover up to 75%* of these costs, but it does not require or guarantee any cost-sharing. Additionally, there is no assurance of full funding for the proposed program, nor does the bill address what happens if a water user is mandated to install measurement equipment when no funds are available.

These costs must be viewed within the broader financial pressures facing Oregon's agricultural producers. This includes a proposed 135% increase in OWRD fees just to maintain the agency's current service levels, along with additional fees from multiple agencies, including the Departments of Agriculture, State Lands, Land Conservation and Development, and Fish and Wildlife. These financial strains come amid an unprecedented agricultural economic downturn and an increasingly complex regulatory landscape. Given these challenges, the costs of procuring, installing, and maintaining reporting and measurement devices should not fall on permitted users. The state must ensure that any mandated requirements are fully funded to prevent further financial hardship on Oregon's agricultural community.

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Furthermore, the bill does not address what happens when a measurement device fails during the irrigation season. The legislation must include clear allowances for unavoidable equipment failures, including time extensions and financial assistance for repairs or replacements under the cost-share program. Instead, the current version of the bill expressly subjects water users to civil penalties when they fall short under the mandates, regardless of circumstances. Beyond the costs discussed above, the bill proposes very large administrative burdens on water right holders to continuously record and report water use, a burden which is completely unrecognized by the bill, while at the same time subjecting those water right holders to substantial fines. Additional consideration should be afforded to water right holders before this Legislature moves forward to fundamentally change water right holders' existing, vested water rights (real property rights).

5. Cost-Benefit Concerns

Fundamentally, we do not believe water users should be required to bear the cost and burden of reporting when OWRD lacks the infrastructure and resources to meaningfully process or utilize the data. Based on our understanding, data currently submitted by municipalities and irrigation districts is not integrated into a central database or used for decision-making. Before expanding reporting mandates, OWRD must first demonstrate that it has the capacity to manage, analyze, protect, and apply the data it already collects. We support data-driven water policy that enhances resource management and protects all stakeholders. However, we must ensure that water users are not subjected to unnecessary administrative burdens, excessive costs, or risks of data misuse.

Before imposing sweeping new reporting mandates, the state must identify existing authorities related to measurement, clarify its actual data needs, address existing resource gaps, and provide safeguards against unintended consequences. Without these assurances, HB 3419 -3 risks creating significant regulatory and financial burdens on family farms and ranches while failing to achieve meaningful water policy improvements.

We welcome continued discussions on OWRD's data needs and broader water management strategies. However, we remain concerned that this bill is putting the cart before the horse—creating new obligations for water users before addressing critical funding shortfalls, technological limitations, and fairness concerns. Additionally, the relationship between this legislation and the proposed 135% fee increase must be fully explained before moving forward.

We appreciate your time and consideration.

Sincerely,

Oregon Farm Bureau
Oregon Cattlemen's Association
Oregon Association of Nurseries
Oregon Dairy Farmers Association
Oregon Water Resources Congress
Oregonians for Food and Shelter
Columbia Gorge Fruit Growers