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February 19, 2025

House Committee on Agriculture, Land Use, Natural Resources, and Water  
Co-Chair Ken Helm, Co-Chair Mark Owens, Vice-Chair Sarah Finger-McDonald

RE: Testimony in Opposition to -3 amendments to HB 3419

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

The Oregon Water Resources Congress (OWRC) is providing testimony in opposition to the -3 amendments to HB 3419, which would unnecessarily expand the Oregon Water Resources Department's (OWRD) existing authorities related to water measurement and reporting. We are not opposed generally to measurement and reporting, nor are we opposed to making improvements in collecting data useful for water management in Oregon. However, the -3 amendments would provide OWRD with overly broad authority that will only compete with and undermine other ongoing water management efforts. Further, the -3 language does not provide adequate resources to enable implementation and does not focus on the areas where new or improved data are needed the most.

OWRC is a nonprofit trade association representing irrigation districts, water control districts, drainage districts, water improvement districts, and other local government entities delivering agricultural water supplies throughout Oregon. These water stewards operate complex water management systems, including water supply reservoirs, canals, pipelines, and hydropower facilities. OWRC members deliver water to approximately 600,000 acres of farmland in Oregon, which is over one-third of all the irrigated land in the state. And most importantly, irrigation districts and similar local government entities are already subject to water use measurement and reporting under ORS 537.099, among other authorities.

OWRC and its members are generally not opposed to water measurement and reporting. In fact, we have been supportive of some recent proposals, particularly when they are aimed at leveling the field so that all water right holders are treated the same when it comes to measuring and reporting their respective diversions from common sources. However, unlike previous proposals, the -3 amendments would give OWRD a broad brush of authority that far exceeds existing authorities as to what/when/how it can require measurement and reporting. This approach does not align with existing statutes and infringes on the core function of districts to manage water within their boundaries for the benefit of their patrons in accord with their established water rights, similar to how cities manage water supplies for their water users. See, e.g., ORS 540.270, which makes clear that the distribution and management of water from the irrigation systems of local districts "shall be under the exclusive control" of the directors of those districts. In exercising their authorities, districts and local governments already implement measurement and reporting requirements that are tailored to and facilitate the operation of their systems. Meanwhile, the -3 amendments would open the door to duplicative and competing efforts to manage water within districts and local governments, undermining the very purpose and benefits of having districts and local governments overseeing water deliveries in the first instance. In short, the -3 amendments would create another unnecessary layer of overlap, far exceeding the mere codification of OWRD's existing measurement and reporting authorities.

We urge you to not move the -3 amendments to HB 3419 forward and reconsider how to improve water data collection in Oregon. OWRC is ready to constructively engage in crafting revised language that addresses our concerns and focuses on what we understand to be the intended purpose of the current effort as described to us in earlier discussions. Thank you for your consideration of our testimony.

Sincerely,  
April Snell  
Executive Director

***The mission of the Oregon Water Resources Congress is to promote the protection and use of water rights and the wise stewardship of water resources***