



WaterWatch of Oregon

Protecting Natural Flows In Oregon Rivers

HB 3342-1

Testimony of WaterWatch of Oregon

by Kimberley Priestley

House Committee on Agriculture, Natural Resources, Land Use and Water

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Founded in 1985, WaterWatch is a non-profit river conservation group dedicated to the protection and Oregon's rivers and aquifers to sustain fish, wildlife, recreation and other public uses of Oregon's waters. We also work for balanced water laws and policies. WaterWatch has members across Oregon who care deeply about our rivers, their inhabitants and the effects of water laws and policies on these resources.

WaterWatch supports HB 3342-1

HB 3342-1 would improve certain water right transactions and processes, including but not limited to:

Improvements to doing business with the Oregon Water Resources Department (OWRD): Changes to simple provisions such as electronic notice and allowing the use of credit cards for all OWRD transactions will help not only the Department, but water right holders and the public conduct day-to-day business with the agency.

Improvements to water right processes: The -1 amendments include a number of provisions that will help streamline water right processing, minimize speculative applications and reduce legal challenges. These include but are not limited to:

- Returning applications that cannot be approved in critical groundwater areas, withdrawn or restrictively classified areas, which will both reduce applicant costs and potential legal challenges to agency denials. This provision should help curb the growing contested case backlog.
- Limiting transfers and permit amendments into critical groundwater areas, withdrawn, restrictively classified and groundwater management areas, which will help ensure existing groundwater management problems do not get worse.
- Limiting extensions to municipal water right holders only, which will help reduce speculative water right applications and ensure that non-municipal applicants seeking water rights are ready, willing and able to put water to use within 7 years.
- Expanding the criteria for challenging the presumption that a water right application is in the public interest based on certain statutory criteria to include consideration of the fact that a proposed place of use is within a groundwater management area declared pursuant to ORS 468B.180 (water quality).
- Closing application files due to applicant non-responsiveness after the Department's initial review, which will ensure that applicants cannot come in years later to revive applications and claim earlier priority dates.

WaterWatch is supportive of these provisions as they provide positive steps forward for applicants, the state and the public.

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That said, while these are all a step in the right direction, there are other provisions that we think would help “improve water right processes” that are not yet in the bill that we think deserve additional consideration, these include but are not limited to:

- Expanding the pool of applications that the state can return because they cannot be approved to those that seek surface water in areas where rivers are fully or over appropriated.
- Setting a reasonable time limit on municipal extensions, say 20 years, to get away from some of the extremely long extensions the state has granted, some as long as 100 years.
- Reforming or removing the alternative reservoir process to eliminate unintended loopholes and also provide consistency for applicants.

We urge further consideration of these as we think they would help address some additional longstanding water right issues the state has grappled with.

In closing, we support the water right improvements in the -1 amendments as they provide significant improvements over existing processes. We thank the Co-Chairs for their work on this important issue.

Thank you for your consideration of our testimony.

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