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Testimony concerning of HB 3342 -1 – Submitted to the record electronically

Chair Helm, Co-Chair Owens, Vice Chair Finger McDonald, Lively, and Members of the House Committee on Agriculture, Land Use, Natural Resources and Water Committee

Thank you for the opportunity to submit testimony on behalf of Oregon Cattlemen's Association (OCA). OCA represents ranchers across the state of Oregon and works to promote environmentally and socially sound cattle industry practices by maintaining an active political presence in these related areas. Water is a critical and precious resource for sustaining animal life and producing food and valuable byproducts for the State and the world.

OCA supports the administrative efficiencies created by Sections 1-10 of the -1 Amendments. OCA has concerns regarding the remainder of the -1 Amendments. However, because Representative Owens explained at the March 12, 2025 hearing that there will be continuing discussions regarding the bill, and because we understand that further changes to the bill will be forthcoming, OCA is neutral on the bill at this time. Below, we have outlined our primary concerns with the -1 Amendments that should be removed or changed in the next round of amendments.

Decision-Making without Adequate Consideration

The -1 Amendments create certain categories of "areas" in which the Oregon Water Resources Department ("OWRD") is either required or authorized to return applications soon after submission rather than continuing to process the applications. While we understand that such proposed provisions are suggested to create efficiencies, the provisions would allow blanket denials without application of science or consideration of special circumstances that may be found in particular applications. Furthermore, the focus on "areas" as opposed to particular sources of water, mean that applications within such areas may be denied without consideration of whether the source of water is fully appropriated or withdrawn from further appropriation.

Increased Burdens on Applicants

The -1 Amendments provide that 30 days after the date of the public notice for a new application, the applicant must notify OWRD that it wishes to proceed with its application. First, the applicant just submitted its application, so they clearly wish to proceed. Second, the additional notice only serves to create inefficiencies in OWRD by requiring an additional step. Third, the additional burden placed on applicants is too high if they are unsophisticated or not available to provide the additional notice. Applicants may miss this arbitrary and unnecessary deadline, only to have their application essentially denied without reason.

Retroactive Applicability

The -1 Amendments propose that certain provisions should apply to current applications retroactively in contradiction to ORS 536.031. Applications must be processed based on the statutes and rules applicable at the time such applications are submitted to OWRD. To do otherwise would be patently unfair to persons to submit such applications based on the laws in effect at the time of submission. The State should not continue to move the bar for application approval.

Unnecessary Restrictions on Transfers

The -1 Amendments propose to limit the availability of transfers in certain "areas" without consideration for whether such transfers would create injury or enlargement (the primary criteria for transfers). Now, more than ever, the State needs to encourage flexibility in the exercise of existing water rights to encourage maximum efficient use and conservation of the State's finite and valuable water resources. The proposed limitations will create bad water policy and will harm water users and residents of the State.

Unnecessary Restrictions on Extensions

The -1 Amendments propose severe new restrictions to water right permit extensions. OWRD already has significant authority to deny additional transfers when the circumstances require. Like the proposed restrictions on transfers discussed above, the proposed restrictions on extensions is unnecessary and will create bad water policy. Furthermore, the proposed restrictions will severely harm water users who have meaningfully invested in their water development, but who have not completed that development for various, justifiable reasons.

Thank you for your consideration of these important issues while the committee continues conversations regarding House Bill 3342-1 and further amendments to the bill. OCA looks forward to continuing to engage on these concepts.

Thank you for your consideration.

Respectfully submitted,



Matt McElligott, President
OREGON CATTLEMEN'S ASSOCIATION