



WaterWatch of Oregon

Protecting Natural Flows In Oregon Rivers

HB 3800 **Testimony of WaterWatch of Oregon** by Kimberley Priestley

House Committee on Agriculture, Natural Resources, Land Use and Water
March 26, 2025

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 opposes HB 3800 (and forthcoming amendments which import parts of HB 3801 and other provisions).

WaterWatch opposes HB 3800 and what we understand will be in forthcoming amendments as they would undermine the state's existing statutory authority and duty to manage and protect groundwater in the Harney Basin to ensure the preservation of the public welfare, safety and health.

There are two processes currently underway in the Harney Basin related to addressing groundwater overallocation issues in the basin. The Harney Place Based Collaborative has been meeting since 2016 and spent years formulating a consensus-based Groundwater Plan, and the Oregon Water Resources Department Div 512 rules advisory committee has been meeting for nearly two years. WaterWatch is an active member of both of these processes, though we are not testifying on their behalf. Neither the bill nor the amendments were discussed with the Harney Collaborative or the Div 512 RAC.

WaterWatch learned of the amendment concept last Friday afternoon. From the concept outline shared with us, our assessment is the amendments will undermine collaboration, science, long-standing water right conditions, and the ongoing rulemaking process. It undermines years of work by agencies, tribes, farmers, community members and conservation groups

A few of our specific concerns with the amendment concept as we understand it include:

- It would allow unsustainable use of groundwater in the Harney Basin;
- It would directly interfere with the rulemaking process;
- It would directly override the proposed groundwater pumping limits developed by OWRD in the rulemaking process - and legislate significantly more pumping. The majority of this increase would occur in the NE Crane sub-area, elevating certain economic interests over sustainability.
- It would prohibit enforcement of water right conditions that exist to ensure the preservation of the public welfare, safety and health;
- It would require the state to approve voluntary agreements among groundwater pumpers that do not meet groundwater management standards

- It would trump the state's ability to regulate groundwater in the soon to be designated Critical Ground Water Area;
- It would authorize pumping of over-taxed aquifers to the detriment of existing domestic well owners, senior water right holders and groundwater dependent ecosystems alike;
- It authorizes changes to certificated water rights to increase the pumping rate without requiring application for a new right or any review of the impact on the resource or other water rights; and
- It allows OWRD's to accept new water right applications, with no stated sideboards, for a mitigation program that doesn't exist and has never been discussed in the Collaborative or the 512 RAC.

In sum, this bill takes water management in the Harney Basin in the wrong direction and undermines years of work towards finding a durable solution in the Harney Basin.

We urge opposition to this bill, including opposition to moving to Rules for further work and instead urge the Legislature to allow the state to finish its work in the Division 512 rulemaking.

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