



WaterWatch of Oregon

Protecting Natural Flows In Oregon Rivers

HB 2803 **Testimony of WaterWatch of Oregon** by Kimberley Priestley

House Committee on Agriculture, Natural Resources, Land Use and Water
March 31, 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 is neutral on HB 2803

All water in Oregon belongs to the public. That said, Oregon does not charge a fee for the private use of the public's water, nor does Oregon charge a fee for the ongoing administration of the over 90,000 water rights that exist in the state today. Fees charged to water users are largely to cover a portion of the cost to the state to process water right transactions, including but not limited to processing of new water right applications, extensions, transfers and other allocation or reallocation requests.

As a general matter, WaterWatch supports OWRD fees to support the Department's work to process requests to use the public's water. Fees have historically constituted roughly 50% of the state's processing cost, with the public supporting the remaining portion (though the public portion has risen above 50% in recent years and still remains over 50% in HB 2803 as we understand it).

That said, while we generally support OWRD fees to offset the cost to the state to process requests for use the public's water, three provisions of HB 2803 raise concerns for WaterWatch.

First, under HB 2803 the protest fee for a third party to challenge an OWRD decision will rise to \$2,235. This fee provides a significant barrier to those representing public interests in the state water processes. Given that water in Oregon belongs to the public, it is critical that the public have a voice in the processing of water rights that allow use of that water in perpetuity. We would urge the Committee to reject this fee increase.

Second, the protest fee for applicant challenges of agency decisions is only half of third-party fees. This is inequitable and unfair. A water right application fee, which is already subsidized by the public, is meant to get the applicant to the state's decision on the water right, either a proposed approval or denial. If an applicant then wants to challenge the state's proposed denial, the applicant should have to pay the same fee as any other protestant. We would urge the Committee to ensure that applicant protest fees are equal to third party fees.

And third, we have concerns about the increasing costs of instream transactions, whether instream leases, transfers or use of the Conserved Water Act. Most rivers and streams across the state are overallocated and iconic fish and wildlife species are increasingly imperiled. Restoring water instream is of great benefit to both species and the public and should be incentivized. Raising instream transaction fees could chill efforts to restore water to Oregon's rivers and stream. As such, we would urge the committee to reject fee increases related to instream leases, transfers and use of the Conserved Water Act.

Thank you for your consideration of our testimony.

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