

Submitter: Rene Banes

On Behalf Of:

Committee: House Committee On Agriculture, Land Use, Natural Resources, and Water

Measure, Appointment or Topic: HB3343

OPPOSE

I am writing to express my strong opposition to House Bill 3343, which proposes the requirement for water use meters and reporting to the Oregon Water Resources Department (OWRD) for all government entities and all water rights holders, including both groundwater wells and surface water rights.

This bill is not only an overreach by the government, but it also infringes upon constitutional rights guaranteed by the Oregon Constitution. I urge you to consider the implications of this bill in light of Oregon's legal framework and relevant case law. Here are several critical points of concern:

1. Unconstitutional Property Infringement

Oregon's Constitution protects private property rights, specifically under Article I, Section 18, which states that private property shall not be taken for public use without just compensation. This bill could be seen as a governmental taking of private property rights without due process or adequate compensation. The proposed mandatory installation of water meters for private landowners holding water rights creates a direct government intervention into private property use without any guarantee of compensation or just cause under the Constitution.

2. Excessive Government Regulation

The requirement to install water meters on all government entities, including all cities in Oregon, as well as any water rights holders (both groundwater and surface water users), is an overextension of government control over natural resources. Oregon residents already pay for water rights and are subject to regulatory oversight; however, this bill introduces an additional layer of costly compliance that is unnecessary and burdensome. Such regulations would only serve to further complicate existing systems, particularly for those who rely on community wells and other shared water resources.

3. Violation of Oregon Supreme Court Precedents

In *State v. Brown*, 305 Or. 153 (1988), the Oregon Supreme Court emphasized the importance of balancing regulatory measures with the constitutional protections afforded to property owners. The imposition of civil penalties for non-compliance with this bill is an extreme and disproportionate response to a regulatory issue. There are far less intrusive measures that can be taken to ensure water conservation and reporting without infringing upon property rights or imposing unnecessary financial burdens.

4. Disproportionate Financial Impact on Water Rights Holders

The proposed civil penalties for non-compliance with the installation of meters on private water systems could lead to substantial financial hardship, particularly for

rural landowners, small communities, and non-profit entities. The bill fails to account for the economic realities faced by these individuals and groups, many of whom may not have the resources or technical capacity to comply with the requirements of the bill.

5. The Need for More Transparency and Oversight

While water conservation is undoubtedly a critical issue for the future of Oregon, HB 3343 as written does not provide sufficient safeguards or transparency regarding how the data collected will be used or how the implementation of this bill will be enforced. Additionally, there are concerns about the potential for misuse of collected data, especially given the lack of clarity on the bill's enforcement mechanisms.

6. The Oregon Constitution and Property Rights

As a state, Oregon has historically upheld the importance of private property rights, especially in relation to water use. This bill threatens to undermine the concept of ownership and control over one's property and natural resources by giving the government more control over how individuals and communities manage their water rights. The Oregon Constitution should protect citizens from undue interference in matters concerning natural resources that are rightfully theirs to manage.

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