



**Testimony of WaterWatch of Oregon  
Before the Senate Environment and Natural Resources Committee  
SB 217**

**April 16, 2013**

Founded in 1985, WaterWatch is a non-profit river conservation group dedicated to the protection and restoration of natural flows in Oregon's rivers. WaterWatch works to ensure that enough water is protected in Oregon's rivers to sustain fish, wildlife, recreation and other public uses of Oregon's waterways. We also work for balanced water laws and policies. WaterWatch has hundreds of members across Oregon who care deeply about our waterways, fish and wildlife and the effects of water laws and policies on these resources.

**WaterWatch urges the Committee to support SB 217**

**The issue:** Water in Oregon belongs to the public. Currently, the state does not charge anything for the actual use of this public resource, nor for the complicated, and potentially, perpetual administration and enforcement of a water right once it is issued. Water rights can last forever.

There are over 85,000 existing water rights in Oregon. Many more rights are applied for each year. These rights place huge demands on Oregon's rivers and aquifers and require a complicated system of enforcement and administration. This system places an ever-increasing burden on the state's water resource agencies and increases the need for greater planning and improved water management to meet current and future water needs.

The Water Resources Department is legally bound to administer and manage this system of water rights and the public's waters. The state's duties include the regulation of water rights to the benefit of senior water right holders, enforcement against illegal uses, policy development and many other important duties. With the exception of instream water rights, which are held in trust for all Oregonians, water rights generally benefit private interests. Yet it is the taxpayer that pays for the administration of the system, primarily through the General Fund. The Water Resources Department is highly dependent on the General Fund and only recovers in fees approximately 50% of even the initial cost of processing a water right application. After that initial application fee, the Department recovers nothing from the water right holder for what can be perpetual administration of the water right and the management of the water right system.

**Why this fee is needed:** Imagine, if you can, 11,000 square miles. It's a big area, larger than the area of several individual states - Hawaii, Massachusetts, Vermont, New Hampshire and New Jersey. It's larger than the area of three states combined - Connecticut, Delaware and Rhode Island. What does this have to do with SB 217?

11,000 square miles is the area that ONE watermaster in Oregon (District 9) has to cover by himself. There are hundreds of water rights in District 9. One person is charged with administering all of these water rights across the entire district. The result? Water is managed on a complaint basis and not always according to the law and the responsibilities of the state agency

charged with administering the resource - the Oregon Water Resources Department (WRD). The WRD is legally bound to administer and manage Oregon's system of water rights and the public's waters. WRD duties include the regulation of water rights to the benefit of senior water right holders, enforcement against illegal uses, policy development, and other important duties. Adequate management simply isn't possible with that level of capacity. Accordingly, the system suffers, water right holders suffer and rivers and streams suffer too.

**What SB 217 does:** SB 217 would charge water right holders a modest \$100 per year for the "administration" of the water right. To address water right holder concerns that individual users holding many rights would face large fees, the bill sets a cap of \$1000 for individual water right holders, regardless of how many water rights that user might hold. Municipalities would be subject to a \$2,500 cap.

**What the fees would pay for?** The fees generated by this fund will be used to fund field, technical and administrative activities of the Department that are directly related to water rights management. The fee is intended to increase management capacity beyond which we have today. The positions funded by this fee will increase field capacity, help fund groundwater studies, increase groundwater and surface water monitoring and analysis and help better inform water right holders and the public. The work of this type of staff directly benefits water right holders—whether instream or out-of-stream.

**Please support SB 217:** Oregon faces a budget crisis and is struggling to fund the critical core functions of the Department. The Department must have the capacity to administer the water right system and manage the public waters of the state. All interests – out of stream, instream, economic and environmental will lose if the Department loses this capacity.

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