



HB 3212A

Testimony of WaterWatch of Oregon Submitted to the Senate Business and Transportation Committee June 3, 2015

Founded in 1985, WaterWatch is a non-profit river conservation group dedicated to the protection and restoration of natural flows in Oregon's rivers. We work to ensure that enough water is protected in Oregon's rivers to sustain fish, wildlife, recreation and other public uses of Oregon's rivers, lakes and streams. 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 3212A

What HB 3212A does: HB 3212A would broaden the definition of what constitutes a land use regulation under existing statutes that govern just compensation under Measure 49. Specifically, HB 3212A Section (1)(13)(e)(D) would broaden the definition of a land use regulation to include "any law enacted, or rule adopted, solely for the purpose of regulating a farming practice that was allowed immediately prior to enactment of the law or adoption of the rule."

The proposed bill language is incredibly broad. Because the reach of this bill is potentially so far reaching, it is impossible to fully understand the entire spectrum of laws this could apply to.

From a water perspective this bill is troubling because it could prove to have a chilling effect on state efforts to advance water law and/or rules to help better manage farming practices related to water. Better water management is something that is sorely needed as this state faces increasing water conflicts between users, growing development demands, climate change pressures and increasing instances of drought. Better water management is part of the Oregon's blueprint for instream and out-of-stream water development set forth in the Water Resources Commission's 2012 Integrated Water Resources Strategy. In short, HB 3212A could serve to undermine needed improvements in laws and/or rules governing existing farming practices related to water.

For instance, while water measurement widely acknowledged to be the cornerstone of good water management, many farmers in this state still do not measure their water use. It is an area of law that needs attention. However, under HB 3212A, if the state were to pass a law specific to water use measurement on farms, that would make it compensable land use regulation for the purposes of Measure 49. Another example is conservation. There are many areas of the state where irrigation practices are not as efficient as they could be. For example, in the Deschutes River Basin unlined irrigation canals lose 40 to 60% of the water that flows down them due to leakage. Were the state to pass a law or rule to set irrigation efficiency standards, for the Deschutes Basin for instance, that would constitute a compensable land use regulation under HB 3212A.

Conclusion: We urge the Committee to oppose HB 3212A. The reach of this bill is much too broad and could have significant unintended consequences. With regards to water, this could lead to a chilling effect on advances to Oregon's laws and/or rules to help protect Oregon's water resources for farmers, cities, fish and generations to come.

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