



HB 2706

Testimony of WaterWatch of Oregon Submitted to the House Energy and Environment Committee March 22, 2017

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 supports HB 2706

What the bill does: HB 2706 would charge water right holders a \$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. This bill would not apply to exempt wells, domestic or otherwise.

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 approximately 89,000 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.

What the fees would pay for? The fees generated by this fund will be used to fund field, technical, scientific 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 benefits, as articulated in the Water Resources Commission Revenue Subcommittee Report to the Department that recommend pursuing this fee (attached) and WRD materials developed around SB 217 (2013) include:

- Would enable increased field services personnel to manage water allocations according to individual rights, which would
 - result in more timely distribution of water to senior water right holders, faster resolution to conflicts between users,
 - better protection of instream water rights,
 - provide greater economic opportunity due to increased certainty that water will be distributed according to Oregon law.
- Would enable development of the scientific information needed to make sound water management and allocation decisions, including:
 - Installation/operation of stream, reservoir gauges
 - Conducting detailed ground water analysis, including undertaking groundwater basin investigations to help the state understand the relationship between groundwater and surface water and the availability of both
- Would enable more timely and scientifically supported permitting decisions which would protect current water users, protect the health of Oregon's water resources, protect current economic activity, and would allow for credible decision making in the permitting process which makes it less subject to legal challenge.
- Would protect public safety through dam inspections, as well as well inspections to ensure that wells are constructed in a manner that protects groundwater from toxins and other contaminants.
- 3.9 million Oregonians would no longer subsidize, via the General Fund, Oregonians who are holding water rights that run with their property.
- Would enable development of accurate water right ownership information

In sum, the water rights management fee proposed by HB 2706 would help ensure that Oregon has adequate field staff, science and research to protect water right holders as well as Oregon's limited water supplies..

Please support HB 2706

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