



HB 2295

**Testimony of WaterWatch of Oregon
By Kimberley Priestley
Submitted to the House Energy and Environment Committee
February 13, 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. 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 supports HB 2295

HB 2295 would retain current staffing levels through 2021 for water right processing and dam safety by removing the sunset on the current fee schedule and increasing fees.

WaterWatch strongly supports removing the sunset; this is a provision in the existing law that serves only to encourage political upset every two years as it carries the threat of reducing WRD staff to 2009 levels. We would encourage the legislature to get rid of the sunset once and for all.

WaterWatch also supports increases in fees. Water is a public resource and maintaining an approximately 50% cost recovery for permit processing for those who want to divert and/or appropriate this public resource for their private use does not seem unreasonable. It is important to note that there is no fee for use of water, this 50% cost recovery fee is the only for the processing of the application. Water rights live in perpetuity with no cost to the user who is benefiting from the private use of the state's public waters.

While we support HB 2295, we did want to flag one ongoing concern with the agency's fee structure that institutes a protest fee for third parties that is twice the amount of the protest fee for applicants. A protest is a protest; it is a challenge to an agency decision. To assess different fees is unfair and unwarranted. As previously noted, cost recovery for processing applications is currently only 50%. This minimal fee gets the state to a "yes" or "no" on any given water right application. This minimal fee does not anticipate nor incorporate the cost it takes to resolve protests. As such, there should be a uniform fee for anyone challenging an agency decision.

It is also worth noting that information disseminated by the WRD for the period of 2002 to 2006 and then from 2012 through 2015 documented that roughly two thirds of protests received by the Oregon Water Resources Department are applicant protests.¹

Thank you for consideration of our comments.

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¹ We do not have information for the period 2007 to 2011