



## WaterWatch of Oregon

### Protecting Natural Flows In Oregon Rivers

#### **HB 3182 and HB 3182(-1)** **Testimony of WaterWatch of Oregon** By Kimberley Priestley

#### **House Energy and Environment Committee** **March 21, 2019**

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.

#### **HB 3182 needs amendments to clarify that the original water source must be in compliance with state water right permitting laws found in ORS 537.**

HB 3182 requires a permit for construction, installation or operation of systems for on-site treatment and reuse of non-potable water. However, the bill is not clear that any collection of the "non-potable" (original bill) or "alternative water" (-1's) be in accordance with Oregon Water Law that governs appropriation of Oregon's water.

Most water appropriations do require a water right. Oregon water law does provide for a few exceptions, but they are tightly constrained. For instance, the collection of rainwater without needing to first get a permit is limited by ORS 537.141(1)(h) to the collection of precipitation water from an artificial impervious surface. Moreover, while there are exemptions for reuse of "reclaimed" water under ORS 537.132, these must meet a number of standards to ensure against harm to fish and wildlife and water quality.

HB 3182 and the -1's are not so limited. For instance, the -1's allow for the collection of water from alternative source within or surrounding a building. Alternate water sources are defined as non-potable water sources as defined by the Commission by rule. There is nothing in this bill that would require that the alternate source either have a water right, or meet the tightly constrained exemptions under ORS 537.141(1)(h) and ORS 537.132 among other laws.

While likely not intentional, the construct of this bill could lead to unintended consequences that could not only affect Oregon's rivers and streams, but could affect senior water right holders whose water rights that could be affected by collection from these "alternative sources". The legislature has on numerous occasions rejected bills to expand exemptions to permitting requirements.

To address this problem, we suggest the bill be amended to make clear that nothing in this law affects existing laws governing water right permitting for the original source of water. Sections 2(1)(a),(c) and (d) also need clarification to protect against unintended consequences.

Thank you for consideration of our comments.

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