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House Committee on Water
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Representative Helm, Chair

Testimony on House Bill 3228
Submitted by: Racquel Rancier, Policy Manager

Thank you for the opportunity to provide testimony on House Bill 3228. House Bill 3228 would authorize water right holders and other parties to develop cooperative water management plans. This testimony is provided for informational purposes and the Department is not taking a position on the bill at this time.

In recent years, the Department has recognized a need for local solutions to water management challenges, with the Department seeking to partner with local communities to collaborate on solutions to their water needs. Crafting collaborative solutions to water challenges often requires a significant investment of staff and financial resources from the state and partners as well as years of dedication to advance solutions. The Department believes that investing time and effort into developing voluntary and cooperative solutions is preferable to conflict-based approaches that are expensive and divisive.

The Department has questions about the bill and would benefit from further conversations to better understand the issues the bill is intended to address and to discuss the mechanics for addressing those issues. Further discussions would ensure that what is proposed is feasible and provide needed clarity over certain provisions of the bill. Potential items addressed in the bill that could benefit from further discussion include but are not limited to:

- (1) The scale and scope of the plans. Is the intent to address one water user's issues, or is the intent to address a broader subbasin water management issue, requiring the participation of multiple water right holders?
- (2) The role and purpose of the sponsor.
- (3) Depending on the scope and scale, the length of time and complexity of review.
- (4) The accountability for those that sign onto the plans and whether actions identified in the plans are enforceable for those that sign on.
- (5) Funding and resources for plan reviews.
- (6) The criteria applied to evaluate plans and how those differ from existing criteria for similar transactions, and whether those existing criteria apply.
- (7) Protecting the rights under the system of prior appropriation for those who may be within the geographic area of a cooperative management plan but may not want to be a part of the plan.
- (8) The enforcement provisions of the bill and the Department's role in regulation.
- (9) The process for approving plans and what opportunities non-participants have to due process.