



Testimony by City of Wilsonville Mayor Julie Fitzgerald Supporting HB 3103-1:

Proposed Legislation Corrects Unintended Consequence of Prior 1995 Law Changing Water “Right” to Water “Use”; Clarifies OWRD’s Authority

Scheduled for public hearing on March 18, 2021, before the House Committee on Water

Chair Helm, Vice-Chairs Owens and Reardon, and Members of the Committee:

On behalf of the City of Wilsonville City Council, I am testifying in support of HB 3103-1, which seeks to correct an unintended consequence stemming from legislation passed in 1995.

One of the most important public infrastructure considerations to advance economic development objectives of creating higher-wage industrial jobs and new housing opportunities is the provision of municipal water supplies. As a growing city that has had to confront over the past 25 years two public facilities strategies—known colloquially as a “development or building moratorium”—one of which was based on water supplies, Wilsonville is well aware of the importance of access to water to sustain municipal development.

Recent Congressional approval of the long-studied Willamette River Basin Reallocation in the reauthorization of the 2020 Water Resources Development Act has triggered a state responsibility to implement a water right transaction called a “transfer” in order to access the stored water for multiple beneficial uses. However, the Oregon Water Resources Department (OWRD) recently determined that the agency lacked statutory authority to accept and process character (type) of use transfer applications after decades of established practice.

This issue came about as an unintended consequence of a legislative change 26 years ago that modified water “right” to water “use.” OWRD’s determination of a lack of authority eliminated a crucial administrative process needed for efficient and cost-effective transfers of water from one use to another. This situation leaves municipal water providers in the Willamette Basin without a viable path to access stored water for future needs from water rights that the cities have purchased.

HB 3103-1 clarifies that OWRD has the authority to resume accepting and processing applications to change the use of stored water. Thus, HB 3103-1 facilitates municipal water providers ability to access critical stored water to meet future demands without purchasing a new water right. The City of Wilsonville respectfully urges a DO PASS vote on HB 3103-1. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Julie Fitzgerald". The signature is written in a cursive, flowing style.

Julie Fitzgerald, Mayor
City of Wilsonville