



WaterWatch of Oregon
Protecting Natural Flows In Oregon Rivers

HB 2142

Testimony of WaterWatch of Oregon
By Kimberley Priestley
Submitted to the House Water Committee
January 27, 2021

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 2142

HB 2142 would increase the Oregon Water Resources Department fee schedule for water right transactions and dam safety. This reflects a continuation of the 50% fee structure adopted by legislature in 2009.

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 2142, 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. See Section 1(1)(j)(A) and (B). A protest is a protest; it is a challenge to an agency decision. To assess different fees is unfair, inequitable 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 for any given applicant. 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.

We urge the committee to support HB 2142, but would ask the committee to consider an amendment that would ensure commensurate protest fees for anyone challenging an agency decision.

Thank you for consideration of our comments.

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