



WaterWatch of Oregon

Protecting Natural Flows In Oregon Rivers

HB 3187 Testimony of WaterWatch of Oregon by Kimberley Priestley

House Committee on Agriculture, Land Use, Natural Resources and Water February 14, 2023

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 and aquifers to sustain fish, wildlife, recreation and other public uses of Oregon's waters. 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 concerns with HB 3187

What HB 3187 does: HB 3187 would expand who is eligible to apply for certification as a water rights manager. Currently certified water rights examiners (CWRE) are limited to professional engineers, professional land surveyors and registered geologists. HB 3187 would allow any person who works for an irrigation district for seven or more years to be eligible to apply to be a CWRE.

CWREs must pass an exam showing ability to properly perform the surveying, mapping, hydraulic computations and information gathering duties required by ORS 537.798. CWREs are responsible, among other things, for certifying Claims of Beneficial Use and preparing transfer maps.

Concerns with HB 3187 as written: While we understand the desire to increase the number of CWREs, this bill raises a number of concerns and/or questions regarding the proposed expansion, including but not limited to:

- Applicability: HB 3187 is too broad:
 - HB 3187 allows "any" person who works for an irrigation district to qualify for certification, regardless of whether they have any applicable experience. The pool is not limited to district managers for example but would presumably allow staff who work in human resources, accounts receivable and other district jobs that do not require water right expertise to qualify.
 - HB 3187 is also not limited to full time staff, so presumably if someone worked part time and/or seasonally for seven years would also qualify, which would undercut direct experience hours.
- Accountability: It is unclear if and/or how district employees would be held accountable under this bill:
 - Unlike licensed land surveyors, engineers and geologists who risk their professional licenses if they do not discharge their duties in a professional manner, there do not appear to be any comparable accountability measures in place that would apply to district employees.
 - It is unclear if or how district employees would fit into the current Oregon State Board for Engineering and Land Surveying (OSBILS) system, which oversees CWRE certification, as well as addressing complaints. It is unclear how this would interplay with OWRD.

- Conflicts of Interest: There do not appear to be any checks and balances to ensure CWREs that are district employees could not certify the water rights of the district they work for or engage in other district certifications that could appear to raise conflicts of interest.

Conclusion: While we understand the desire to expand the CWRE pool, given the importance of this work to the state's management of water rights HB 3187 raises concerns as to accountability, required knowledge base and interplay with existing oversight structures currently governing CWREs. We believe this bill needs more discussion.

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