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February 14, 2023

House Committee on Agriculture, Land Use, Natural Resources, and Water
Chair Ken Helm,
Vice-Chair Mark Owens,
Vice-Chair Annessa Hartman,
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony in Support of HB 3187

Dear Chair Helm, Vice-Chair Owens, Vice-Chair Hartman, and Members of the Committee:

The Oregon Water Resources Congress (OWRC) is testifying in support of HB 3187, which changes the eligibility for individuals seeking to take the Certified Water Rights Examiner (CWRE) license exam to allow district staff with equivalent experience to sit for the exam. The bill does not change any exam components or other CWRE license requirements. HB 3187 simply expands the pool of candidates who can take the exam to include district staff who have commiserate experience as individuals currently eligible to take the exam. **The current lack of available CWREs to process district related transactions disproportionately impacts rural Oregon and has become a barrier to efficient water management.**

OWRC is a nonprofit trade association representing irrigation districts, water control districts, drainage districts, water improvement districts, and other local government entities delivering agricultural water supplies throughout Oregon. These water stewards operate complex water management systems, including water supply reservoirs, canals, pipelines, and hydropower facilities. OWRC members deliver water to approximately 600,000 acres of farmland in Oregon, which is over one-third of all the irrigated land in our state. HB 3187 adds district staff of these types of entities as eligible to apply for the CWRE exam, if they have seven years or more of applicable experience.

There are several types of water right transactions and transfers, which are processed and approved by the Oregon Water Resources Department (OWRD). Irrigation districts and similar entities use transfers to help maximize available water for the farmers and ranchers they serve. District staff are currently able to submit water right transfers and certify some maps to OWRD without using a CWRE, under OAR 690-385-2200, and follow many of the same requirements as CWREs. However, districts must use a CWRE to sign off on some types of transfers and other water right transactions, even though the map requirements are generally the same. The lack of availability of CWREs has become burdensome to districts and their patrons who are reliant upon these transfers to move water from one place to another. The majority of CWREs in Oregon are based in urban areas West of the Cascades, not in Eastern Oregon where the need from irrigated agriculture is greatest. This shortage clearly affects rural Oregon disproportionality.

The mission of the Oregon Water Resources Congress is to promote the protection and use of water rights and the wise stewardship of water resources

Currently, the CWRE exam is limited to registered geologists, professional engineers, and land surveyors. Not everyone has equal access to higher education, which can be expensive and time consuming, and no skill, requirement, or other pertinent qualification relevant to CWRE licensing is obtainable solely by the requirements of these other licenses. Allowing experience as an alternative is a small adjustment that helps mitigate educational inequalities and support enhanced technical expertise while easing the shortage of CWREs in disadvantaged rural communities.

The CWRE exam is developed and administered by OWRD and those that successfully pass the CWRE exam are eligible to receive a CWRE license from the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS). OSBEELS itself includes in its qualifications for engineering and surveying exams an exception to include hands-on professional experience to fulfill education requirements (OAR 820-010-2020) but there is no similar option for the CWRE. However, district staff are not seeking to become engineers or geologists; they simply want to access the CWRE exam, increase their technical skills and help their district by filling a void in available CWREs.

HB 3187 does not change any exam components or continuing education requirements and simply provides a pathway for district staff with commiserate water rights experience to qualify for the CWRE exam. OSBEELS will continue to hold the authority to revoke or suspend licenses. Licensed CWREs are required to follow rules of professional conduct (OAR Chapter 820, Division 20) and minimum "Continuing Professional Development," hours to renew their license biennially. For those that successfully pass the CWRE exam, they will then be bound by all applicable requirements to keep and renew their license, as all are all CWRE license holders. HB 3187 also does not change any requirements for water right related transactions and OWRD will continue to review and approve water right related transactions under their existing authorities.

HB 3187 is needed to fill a void in available and affordable CWREs. Without a CWRE, districts and their patrons are unable to access available legal mechanisms to transfer their water right in timely fashion, hampering efficient water management. Providing districts with access to the CWRE exam will help address this need while increasing the professional skillset of staff who already perform map certification and similar CWRE activities. District staff who prepare and submit water right transactions are well versed with the unique characteristics of irrigation district water rights and if afforded the opportunity, can use CWRE certification to become more technically proficient. This small change will help save time and money for these special district, local government entities and the farmers and ranchers they serve.

In conclusion, please pass HB 3187 and help districts more efficiently manage available water by allowing district staff with equivalent experience to qualify for the CWRE exam.

Thank you for your consideration of our testimony.

Sincerely,

A handwritten signature in blue ink, appearing to read 'April Snell', written in a cursive style.

April Snell