



March 24, 2023

To House Committee on Agriculture, Land Use, Natural Resources, and Water

From: Oregon Association of Conservation Districts

Re: **Oppose HB 3021 – Water Right Forfeiture and Conservation**

Chair Helm and Committee Members,

The Oregon Association of Conservation Districts (OACD) represents Oregon's 45 Soil and Water Conservation Districts (SWCDs), special districts governed by elected boards. The Districts protect and enhance soil quality, water quality and quantity, and habitat by supporting voluntary conservation in partnership with private landowners and managers as well as federal, state, and nonprofit partners.

OACD opposes HB 3021 which provides new exceptions for forfeiture of water rights. The first new exception is for implementation of conservation practices. There is already a good statute for allocation of conserved water contained in ORS 537.470. This existing statute provides for a shared benefit between the water right user and the State. The water right user gets 75% of the shared water for new uses, and the remainder gets allocated to the State. This provision for allocation of conserved water is very important in making sure that our limited water supplies are reallocated in ways that maximize the beneficial use of the water.

The provisions in HB 3021 are not consistent with existing statute and create conflicting or competing provisions for conservation of water. We believe that the HB 3021 provisions are counterproductive to maximizing beneficial use of water resources.

Another provision in HB 3021 provides an exception for forfeiture if they received less water than they needed from a water district. We believe that this is unnecessary as the protection is already provided in ORS 540.610 (2) (j).

To improve the bill, we suggest modifying the proposed text in Section 1 (3) (a)(B) as follows.

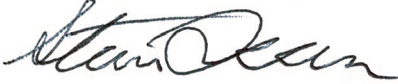
(b) A perfected and developed water right is not subject to forfeiture if the owner of the water right ceased to use all or part of the water appropriated for a period of five successive years **because of either of the following:**

(A) The owner of the water right engaged in water conservation practices, including but not limited to practices of changing irrigation equipment or methods to conserve water **and provided that:** ~~;~~

1. The owner of the water right is actively engaged in good faith with the Department of Water Resources to implement the allocation of conserved water statutes in ORS 537.470, or

2. The owner of the water right is actively involved in testing water conservation practices under a limited duration plan approved by the Department of Water Resources.

Thank you for the opportunity to provide input.



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