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

Testimony in support of HB 3021 -2 Amendment

Submitted by: Zach Freed, Sustainable Water Program Director

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Chair Helm and Members of the Committee:

The Nature Conservancy **supports the -2 amendment to House Bill 3021**. The amended version of the bill will benefit sustainable water use in Oregon by removing an existing, systematic disincentive for efficiency and conservation.

The Nature Conservancy (TNC) is a science-based, non-partisan organization committed to conserving the lands and waters on which all life depends. In Oregon, TNC has over 80,000 supporters and members in every community around the state, where we manage lands and waters in varied ecosystems and partner with ranchers, farmers, fishers, and environmental interests on some of the most challenging conservation issues facing people and nature.

Under existing water law, certain improvements to irrigation efficiency could result in water right forfeiture because the water user would not be considered “ready, willing, and able” to use the full water right. This creates a disincentive for water users to be as efficient as possible. Other states such as Arizona and Kansas have addressed this issue by allowing water right holders to receive approval from relevant state agencies to use less than their full water right if they can provide evidence of conservation. This ensures that the state agency has a record of water rights that are exempt from forfeiture if the actual water use is less than the rate or duty of the full water right due to conservation actions. One approach to consider in Oregon which will strengthen the -2 amendment is to follow precedent from other states by requiring that Oregon Water Resources Department approves conservation actions *before* they occur to increase accountability and transparency.

The Nature Conservancy has heard concerns from some agricultural producers in Oregon who choose not to upgrade irrigation efficiency due to the potential for water right forfeiture. This bill addresses a key barrier for water use conservation and limits the ability for communities to be as efficient as possible during drought conditions when people and nature need water the most. Oregon’s rivers and aquifers will benefit from implementing the -2 amendment to House Bill 3021.

We appreciate your leadership on this issue and urge you to support the -2 amendments for House Bill 3021.

Thank you for the opportunity to provide input.