



WaterWatch of Oregon **Protecting Natural Flows In Oregon Rivers**

HB 3419 (-3) **Testimony of WaterWatch of Oregon** by Kimberley Priestley

House Committee on Agriculture, Land Use, Natural Resources and Water **February 19, 2025**

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 supports measurement and reporting and the premise of HB 3419, though we suggest further clarifying amendments

As we understand it, the intent of this bill is to standardize authorities and ensure they are clear, transparent, efficient and address water management needs. Specifically, the bill seeks to provide simple clear authority, move towards consistency, redefine Serious Water Management Problem Areas, allow conditioning on transfers and extensions, provide explicit authority to require measurement and reporting as part of Critical Groundwater Areas. It also makes changes to the state's Water Measurement Cost Share Fund.

HB 3419 is not prescriptive and contains no new mandates but instead focuses on clarifying and growing the state's water measurement and reporting toolbox which will give the Department the flexibility to address both statewide needs and basin or stream specific issues.

While WaterWatch supports the premise of HB 3419, the one area that needs attention is clarifying the full breadth of measurement and reporting approaches, metrics, and tools. While we understand the intent is to give OWRD all tools necessary to undertake needed management, as currently drafted, we have concerns that certain directives are open to differing interpretations. We suggest clarifying amendments so that the rulemaking and on the ground use of these tools goes smoothly.

Why Measurement and Reporting is needed: Water use measurement is the cornerstone of effective water management and efficient water use. It is a basic, common-sense tool that is necessary to provide good data on water use throughout the state, to help water users stay within their legal limits and use water more efficiently, and to help the state carry out its water management responsibilities. Increasing conflicts over water, burgeoning demand for limited water supplies, water transfers, instream flow protection, federal laws, water right adjudications, smart economical farm management – all of these things necessitate water use measurement and reporting. Without water use measurement individual water users and the state lack necessary data with which to ensure compliance with water right limitations, plan for the future, carry out current management responsibilities or improve water use efficiencies.

The benefits of water user measurement and reporting include:

1. Increased Accountability: Without measurement, neither the water user nor the state knows if water is being used within the legal limits of a user's right(s). Measurement holds all users accountable to the benefit of all other water users--whether instream or out-of-stream, municipal or agricultural. Currently, the state has no accurate way to determine how much water is being taken out of Oregon's rivers from thousands of individual diversions. This leaves state officials, water users and the public without good information about water use in many river basins, and impairs the ability of water users and Oregon's watermasters to ensure that users are operating within their water rights.

2. Equity Amongst Users: All governmental entities, including municipalities and irrigation districts (ORS 537.099(1)), and most new water permits issued since 1993 are required to measure and report water use. Basic fairness, common sense and principles of good management demand that all water users measure their use.

3. Improved Water Use Efficiency: Water use measurement enables active water management. By knowing how much water is actually being diverted, a user can adjust diversions to meet legal diversion limits and also to manage diversions more carefully for crop and other needs at any particular time. Better on-farm management can lower costs, reduce waste, stretch supplies, and increase yields. Measurement data can help users develop improvements in their business operations and to plan for present and future needs.

4. Better Water Management: In order for the state to fulfill its water management responsibilities and water planning functions, it is essential that water use be measured and reported. Water use data is used for a variety of the Oregon Water Resources Department's existing program areas, including:

- Understanding water availability: Water use data is used to refining WRD's water availability model, which is used to evaluate whether new permits can be issued
- Certification of water rights: Providing information for use as final proof evidence
- Protecting existing water right holders from injury in water right transactions: Historical water use data is used to support injury determinations for proposed water right transfers, permit amendments and voluntary leases
- Protecting water rights on the ground: Field staff work to distribute and regulate water use for the protection of senior rights
- Managing groundwater: Water use data is critical to the states' work of monitoring the status of crucial groundwater areas

The importance of water use data has been highlighted in a number of state documents including but not limited to the Oregon Plan, the 2000 Water Resources Commission Water Measurement Strategy, the 2017 Integrated Water Resources Strategy and the Secretary of State Audit of the Oregon Water Resources Department. These documents recognize that water measurement provides a solid foundation for the state to make sound decisions to protect existing water right holders, facilitates planning for future water supplies and may prevent time consuming and costly conflicts in the future.

Summary: What gets measured, gets managed. Water measurement and reporting is a basic, common-sense tool that is necessary to provide reliable data on water use throughout the state, to help water users stay within their legal limits and use water more efficiently, and to help the state carry out its statutory water management responsibilities. These are important benefits, especially as we seek to stretch existing water supplies and ensure that enough water is available to meet future needs for both instream and out-of-stream use

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