



# WaterWatch of Oregon

## Protecting Natural Flows In Oregon Rivers

### HB 4004 Amendments related to Water Permit Extensions of Time

#### Testimony of WaterWatch of Oregon

by Kimberley Priestley

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

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Founded in 1985, WaterWatch is a non-profit river conservation group dedicated to the protection and 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 on these resources.

#### WaterWatch opposes HB 4004 amendments related to Water Permit Extensions of Time

When a water right application is approved, the water user is given a permit that requires them to put the water to full beneficial use within a set time period before the permit can be "certificated". For over a century, this development timeline was capped at five years for most uses.

Prior to 2025, Oregon law allowed extensions of time for all water uses to complete construction and fully develop permits if the state found good cause standards were met.

Unfortunately, extensions of time have long been used to speculate in water. Decades old permits were kept alive under this law, allowing new uses of water to avoid modern day public interest standards that would apply if a new water right was applied for.

To address the ongoing problem the 2025 Legislature passed HB 3342, co-sponsored by Rep Owens and Helm, which, among other things, put new limits on extensions to try to curb speculation in water. In exchange for these limitations, the HB 3342 also extended the timeline for development from a maximum of 5 years to a generous 7 years.

When applying for a water right, applicants are supposed to be "ready, willing, and able" to develop the water right. Seven years is a very generous timeline for development and allows ample time for unforeseen contingencies.

The amendment as written, as well as an amendment we understand is forthcoming, will allow decades old water rights that have not been developed to move forward to serve uses that would otherwise need to secure a new water right subject to modern day standards.

Given the work of many stakeholders to help pass HB 3342 into law in 2025, we oppose amendments to weaken its provisions before its benefits are realized. This is not a technical amendment, but rather a significant substantive change to law. This is the type of change that should be given due weight during a long session, not hastened through via amendment in the short 2026 session.

We urge the Committee to reject amendments related to extensions of time. The 2025 law limiting extensions of time was a long overdue change to help curb water speculation. Please do not unwind key provisions that were just passed into law.

Thank you for your consideration of our testimony.

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