

February 5, 2026

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

Testimony on HB 4049 -3 Amendment

Submitted by: Zach Freed, Sustainable Water Program Director

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Co-Chair Helm, Co-Chair Owens, and Members of the Committee:

The Nature Conservancy is **neutral with concerns on the proposed -3 amendment to HB 4049**, which sets parameters in statute for voluntary agreements between groundwater users.

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.

TNC has participated in Division 512 rulemaking since it began in April 2023 and has worked with the Harney Basin community to find voluntary solutions for water management since 2017. We continue to encourage voluntary agreements as methods for the community to increase flexibility in achieving aquifer stability.

Voluntary agreements are able to be achieved through current statute, despite a lack of precedent. In 2025, the Oregon Water Resources Department shared a guidance memo offering a pathway for voluntary agreements under existing law. Some elements of HB 4049 -3 are consistent with this guidance, like the need for accountability and transparency in voluntary agreements through monitoring and reporting of water use.

In contrast to OWRD's guidance, HB 4049 lacks alignment with management goals adopted in rule in December 2025. HB 4049 also lacks adaptive management through regular checkpoints—hindering the ability of resource managers to identify and address issues.

Given the complexity of voluntary agreements, and the implications that such agreements will have for other groundwater users, domestic wells, groundwater-dependent ecosystems, and sustainable resource use, it may be preferable to develop an inclusive process to revise the guidance rather than attempt to address concerns in statute during a short session.

The Nature Conservancy is willing to continue discussing HB 4049. We have a vested interest in working towards a sustainable, secure water future for the Harney Basin and for Oregon.

Thank you for the opportunity to comment.