



HB 2705

Testimony of WaterWatch of Oregon Submitted to the House Energy and Environment Committee March 22, 2017

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 to sustain fish, wildlife, recreation and other public uses of Oregon's rivers, lakes and streams. 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 HB 2705 a bill that would require water use measurement and reporting.

What HB 2705 does: HB 2705 would require those who use surface or groundwater under a permit, certificate, registration statement, limited license or a determined claim to install a device allowing measurement of their water use, and to maintain the device in good working order. The bill would also require users to report their water use. This bill does not apply to exempt wells, domestic or otherwise. Enforcement mechanisms in this bill are similar to existing Oregon Water Resources Department (OWRD) enforcement authorities found in ORS 536.900, and are similarly discretionary.

This bill is intended to supplement, rather than replace, current state authority to require that water users install satisfactory measuring devices. State law already requires municipalities and irrigation districts to measure and report water use, and the OWRD has required nearly all new water users to measure water use since 1993. However, thousands of water rights issued prior to 1993 are not measuring and reporting their use. Of the approximately 89,000 water rights in Oregon, less than 20% are required to measure and report water use.

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/or report water use. Basic fairness, common sense and principles of good management demand that all water users should 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 Management Strategy, the 2012 Integrated Water Resources Strategy and, most recently, 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 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 uses. We urge the Committee to support HB 2705.

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