



OREGON FARM BUREAU TESTIMONY

House Committee on Energy and Environment

March 22, 2017

Please Oppose HB 2705 – Expensive Measurement of Water Rights

Chair Helm and Members of the Committee:

The Oregon Farm Bureau (OFB) asks you to oppose HB 2705. HB 2705 imposes costly water measurement requirements on Oregon's farmers, with the potential of a \$500/day penalty for equipment failure.

By way of background, OFB is Oregon's largest grassroots agriculture association, representing 7,000 farming and ranching families across the state. Our mission is to promote educational improvement, economic opportunity, and social advancement for our members and the farming, ranching, and natural resources industry as a whole.

Water is the lifeblood for Oregon's farmers and ranchers; it is essential for the Oregon's agricultural economy. Agriculture contributes an estimated \$50 billion dollars to the state's economy, making it Oregon's second largest economic driver. Given the importance of water to Oregon's 220+ commodities, the state must protect farmers' water rights and ensure that management decisions are workable for Oregon's farmers and ranchers.

HB 2705 is unnecessary and impractical. HB 2705 would require installation of technologically advanced measurement devices on all non-exempt¹ water rights and reporting of measurement results to Oregon Water Resources Department (OWRD). It authorizes OWRD to impose a punitive penalty of up to \$500 per day, with no exceptions for equipment failure. This one-size-fits-all approach to measurement is inappropriate for several reasons:

- **It's data for data's sake.** Currently, certain water users and entities must report under their water rights. Presently, OWRD lacks the resources to process and analyze the data it receives from those users. Landowners should not be required to incur the cost of providing data to OWRD that it cannot use.

¹ Exempt wells are wells that are exempt from the Department's permitting process, and include domestic wells, stockwater wells, and other well categories.

- **The cost of compliance to users would be significant.** The cost of buying *the best* technology will be significant for farmers, especially considering that most have more than one diversion. OFB estimates average costs of compliance to range from \$1000 to \$20,000+ per diversion depending on the diversion type. Most farmers have multiple diversion points/wells that they use for irrigation. The total cost for these farmers to measure could be tens of thousands, -if not hundreds of thousands, of dollars. Unfortunately, those who lack the financial resources to upgrade their systems would be hardest hit by these costs. Those with older systems would also require the most costly and maintenance-dependent measuring devices, placing even more burden on the farmers least able to afford it.
- **There are no provisions for equipment failure.** The bill does not contain any allowances for equipment failure, including meters that break mid-irrigation season or those that lose calibration at some point during the season. These scenarios all face a \$500/day penalty. This is overly punitive and would create a hardship for Oregon's family farmers.
- **Measurement is not necessary in all areas of the state.** There are areas of the state where water management is not a significant concern, and where the state does not need measurement data to effectively manage the resource. Instead of a blanket, state-wide approach, the legislature should focus on helping collect data and information where it is actually needed.
- **The state already has measurement priorities based on data and information needs.** The state has had a plan to measure priority diversions, focusing on the basins where the information is most needed. OWRD has been making progress on measurement in areas where the information could help inform management. We encourage the legislature to help support OWRD's existing measurement program instead of creating a new program.

Please do not hesitate to direct questions to Mary Anne Nash at Oregon Farm Bureau (maryanne@oregonfb.org).