



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

Before the  
Senate Environment and Natural Resources Committee  
Senator Jackie Dingfelder, Chair

### **TESTIMONY ON SB 126, "CWRE Training"**

Presented by:  
Oregon Water Resources Department  
February 1, 2011

Thank you for the opportunity to present testimony on SB 126, a measure that would ensure that Certified Water Right Examiners (CWREs) receive continuing education in water right laws and rules, and ensure that the state has the ability to address any problems that may arise during the course of CWRE work.

#### **Background**

Certified Water Right Examiners are trained surveyors, engineers, and geologists who have passed exams allowing them to document and confirm the location and beneficial use of water. This documentation is a requirement for any water right holder who submits a "claim of beneficial use," and wishes to get his or her water right "certificated" by the Water Resources Department.

CWREs in Oregon are professionals who play an important role in the overall water rights process. Occasionally, however, situations arise that require further training or corrective action. This Bill clarifies authorities to address such situations.

Ongoing training would help CWREs keep current with rules and requirements of the Department. CWREs who attend the Department's annual, voluntary training require less follow-up correspondence and make fewer mistakes when submitting claims of beneficial use. Land surveyors and engineers, who are also licensed, already have requirements to obtain 30 continuing education credits (CEUs) every two years, 10 of which must be directly related to surveying or engineering.

While the Department has historically prepared, proctored and scored the exam for CWREs, the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) issues the licenses to CWREs and manages the license renewal process.

Some portions of the original statute governing CWREs, passed in 1987, are outdated in terms of authorities, fee collection and deposits, and oversight of CWREs.

## **Proposal**

SB 126 proposes to clean up and modernize statutes related to Certified Water Right Examiner training (ORS 537.798).

Specifically it clarifies the role of two entities. First, the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) is responsible for issuing water right examiner certificates to individuals who meet certain criteria. The Water Resources Department is responsible for preparing, administering, and scoring the related examination.

While the board is responsible for setting and collecting fees related to implementation of the certification program, the Bill notes that the Department is eligible for reimbursement by the board for its related costs. The Department would not request reimbursement without a written agreement with OSBEELS and would first allow OSBEELS an opportunity to develop rules to implement this Bill.

Further, the board may adopt rules to regulate CWREs. Such rules are already in place in other engineering professions, and can include rules that establish standards of professional conduct and rules establishing professional development or continuing education requirements.

It also addresses problems. Further, the Bill grants OSBEELS the authority to address problems by investigating alleged or suspected violations. This could result in revoking, suspending, or modifying a CWRE license. The bill clarifies existing language and matches the authority in OSBEELS' operational statutes.

## **Conclusion**

Individual CWREs, actively working in the water rights field support this bill because it helps to maintain the credibility and professionalism of the CWRE industry. Licensed CWREs have provided written testimony for today's hearing.