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Testimony before the House Energy, Environment and Water Committee on HB 4101

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Founded in 1968, the Oregon Environmental Council (OEC) is a nonprofit, nonpartisan, membership-based organization. We advance innovative, collaborative solutions to Oregon's environmental challenges for today and future generations.

Co-chairs Bailey and Gilliam, and distinguished members of the committee, good afternoon. My name is Teresa Huntsinger and I am the Clean and Plentiful Water Program Director at the Oregon Environmental Council.

We appreciate that the -1 amendments have significantly improved this bill by including water conservation and reuse, and removing the task force; however, we remain opposed and I will explain why.

The key issue about taking water from the Columbia River is timing. *When* you take water is as important as *how much* water you take. I've heard assurances that this bill is only about winter water, but I don't see that when I read the -1 amendments. This is a sticking point because, while I'm not really a fish person, I feel a moral obligation not to cause the extinction of another species, especially one as delicious as salmon. The target flows that federal agencies established in order to meet the endangered species act are not met in most spring and summer months, which is why Oregon adopted rules that limit new water withdrawals from the Columbia from April 15 through September 30 (OAR 690-33, "Sensitive Stock" rules, also known as Division 33). While it may appear that there is plenty of water in the river, one of the primary factors influencing salmon mortality is how long it takes juvenile salmon to travel downstream to the ocean. Before the dams, that travel time was much quicker than it is now that the river is essentially a series of reservoirs. These target flows are the minimum needed to avoid high levels of salmon mortality.

While the -1 amendments talk about storage of winter water in the whereas section, the sections that direct the Water Resources Department to aggressively expand water supplies do not limit it to winter water. Furthermore, section 2.(2) directs the Department to consider new mitigation options for new surface water diversions. Mitigation options would not be required if this was only about winter water.

In fact, if this bill were just about water conservation, reuse, and storage of winter water, no legislation would be needed because those can and are being pursued currently.

My other concern is that it is ill-advised to direct a statewide agency to focus its attention on one basin when there are many parts of the state that have limited water

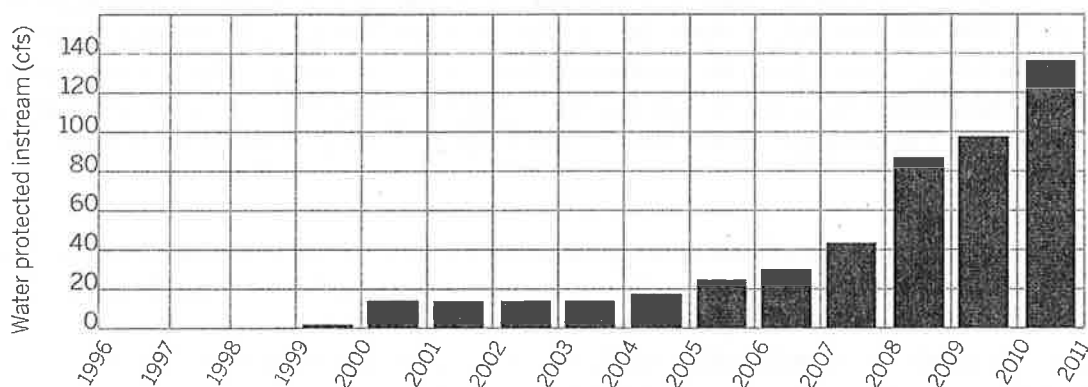
availability. The state has already invested more in the Umatilla aquifer recharge project in the last five years (over \$3 Million in the last five years, plus \$15 Million of loans are available) than any other water supply project in the state during these economically challenging times. In addition, the bill does not address the fiscal impact of the requirements it places on the Department.

The state and numerous stakeholders have invested significant time and resources in developing an Integrated Water Resources Strategy, as directed by HB 3369 passed in the 2009 legislative session. The IWRS, which is on schedule to be adopted by the Water Resources Commission this summer, includes a new, place-based planning process whereby basins would identify water supply and water quality needs, both instream and out of stream, and develop a plan to meet them. We should implement this process in the Columbia Basin rather than legislating a completely new and separate process for the basin.

We should also expand outreach about the state's Allocation of Conserved Water program, which is currently one of the only ways users in water-limited basins can get water for new lands. When a grower saves water through conservation, they can spread some of that water to new lands if they protect at least 25% of it instream. As of today the program has saved 195 cfs of water through conservation measures (up from 138 a few weeks ago.) The Department is processing some large applications as we speak, and most of them are in the Umatilla/Hermiston area. Of those 195 cfs saved, roughly 111 cfs are new instream water rights, and 84 cfs have been or will be applied to nearly 4,500 acres of new lands. Depending on the duty of the water right, that's somewhere between 27,000 and 54,000 acre-feet of new water.

Figure 11.

Use of the Allocation of Conserved Water Program



Data from personal communication with K. Thurgood, December 7, 2011

Oregon has barely begun tapping into the potential for water conservation. The Allocation of Conserved Water program has been slow to take off because most irrigators still don't know about it. A small investment in outreach in the Water

Resources Department's budget could make a big difference in expanding this program. You can find out more about opportunities for water conservation in OEC's new report, *Making Water Work*.

We urge the state to continue pursuing water conservation, reuse, and aquifer recharge projects throughout the state to supply water to support fish and wildlife and our agricultural economy using existing authorities, rather than establishing a new process just for the Columbia Basin and giving the Water Resources Department an unfunded mandate.

Thank you for the opportunity to speak to you today, and I'm happy to answer any questions you may have.