



**HB 3358-1: OPPOSE**  
**Testimony of Kimberley Priestley**  
**WaterWatch of Oregon**  
**Submitted to the House Committee on Agriculture and Natural Resources**  
**April 17, 2013**

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 opposes HB 3358-1**

What HB 3358-1 does: HB 3358-1 allocates two million dollars to the Water Resources Department to issue three types of grants: 1) to assess and further the planning and development of water development projects to meet the obligations to mitigate ground water usage in the Deschutes River Basin, 2) comprehensive based studies by the Bureau of Reclamation relating to the possible means for meeting obligations to mitigate ground water usage in the Deschutes basin, and 3) studies by the US Army Corps of Engineers regarding the reallocation of water to meet obligations to mitigate ground water usage in the Deschutes basin.

WaterWatch opposes HB 3358-1 for the following reasons:

1. Bill proponents testified that they were seeking \$750,000 to match a BOR Water Smart grant that would look study a broad array of projects that would meet instream and out-of-stream water needs in the Deschutes Basin now and into the future. This is consistent with current planning efforts, and discussions WaterWatch has participated in with key stakeholders in the Deshutes River Basin. The -1 amendments, on the otherhand, focus solely on groundwater mitigation. Groundwater mitigation is a very small piece of the water puzzle in Central Oregon. Water needs in the basin—both instream and out-of-stream----go far beyond the very narrow scope of groundwater mitigation. The requested appropriation would not help address the larger water challenges faced in the basin and would only serve to advance the interests of a small subset of private water users.
2. Bill propoents testified that they were seeking funds to match a BOR Water Smart Grant. The -1 amendments are much broader than this and set up a grant structure that would allow full funding (as opposed to a match) of a basin planning process that has no substantive sideboards, guidelines, requirements and/or structure. Moreover, this open ended planning is not required to ascribe to the guidelines of the recently adopted Integrated Water Resources Plan that are supposed to guide “place based planning” into the future. Public monies should not be disbursed to such an undefined process.
3. Bill proponents testified that they submitted -1 amendments to legislative counsel in the amount of \$750,000. The -1 amendments as published appropriate \$2,000,000 in public funds. We assume this was not a drafting error on the part of legislative counsel. WaterWatch cannot support the granting of such a large amount of public funding for the very narrow scope of studying ways to meet the state required groundwater obligations of private water users.

4. The construct of the -1 amendments require study that is inconsistent with groundwater mitigation required by the State Scenic Waterway Act. Under the State Scenic WaterWay Act, and associated Deshutes Groundwater Mitigation Rules, mitigation water must be in the form of legally protected instream flow that fully offsets impacts of groundwater pumping on protected flows. Yet the -1 amendments require that the study look at things such as reuse, measurement and determining seasonally varying flows as a means to satisfying mitigation. While these are all worthy endeavors, these do not meet the current legal mandates of the Scenic Waterway Act or the Deschutes Groundwater mitigation rules as they do not result in new water that is legally protected instream.
5. The public process on HB 3358 has not been transparent. Drafts of the -1 amendments were not distributed to interested parties before publication. The hearing was held on the bill without the amendments in place. And the -1 amendments were not posted until late in the work day the night before the work session. The -1 amendments are a gut and stuff. The public has been put at a huge disadvantage in the process. This is especially troubling since the -1 amendments are not consistent with representations made to WaterWatch and others about the scope of the funding, the purpose of the funding, and the amount of the funding.

For these and other reasons, WaterWatch opposes HB 3358-1. The better course for Deschutes Basin interests to get help in funding of desired studies would be to work to pass SB 839, which includes a provision that specifically allows Deschutes Basin interests to apply for a grant under the new state fund to match a more broad based BOR Water Smart Grant.

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