

KLAMATH IRRIGATION DISTRICT
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January 31, 2014

Representative Brad Witt
Chairman of the Agricultural Committee
900 Court St. NE H-374
Salem, OR 97301

Re: HB 4064 Opposition

Representative Witt:

My name is Mark Stuntebeck, Manager of the Klamath Irrigation District (KID). KID delivers irrigation water to approximately 75,000 acres of family farm and ranch lands in the Klamath Project in Klamath County. These acres include KID constituents' as well as nine other irrigation districts and their constituents.

The purpose of this e-mail letter is to voice my strong opposition to the proposed House Bill 4064.

This Bill will prevent OWRD from doing their job, require huge increases in the department's budget or bankrupt them in their attempt to do so. It requires unachievable scientific burdens put on the department which would all but prevent its ability to regulate water in the Klamath Basin, if not the rest of the state.

The Bill if enacted would turn Oregon State Water Law, Western Water Law, and the Prior Appropriations Doctrine upside-down, allowing junior users upstream to irrigate while harm is done to downstream senior water right holders.

Klamath Irrigation District and the Klamath Project water users have waited over 100 years, including over 30 years of process and litigation for an adjudication to fairly and consistently regulate water use in the Klamath Basin. In 2001, our family farms were denied any irrigation water until late in the season, while more than 80,000 acres of land with junior water rights (some as late as the 1980's) took all of the water they desired. 2013 was the first year that we had the ability to exercise our water rights, and it allowed our farms to complete the irrigation season. Now comes a proposed Bill to wipe away all the effort and hard work of the Water Resources Department and stakeholders, not to mention the millions of dollars invested by these parties, to achieve the Final Order of Determination in the Klamath River Basin Adjudication.

In a December 6, 2006, guest editorial, former state Senator and Representative Steve Harper wrote:

“There is one single thing we can do to best ensure the long-term stability and growth of our economy: Adjudicate the competing water claims in Klamath County according to current Oregon water law.”

http://www.heraldandnews.com/members/forum/letters/article_679c61de-14cc-558a-b340-91e2419e427c.html

Is Oregon State Water Law not working? Do lawmakers from other parts of the state hear from their constituents that the Prior Appropriations Doctrine as administered by OWRD is not working? Does the Department lack the tools to effectively regulate water in the Klamath Basin and groundwater across the State?

In a June, 2007, Talking Points Document regarding SB 2566 (a “terrible ground water bill”) Representative Gail Whitsett, who was then Chief of Staff for Senator Doug Whitsett , wrote:

CHANGES ARE NOT NEEDED

“HB 2566 makes completely unnecessary changes to Oregon law. Oregon Water Resources Department currently possesses all statutory and regulatory tools necessary to protect Oregon’s aquifers when needed.”
http://www.klamathbucketbrigade.org/Whitsett_ORHB2566anotherterriblegroundwaterbill060507.htm

It appears this legislation is not about solving a problem, rather it is about preventing water rights regulation for groundwater AND surface water. Water supplies in Oregon are not infinite. Oregon water law and the associated water right adjudication process unavoidably establish winners and losers. Those who did not get the result they wanted should not be allowed to simply avoid law because they do not like the outcome.

Water right Adjudications and the subsequent regulation is the only way to have an orderly system of water use in the state (and the west for that matter). Oregon Water Law, Western Water Law and the Prior Appropriations Doctrine were developed from experience and basic fairness (first in time, first in right) over time to bring us forward from the days of the Wild West. Passage of this bill will tie the hands of the Water Resources Department and prevent it from overseeing orderly water use in the region and perhaps the state. In the Klamath Basin the result would be chaos, a regression to the days of the Wild West. In the State of Oregon it could result in unregulated ground water use.

This legislation is unnecessary and dangerous to the water resources of Oregon. I respectfully ask you to oppose HB 4064.

Sincerely,



Mark Stuntebeck
Manager KID

cc: (via email)

Vice-Chair Sal Esquivel

Vice-Chair Lew Frederick

Rep. Brian Clem

Rep. Wayne Krieger

Rep. Jeff Reardon

Rep. Jim Thompson

Rep. Ben Unger

Rep. Gail Whitsett

Beth Patrino, Committee Administrator