



HB 5005

Testimony of WaterWatch of Oregon Submitted to the Joint Ways and Means Capitol Construction Subcommittee

May 8, 2015

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 the proposed Dedicated Obligation Bonds of \$30,520,000 for the Water Resources Department, Water Development Fund (Art. XI-1(1)).

The Water Development Fund at issue in HB 5005 has not been used in over two decades. The fund is outdated and does not reflect Oregon's modern day policy directives regarding water supply development, including but not limited to directives found in the State's policy on storage (1993), the Oregon Plan (1997) and the Integrated Water Resources Strategy (2012).

In the course of the past decade there have been a number of state efforts to develop a well-functioning water supply development loan and grant fund to fund instream and out-of-stream water development projects (e.g. HB 1069(2008), HB 3369(2009, replaced by SB 839)), SB 839(2013)). Two common themes in these efforts have been: (1) the recognition that if state funds are to be used to fund private projects, then the water development project should provide public benefits; and (2) that if water development project is a storage project, that the associated storage of water would be done in a way to preserve the full suite of flows---including high winter flows---necessary for biological requirements of fish and geomorphologic needs and rivers. These requirements were most recently codified by SB 839 (2013), which establishes the Water Supply Development Fund.

The Water Development Fund, which HB 5005 would recapitalize, does not recognize or include these modern day sideboards. Recapitalization of this fund would provide an end run to public benefit and seasonal varying flow requirements of Oregon's modern day loan and grant funding found in SB 839. It is for this reason that WaterWatch opposes recapitalizing the Water Development Fund found in HB 5005.

Importantly, the modern day funding tools embodied in SB 839 were developed in consultation with broad array of stakeholders, including irrigation, agricultural, municipal, conservation and tribal interests. Endless hours were spent by all parties trying to craft a program that would be the “go to” fund for water development into the future. Most recently, the Seasonally Varying Flow Task Force and the Governance Task Force met virtually every week of this past fall and winter to generate agreements and rules as to SB 839 implementation. The recapitalization of the Water Development Fund will compromise all this good work and allow direct end run around SB 839.

Conclusion: Without requirements mandating that the GO funds requested in HB 5005 meet the public benefit and seasonally varying flow requirements of SB 839, WaterWatch opposes the recapitalization of the Water Development Fund found in HB 5005.

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