



**HB 5030
Water Supply Fund, Sections 23 and 24**

**Testimony of Kimberley Priestley
WaterWatch of Oregon
Submitted to the Joint Ways and Means Capitol Construction Subcommittee
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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.

A. WaterWatch opposes the proposed lottery bonds of \$11,000,000 in Section 23 and 24 as it relates to storage projects

As noted in our testimony on HB 5005, SB 839 which was passed by the Legislature in 2013 was intended to be the "go to" fund for water development into the future. SB 839 sets forth a number of sideboards, including the requirement that new storage projects—funded by either grant or loan—be filled in a way that would preserve the seasonally varying flows necessary for biological requirements of fish and geomorphologic needs of rivers. SB 839 also requires that if public grant funds are used for an above ground storage facility, 25% of the stored water must be dedicated to instream purposes (this was modeled after Washington State's program that requires 1/3 of the water to be dedicated to instream use). The seasonally varying flow and instream public benefit requirements are separate and distinct from any public interest review that would take place during the permitting of the project, including Division 33 (sensitive stock rules).

The Water Supply Fund in HB 5030(23) &(24), which this bill would dedicate \$11,000,000 to, does not recognize or include these modern day sideboards. HB 5030 specifically allows this money to be used to fund "water storage systems". Section 23(2)(a). Thus, this bill would allow a direct end run around the important public benefit and seasonal varying flow requirements of SB 839 that apply to storage projects. It is for this reason that WaterWatch opposes the proposed \$11,000,000 to this fund.

It should be noted that Umatilla project that has been under discussion this past year (coming out of CRUST discussions) does not involve storage.

Conclusion: Without a requirement that storage projects adhere to the seasonally varying flow and public benefit requirements of SB 839, WaterWatch opposes HB 5030. While WaterWatch is open to discussing solutions, these provisions as they apply to storage are critical.

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