

Raszka Shelley

From: Patrino Beth
Sent: Thursday, February 06, 2014 7:25 AM
To: Raszka Shelley
Subject: FW: Commenting on HB 4044

From: Brandan [mailto:brandan@flyingtsalers.com]
Sent: Wednesday, February 05, 2014 11:09 PM
To: Patrino Beth
Subject: Commenting on HB 4044

I am writing to support Senate Bill 1572 which I understand is also called HB 4044.

A few months ago OWRD had a meeting in a small town near me and explained how they are planning on shutting off all wells within one mile of most rivers, streams and lakes in the area. Considering that no one from OWRD has been on my families ranch in over 25 years I was surprised they wanted to turn off our wells. When asked why they wanted to turn them off, they explained that while they had not actually stepped foot on our land or in fact any land within a few miles they had created a computer model that proves that our two wells are drying up the river.

In my case my family has two wells. One of them a free flowing artesian well. How a artesian well is stealing water from the river I can not figure out as the artesian well water comes out of the ground with no pumping and is put on the top of a hill. How can that steal water from a river over 3/8 of a mile and more than a 1/8 mile from the bottom of the hill? Last I checked if things were connected water would not be going up hill. Oh and the well water is more than 20 degrees warmer than the river water.

The other well is one that is pumped, but there are also reasons to believe that it is not connected to the near by stream.

As things were explained to me by Tom Paul, OWRD will soon be mailing out post cards telling hundreds of people that they can not use their wells, because of the computer model which they think may be correct. If we object, we can sue OWRD. Personally that sounds wrong.

As I understand HB 4044 it requires OWRD to study each well. If they can prove a connection then they can send out their post cards. If they can not prove a connection then they leave a well alone.

This last year when OWRD shut off the surface water the only thing that allowed us to raise our cows was the fact that we had a well. With the drought we are unlikely to have surface water this year either. If they then shut off our well, things are going to be very bad. While I doubt we would go broke the first year, we probably would the second time they did it.

In the end I doubt that you care about me and my family. Instead I ask that you think of people in your area. Do you want the status quo where OWRD can sit in Salem create a computer model of questionable accuracy and then start turning your neighbors wells off without even studying the given wells or even proving that their model is correct? For that matter how about the wells that supply water for your cities?

Instead I propose that you support HB 4044 which requires OWRD to study what they are doing before they do it. I believe it will save many smaller farmers and ranchers in the state as it has OWRD prove there is a problem instead of forcing the small land owner to go to court and try and prove there is not a problem. If nothing else this will help OWRD and people get along.

Thanks for your time,

Brandan Topham
(541)533-2416
35133 Sprague River RD
Sprague River OR 97639

I am writing to support House Bill 4137.

My name is Bruce Topham and I thank the committee for allowing my comments today. My family bought our cattle ranch in the Sprague River valley in 1972. We have resided there ever since, developing a rare herd of beef cattle that produce both breeding stock and grass fed meat. Our livestock are marketed from Mexico to Canada and as far east as Illinois, Missouri, and Texas. In 1964, I graduated from Cal State University, Fresno magna cum laude with a degree in geology. This education fit well with our family ranching business as it trained me in ground water geology, a field I have practiced for 50 years now.

Upon moving to the ranch 44 years ago, I was impressed with the abundance of water. Artesian wells and springs were found throughout the area. My interest was such that I quickly assembled all the well logs and geological reports in our valley. I showed up at most drilling sites and became acquainted with the drillers in the area. I became quite knowledgeable on the geologic structure and ground water characteristics of our valley. Soon I was in demand for locating well sites, renovating old wells, conducting field studies and writing geological reports on ground water matters in the area. All I have seen and all I have learned flies in the face of OWRD's current computer model on the subject.

A case in point: I was commissioned to research and report on a local irrigation well that when started, dried up a spring in 20 minutes. These two were more than a mile apart. At the same time another well situated 400 feet from the production well was unaffected all summer long. This is a very clear example of the complexity of the geology in our valley. Porosities are quite variable, ground water can be compartmentalized, aquifers and confining strata are often faulted and of limited extent. Ground water conditions are localized and quite variable. One local well is 1,700 feet deep and produces 30 gallons a minute of 53 degree water. Less than 1/2 mile away another well has artesian flow of 300 gallons a minute at 70 degrees from an 1,100 foot depth. There are no springs warmer than 54 degrees in the area, yet this well is scheduled to be shut off for interference problems.

While on this subject, what is so sacred about a 1 mile limit on interference? I have documented ground water-surface water interference over distances greater than 2 miles, and I have seen pumped aquifers underlying surface water bodies totally impervious to each other.

My point is the science and field observations do not support the OWRD computer model or their theories. They have no solid scientific basis for their capricious and arrogant behavior in shutting off perfectly sound irrigation wells.

This is an example of an out of control bureaucracy on a power trip. The damage they can inflict on our valley, as devastating as it is, is nothing compared to the havoc that will be wrought throughout Oregon when they apply the same tactics to the rest of the state.

Thank you,

Bruce Topham

Flying T Ranch

35133 Sprague River Road

Sprague River, Oregon 97639

My name is Susan Topham and I am writing in support of House Bill 4137. I have lived my entire life on my parent's cattle ranch in the Sprague River valley. Our ranch depends on water to grow our hay crops and pasture for our cattle. With water our ranch is also a sanctuary for wildlife. Over 200 species of birds and other wildlife are located on our ranch along with our cattle. I have seen how quickly that can change. After our surface water was shut off in 2013 and again in 2014 and again in 2015 land that had been irrigated for over 100 consecutive years shriveled up. I was the one walking around in our dried up, decimated fields finding dead chicks and fish of all kinds of species that had naively assumed that their wetland would not dry up.

This summer, wells were all that kept our ranch going. Elsewhere in the valley 40 wells were shut off by Water Resources. They have not studied these wells and do not know and cannot prove whether these wells affect the surface water or not. These wells are supporting family farms and ranches-the backbone of our country. Unfortunately, the wells which provide irrigation water and livestock drinking water in the Sprague River Valley are being turned off by a whim of the Oregon Water Resources Department. No hard science has been done to show that ground water wells are affecting creeks and rivers in our Valley. All that HB 4137 does is to make sure that if someone is put out of business by OWRD, that it only happens when there is actual interference. OWRD should support this. Right now, we are considered guilty unless we can hire lawyers and prove that we are innocent. This is not the America that I am willing to believe in! You are the ones who will decide the fate of the Sprague River Valley. What you choose to do will significantly affect me. Eventually it will affect everyone else in this state as well. We are simply the testing grounds. House Bill 4137 is absolutely vital to us. Please vote for it and stand up for real science and integrity in government and family farms and ranches!

Thank you,

Susan Topham

Flying T Ranch

35133 Sprague River Road

Sprague River, Oregon 97639

(541)533-2416

My name is Erika Norris and I've been a rancher in the Sprague River valley for 22 years. I am writing in support of House Bill 4137.

Three summers ago, I got my first taste of how quickly government restrictions on surface water use can ruin the livelihoods of family ranchers. I had to sell over 50% of my herd because of lack of grass. I worked hard to build this herd and it broke my heart to have to sell them. Now OWRD wants to kill the rest of my ranch by shutting off ALL my water. If this happens, I'm done.

The past three summers wells were all that saved me from being forced to sell all my cows. Unfortunately, the wells that provide vital irrigation water and livestock drinking water to the pastures where I run my cows and raise hay are on the shut off list. Next summer, unless you help me, I'll be forced out of business. OWRD decided that every well within a mile of any stream, creek, river or mud hole is interfering with surface water. What proof do they have? None. There is, in fact, a lot of evidence to the contrary. Geologists can go into detail about all that underground stuff. What I can say is every certified, water-righted well in Oregon has already had to prove there was no interference issues. That's how these water rights are established in the first place.

But how OWRD has this "really cool" computer model that they're using to ruin my life and the lives of others in my valley. This is unfair, and it is wrong.

What I don't get is why is OWRD opposed to this bill? All it does is require them to prove that there is substantial interference before I get shut off. Why does this scare them? If there is interference, of course the well should be shut down. If they think they have the science to back it up, what difference does it make to them? Don't they believe that geologic field studies will support their model?

You here in this room are the ones who will decide my fate. This is your call. What you choose to do today will affect me forever. Eventually it will affect everyone else in this state as well.

Politicians always promise to look out for the little guy. That's me. I'm not a big corporation. I'm not a factory farm. I'm just a rancher, like others in my valley. We're out here trying to make ends meet while doing what we think is best for our land, our community, and our country.

We're not trying to over graze or pollute or abuse animals. We're here because

we love this land and want to see it prosper. We ARE sustainable agriculture. We're doing this for our families. We're doing this to be good stewards of the land and feed people locally and globally. We're in this for the long haul. This is where we put down our roots. The ranch where I live has been my dream since I was a little girl.. Please don't let them take it away from me on the strength of a flawed computer model. If I'm doing something wrong prove it and I'll stop, otherwise, leave me the heck alone.

Guilty until proven innocent is not the America that I know. Please, think carefully before you decide my fate. I'm submitting my comments today because your decision will impact my life forever.

Thank you.

Erika Norris

P.O. Box 129

Beatty, OR 97621

541-786-5717