

Smith Holly

From: Craig Harper <Craig.Harper@cityofmedford.org>
Sent: Friday, April 14, 2017 5:08 PM
To: HEE Exhibits
Subject: HB 3421 testimony

Thank you for this opportunity to provide comments on House Bill 3421. The Medford Water Commission supplies drinking water for more than 130,000 people in Jackson County, and it is our responsibility to maintain a reliable and excellent quality drinking water supply for our citizens and customers. The Big Butte Creek watershed has been closed to further water rights appropriations since 1925, and the Water Commission carefully protects the precious water rights of the City of Medford. Accordingly, we have carefully analyzed this bill, and have a few comments.

First, we would like to say how much we appreciate the time and effort that has gone into this bill from the Co-Sponsors, Rep. McLane and Rep. Esquivel, their staff, notably Kevin Johnston, and the helpful staff at Oregon Water Resources Department. This is a good bill, well-conceived and clearly written, and with a few minor revisions will help provide a solution to a regulatory dilemma.

Specific comments on Amendment 1 (HB 3421-1):

- The Medford Water Commission would like to receive direct notice when applications are submitted to have reservoirs registered as historic-use reservoirs. Perhaps this could be included in SECTION 3. (6), or through administrative rules.
- If OWRD issues a conditional approval for a reservoir (SECTION 3. (12)), the Water Commission requests notice of, "...the mitigation efforts, installation, reduction, modification or other remedial measures necessary to meet the condition of approval..." (SECTION 3. (13)).
- SECTION 4. ORS 537.147 (1) as written allows a person to, "... apply to the Water Resources Department for a water right permit to use stored water." Medford Water Commission has serious concerns about additional water right permits being issued in Big Butte Creek, and therefore requests that **OWRD not allow maintenance as part of the registration**. In other words, the reservoir owners could use the initial rainy season stored water, but could not refill it and continue to use water for out-of-pond uses.

Thank you for your consideration.

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