

In 2010, Jon and I rented the property on Butte Falls Highway. After renting for about four years, we bought the property in June 2014. In February 2016, I called the Water Master to inquire about the extent of our water rights only to be informed that we had no water rights, our pond was illegal, and had to be removed at our expense. All of this came as a shock to us.

As renters, we understood the pond was ours to use for any purpose and to any extent that we chose. When the time came to buy, I researched the county records. The assessor's page states "lake on property" and the historical file is littered with sketches of and references to the "large pond" on the property. How could it be that such research of the property records would not lead to the discovery of the pond being illegal? But that was the case. Unwitting, we moved forward with the purchase.

I contacted the local Water Master in 2016 asking about the extent of our water rights. That phone call broke my heart. We invited the Water Master to our property to see the pond for himself. We were informed that it was unregistered and therefore illegal. Further, the pond must be drained and we are to cover the entire expense. It is our understanding that removal of the pond likely will cost us at least \$25,000 and the effect on the value of our property if the pond is removed is sure to be detrimental. The pond is the most enchanting feature of the property. The wildlife that lives in and around it is extensive and has been relying on its existence for nearly 4 decades.

The pond was built in the late 1970s and has been on the property for nearly 40 years. When the county opted to allow property owners to register ponds in the 1990s, the then-owners were living out of state and were unaware of the opportunity. The property and the pond were left as-is, where-is for the next twenty plus years without a change of ownership and undetected by the Water Master or anyone else for that matter.

The main benefit for the community in allowing the registration of historic-use ponds is to serve as valuable resources during fire season. We have received letters of support from one of our local fire districts along with the Oregon Department of Forestry requesting our pond remain as a water resource as it is large enough and easily accessible for helicopters to refill their dip buckets multiple times and for tanker trucks to drive right up and fill their tanks as well. Fire agencies have limited access to water in rural areas such as the Butte Falls area and our pond could service multiple fire agencies.

Removal could lead to their inability to obtain water and return to the fire location in a timely manner.

All in all, almost everyone I have talked to along the way – from state agencies to local politicians to citizens – believe that historic-use ponds are a valuable community resource and that property owners should be able to register and maintain them so a database of accessible water is established. Without the passage of this bill, the continued existence of unregistered ponds will serve no purpose for the community at large and the current ideology to let sleeping dogs lie is certainly not helping anyone. Ignoring a problem is never the solution. House Bill 3421 allows the existence of historic-use ponds in areas where the appropriation of new water rights is next to impossible and affords property owners a solution to a problem that exists for hundreds, if not thousands, in a similar situation.

I want thank you for allowing me to speak in support of House Bill 3421 and I want to thank Representative McLane and Representative Esquivel for their continued support and efforts in this matter.