



SB 5530

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

May 19, 2017

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.

1. Request by Deschutes Basin Board of Control (DBBC) for \$25 million dollars for Irrigation Efficiency Projects in the Deschutes River Basin

Testimony submitted into the record for SB 5530 includes a request by the Deschutes Basin Board of Control for \$25 million dollars for "water conservation projects". The request states this effort will:

"return water supplies, with senior water rights, into the Deschutes River and its tributaries to improve habitat conditions for Oregon spotted frog, steelhead, salmon and other fish and wildlife species."

While WaterWatch is very supportive of conservation projects that will permanently protect water instream, and are working with others in the Deschutes Basin to achieve this end, we are concerned that the DBBC request before the Committee does not (1) commit to pursuing the projects through the State of Oregon's Conserved Water Act which would ensure that public instream benefits accrue in an amount commensurate with the investment of public funding, or (2) commit to putting all the conserved water instream as the above statement would indicate is the intent.

In reviewing the list of projects attached to the request, it is impossible to discern how much water will in fact be returned instream for the price of \$25 million state dollars. For instance:

- COID Smith Rock Piping project does not commit to putting any conserved water instream
- COID King Way Piping Project does not commit to putting any conserved water instream
- NUID lateral 58-11 Piping Project commits to putting "a portion" of the conserved water instream
- NUID Feather Drive Piping Project commits to putting "a portion" of the conserved water instream
- NUID South Juniper Butte Piping, Storage and Reuse Project commits to putting "a portion" of the water instream
- OI multi-lateral Piping Projects commit to putting "portions" of the conserved water instream
- SID Rogers and Riley Lateral Piping Project does not commit to putting any water instream
- SID Elder and Butte Lateral Piping Project does not commit to putting any water instream

- SID Main Canal Piping and Pressure Boost Project states “senior surface water rights could be placed permanently instream or sold to junior water right holders faced with shortage due to ESA constraints”
- TID Feed Canal will restore conserved water instream (presumably all)
- TID Feel Canal Laterals will restore conserved water instream (presumably all)

Thus, it appears from the documents submitted to the Committee that only two of the projects will put the totality of any conserved water instream (TID projects). The other projects either do not commit to putting conserved water instream, or provide only a vague representation that “a portion” of the water will be put instream. The public is left wondering exactly how much water will be put instream for the high price tag of \$25 million dollars.

Without detail on how much water the DBBC will commit to permanently putting instream and/or a commitment to use the state’s Conserved Water Act to achieve that end, it is difficult for the public to adequately assess this request. If the DBBC would provide written commitments to the State of Oregon that they would pursue projects through the Conserved Water Act and that any conserved water would be permanently protected instream WaterWatch could lend its support to this proposal.

2. Additional Irrigation Efficiency Project Requests:

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)). A common theme in all of these efforts has been that if state funds are to be used to fund private projects, then the water development project must provide public benefits, including environmental benefits.

This requirement was most recently codified by SB 839 (2013), which establishes the Water Supply Development Fund. Despite the existence of this fund, the Committee has before it today a number of individual requests to fund irrigation efficiency projects (i.e. Santiam Water Control District \$1.2 million dollars, Rouge River Valley Irrigation District \$1.985 million dollars). If these fund requests were to be approved, this would signal to water users that the state is willing to skirt the important public benefit requirements of the existing Water Development Supply Fund. We do not believe this is in the interest of Oregonians.

Further, as a matter of public policy, if public funds are used for irrigation efficiency projects the state should ensure that those projects go through the State of Oregon’s Conserved Water Act to ensure that public instream benefits accrue in an amount commensurate with public funding of the project.

Thank you for consideration of our testimony.

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