

## Watts Remy

---

**From:** Nora Koenig <limiecow@e-isco.com>  
**Sent:** Wednesday, March 27, 2019 10:57 AM  
**To:** SENR Exhibits  
**Subject:** SB791

Note: Please use discretion with your personal information in written testimony (i.e., do not add personal information you do not want the public to see). All meeting materials, including your name and any personal information contained in the submitted documents, are posted to the Oregon Legislative Information System (OLIS) and are accessible to all major search engines, including Google, Bing, and Yahoo.

3/27/2019

I am writing in support of SB791. This bill is very important to all Ground water users in the state of Oregon as it provides some measure of safety that Oregon Water Resource cannot take water rights away from individuals without site specific data proving a senior water right claim. Currently no proof other than a "determination" by OWRD and whatever model they say they have developed that says all ground water is connected to all surface water. Several challenges have been made to their claims in the past few years in the Upper Klamath Basin. Independent well tests have been done showing no interference with surface water from individual wells, but these tests have been denied as proof and OWRD has continued to call wells in response to senior water calls, even though tests have proven the position of OWRD that the wells do interfere with surface water rights to be inaccurate and wrong. OWRD has developed a "blanket" management approach to the wells in the Upper Klamath Basin by saying all wells i.e.; groundwater, are hydraulically connected to all surface water sources, that is absurd. In certain site specific instances, ground and surface waters may have a connection, in other site specific places there is ample evidence they are not connected. To categorically say all surface and ground water sources in the Klamath Basin are connected is the only way OWRD can try to satisfy the Klamath Tribes and keep them from suing OWRD for more water. The claims the Tribe have made can never be met, as they have made claims that are 300% over what has ever been measured on some of the surface water sources. Last year the Tribes filed suit in a California court trying to stop all irrigation within the Klamath Project. That judge did not rule on the suit, but in his comments about the situation he accurately pointed out that the Tribe had no scientific evidence supporting their claims. There have been studies done in the past that after wells were drilled in the upper basin, more water was available in surface sources, not less! By using untapped underground aquifers by drilling agricultural wells, it has been proven the wells actually add more water in the form of return flows to rivers and streams. But OWRD categorically denies this proof from these previous studies because their objective is to take every individual's water rights away. And once this happens in the Klamath Basin, the rest of the state is at risk as well. The financial impact already being felt in the Klamath Basin is huge. Ranchers and farmers are being forced out of business in the upper basin and the effect on neighboring communities is being felt due to loss business revenues. I strongly urge the passage of SB791 as a way to ensure this "strong arm" taking of individual rights by OWRD be stopped, and that individuals with proof that their wells do not interfere with surface waters, or actually add more water by being used, be given relief from the unfair and unproven blanket of guilt we have been covered by in the past.

Nora Koenig

Upper Basin Rancher & Irrigator

