



Testimony of the Confederated Tribes of the Umatilla Indian Reservation
House Interim Committee on Agriculture, Land Use and Water

January 12, 2022

Good afternoon. I'm Eric Quaempts, Director of the Natural Resources Department of the Umatilla Tribes and a Umatilla Tribal member.

I also serve on the Oregon Water Commission and I previously served on the Oregon Watershed Enhancement Board. I have served on the Policy Advisory Group for the Oregon's first Integrated Water Resources Strategy, on the Seasonally Varying Flows Task Force, and was a member of the Drought Task Force.

Like Chair Brigham, I appreciate this opportunity to address the Committee about drought and water challenges on Tribal lands.

Drought impacts Tribes differently than others because of the cultural dependence on salmon and other aquatic First Foods. Drought produces low river flows, which make it difficult for adult salmon and other native fish to return to suitable spawning habitat. In the Umatilla and Walla Walla River basins, we trap and haul these fish upriver to areas with better stream flow. The low flows resulting from drought typically warm easier in the summer, which reduces juvenile fish survival. For anadromous fish, this means fewer fish make it to the ocean, and so fewer adults return to our rivers and Tribal Treaty harvest may not be feasible. This an issue across the basins in which we fish and work - the Walla Walla (which is a bi-state river), the Umatilla, Grande Ronde and John Day.

Drought can also exacerbate forest health issues and extend and intensify wildfire seasons. This is important on a reservation with scattered rural housing at the wildland interface. We are actively managing our forests to improve drought resilience and reduce the potential for extreme fire behavior.

Returning to river issues, in the Umatilla Basin, one way we can moderate drought impacts is through settlement of our Treaty water rights. By obtaining our water rights, we can improve and manage instream flows for fish, as well as meet the consumptive needs of our Tribal community.

The State of Oregon has been a partner in our water rights settlement effort from the beginning. In 2007, the Tribe, the State and Westland Irrigation District jointly requested the appointment of a Federal team to assess and negotiate a Umatilla Tribal water rights settlement in the Umatilla River Basin. Formal negotiations began in 2011 to satisfy current and future Tribal homeland needs – for our homes, businesses and governmental operations. The work is also addressing instream flows to support partial restoration of a salmon fishery and other native aquatic species, without harm to the existing water uses and the irrigated agricultural economy of the Umatilla Basin.

This has not been an easy task. The Umatilla River is over-appropriated during the irrigation season. We are building our settlement using the approach and the facilities of the Umatilla Basin Project. To satisfy Tribal water needs, we have entered into and are negotiating agreements with willing irrigation districts and family ranches that would transfer their Umatilla River and McKay Reservoir waters to the Tribe in trade for Columbia River water delivered by an expanded Umatilla Basin Project – which is operated and maintained by the Bureau of Reclamation.

Our settlement will also include our rights to groundwater which, to date, has been the sole source of water to meet our homeland needs.

The settlement is critical to the communities and the economy of the Umatilla Basin. The settlement removes uncertainty for all water rights holders in the Basin. Further, it assures our needs are met as the Umatilla Tribe is one of the largest employers in Umatilla County and employs more than 1,800 people – most of whom are non-Indian. The settlement of the Tribal claims will do no harm to existing water users.

I must acknowledge the dedicated support and contributions we have received from Tom Byler and his staff in the Water Resources Department. While we still have important issues to resolve, the Department sees the value of our settlement to the Tribe, the Basin, and the State and has played a constructive role throughout the negotiation process.

I would like to invite each member of this Committee to tour the Umatilla Basin, to see the Reservation, the Umatilla River, and the Project facilities that will make the settlement work for the settlement parties. We will have representatives from irrigation districts join the tour so you can hear their perspective on the settlement as well.

Thank you for your time and I hope to see you in the Basin.