



284 E Water St, Stayton, OR 97383

2/225/2020

To: Chair Helm, Vice-Chairs Owens and Reardon, and Members of the House Committee On Water

RE: Willamette Reallocation

Dear Chair Helm, and Members of the Committee:

The Santiam Water Control District (SWCD) is a multifunction District with water rights to irrigate 17,000 acres. Our diversion works are in Stayton Oregon. Our source of water is the North Santiam River (live flow) with priority dates ranging from 1866 to 1978 and Detroit Reservoir (Stored Water) which we began using in 1987 and our most recent certificate of 1996.

The District has been active in the planning since construction of the dams and the very first irrigation water was stored in them. We have voiced concerns throughout the process but have been committed to working on a basin wide solution even though we stand to be one of the losers in the reallocation effort, as it now stands. The fact of the matter is that there has been a readily available simple solution that the new uses simply file for a new storage water right by, the same process available to all since adoption of the water code in 1909. We have a 1978 live flow right that has never been regulated off. If the reallocation moves forward and all stored water is protected for new municipal and other uses it is likely that right would be regulated off to feed the new reallocated water uses. Our upriver cities are in a similar situation and their live flow rights could be regulated off for brand new 2021 stored water uses. This reshuffling of priority dates will upend our regulatory scheme and result in endless lawsuits and a legal quagmire. In other dam tributaries a user could apply for a supplemental stored water permit that would fill-in but the Bureau of Reclamation is banned from issuing new contracts in the Santiam rivers as per an included biological opinion- RPA (reasonable and prudent alternative).

In addition, all Bureau contracts contain a pass-through provision that all contracted users would be diminished equally in times of inadequate storage i.e. 50% full means 50% allocation. This provision of the contract has never come into play because all of the water hasn't been allocated yet. This in effect means that an SWCD 1987 contract user would now share the pain and be diminished alongside a brand new user with a 2021 priority date.

Today, the Willamette mainstem and Portland area are already the beneficiaries of the flood control improvements of the system. It is not fair or equitable to now shift additional benefits to the metro area at the expense of our rural cities and farm communities.

The District concurs with others. We feel the process is being rushed and we are nowhere near ready implementation. Everyone agrees there are large challenging issues ahead. Conversion of minimum perennial streamflow's, a new bi-op with a jeopardy opinion containing complicated RPA's , a new contracting authority , determining instream right holders, determining release times and place of use. These are all heavy lift items that require serious funding and effort. If we fail the Willamette basin spins into an uncontrollable legal tornado that replicates the difficulties of the Klamath basin.

We have the unique opportunity to get it right in the basin, we need your help in ensuring we travel the right path. Rushing implementation such as HB 3103 is the wrong path because it would commit the questions above to complex and protracted litigation.

Thank you for your consideration and support

Brent Stevenson

Brent Stevenson, District Manager Santiam Water Control District