



WaterWatch of Oregon

Protecting Natural Flows In Oregon Rivers

HB 2765 Testimony of WaterWatch of Oregon by Kimberley Priestley

House Committee on Agriculture, Land Use, Natural Resources and Water
March 27, 2023

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 and aquifers to sustain fish, wildlife, recreation, and other public uses of Oregon's waters. 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.

WaterWatch opposes HB 2765

What HB 2765 does: This bill would grant South Suburban Sanitary District (SSSD) exclusive use of reclaimed water---water that is currently discharged into the Klamath system--to use or sell. The bill provides a carve out to current reclaimed water statutes, and essentially grants a legislative water right to SSSD without any consideration of the effect on the environment or other water right holders. The bill prohibits use of this water to fulfil state or federal fishery requirements.

There are already statutes in place that allow for use of reclaimed water: Oregon law already allows for additional uses of "reclaimed water" without having to get a new water right, however, to do this a water right holder must first obtain authorization under the reclaimed water right statutes (ORS 537.132). Importantly, under this process ODFW must determine that the use of reclaimed water would not have a significant negative impact on fish and wildlife. This bill, on the other hand, has no such checks and balances.

HB 2765 does not ensure water to the Klamath Refuges for birds or other fish and wildlife: Testimony on OLIS indicates there is a widespread belief that this water will go to Klamath basin refuges. There is nothing in the bill that requires this. What this bill does is allow SSSD to sell water to the highest bidder.

HB 2765 prohibits use of this water to meet state or federal fishery requirements: This bill specifically prohibits the use of this water to meet state or federal fishery requirements. This type of protection is not something we have seen attach to any other water right in this state and sets troubling precedent.

Conclusion: Long story short, this bill provides a legislative carve out for South Suburban Sanitary District that contravenes existing reclaimed water statutes and the few checks and balances those laws have in place. This bill does nothing certain for the refuges, and for several reasons sets troubling precedent. We urge rejection of this bill.

Contacts: Kimberley Priestley, WaterWatch of Oregon, kjp@waterwatch.org, Jack Dempsey, jack@dempseypublicaffairs.com, 503-358-2864

WaterWatch of Oregon
Main Office: 213 SW Ash St. Suite 208 Portland, OR 97204
Southern Oregon Office: PO Box 261, Ashland, OR, 97520

www.waterwatch.org
Main Office: 503.295.4039
S. OR Office: 541.708.0048