

March 29, 2023

Dear Chair Helm and members of the House Committee on Agriculture, Land Use, Natural Resources, and Water,

Re: request vote no on HB 2765

President

Judith Ramaley

Vice President

Debbie Elliott

Secretary

Merril Keane

Treasurer

Bob Sternberg

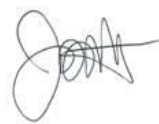
On behalf of Portland Audubon's over 16,000 members around the state we strongly urge you to vote no on HB 2765. This bill would grant South Suburban Sanitary District (District) exclusive use of reclaimed water, water that is currently discharged into the Klamath system, to either use for their own purposes or sell to others. This would effectively legislate a new water right to the District, which, as noted in the Oregon Water Resources Department testimony, circumvents the prior appropriation doctrine and could injure other water right holders. This sets terrible precedent.

Portland Audubon is the oldest environmental organization in Oregon and helped establish the Klamath Refuge system back in the early 1900s based on expeditions to the region by one of our founders (William Finley). The Klamath Refuges have historically been one of the most important stopover habitats for tens of thousands of migratory birds every spring and fall. In recent year's drought and water allocation decisions have dried up much of the refuge for a lot of the year and heavily impacted the birds and other wildlife that depend on it.

Portland Audubon has a great interest in seeing water delivered to the refuges for birds, wildlife, and recreational uses. While testimony on the record indicates that there is a widespread belief that this water will be delivered to the refuge, there is nothing in the bill requiring this.

We also have concerns that this bill specifically prohibits the use of this water to meet state or federal fishery requirements. The situation in the Klamath is complex, it does not seem appropriate to legislate a protection that no other water right holder in the basin enjoys.

Sincerely,



Joe Liebezeit
Interim Statewide Conservation Director