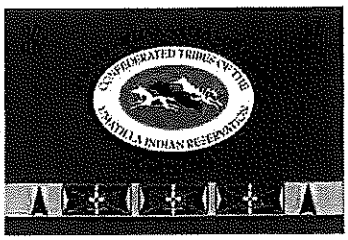
Confederated Tribes *of the*
Umatilla Indian Reservation
Board of Trustees & General Council



46411 Timine Way • Pendleton, OR 97801
(541) 429-7030 • fax (541) 276-3095
info@ctuir.org • www.umatilla.nsn.us

Testimony of the Confederated Tribes of the Umatilla Indian Reservation
on SB 5547, Oregon Water Resources Department
before the Joint Ways & Means Subcommittee on Natural Resources

March 28, 2013

Good afternoon Senator Edwards, Representative Unger and Members of the Committee:

My name is Eric Quaempts and I am the Director of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Natural Resources Department. In coordination with and approval of the CTUIR Tribal Water Commission and the Board of Trustees, I am submitting this testimony in support of the Governor's budget for the Oregon Water Resources Department (OWRD) for the 2013-15 biennium.

The CTUIR enjoys a constructive working relationship with many of Oregon's departments, but our work with OWRD is especially important. Our work with OWRD in this biennium has produced real benefits to each of our governments and the communities we serve. In the past year we have seen:

1) the appointment of Federal Indian Water Rights Negotiation Team and the formal initiation of negotiations in June 2012 to settle the Treaty reserved water rights of the CTUIR in the Umatilla River Basin;

2) the execution of a Declaration of Cooperation on February 15, 2013 by and among the State, the CTUIR and various Umatilla Basin stakeholders to responsibly address water supply needs in the Umatilla Basin; and

3) the completion of Oregon's Integrated Water Resources Strategy in August 2012.

While the achievement of these important milestones is noteworthy, they will demand continued OWRD participation and implementation in the next biennium. I can speak to the importance of the OWRD role in the achievement of these milestones because of my direct involvement in each. I serve as a member of the CTUIR Water Rights Negotiation Team, I was the CTUIR representative on the Columbia River Umatilla Solutions Task Force and I served on the Oregon Integrated Water Resources Strategy Policy Advisory Group. OWRD staff have been critically important and creative participants in each of these endeavors and the success of these initiatives will require continued OWRD active involvement and leadership.

Water is a vital resource statewide, but its significance east of the Cascades cannot be understated. The CTUIR strongly urges the Committee to approve of the Governor's budget for OWRD because of the Department's role in these vitally important initiatives:

a) Let me begin by expressing the CTUIR's gratitude to OWRD for its leadership role in implementing the Umatilla Basin Project. OWRD's ongoing participation is absolutely essential to the successful management of water supplies and exchanges under the Basin Project. OWRD's experience and leadership has ensured the restoration of stream flow and the salmon fishery to the Umatilla River, while maintaining water supplies for the irrigation districts in the basin. The Project must be managed every year, and it's critically important that OWRD continue its leadership role in working with all of the stakeholders to ensure water for fish and farmers in the Umatilla Basin. In addition, I can inform the Committee that as the CTUIR developed our water rights settlement proposal prior to initiating settlement negotiations in the Umatilla Basin, we worked closely with, and relied upon, OWRD staff in the Watermaster's office in Pendleton, for the water rights and Umatilla Basin Project operations information that our settlement proposal is based upon.

b) The CTUIR has initiated negotiations for a settlement of its water rights in the Umatilla River Basin. These negotiations are vital to the CTUIR as well as to the agricultural economy in the Umatilla Basin. The CTUIR has committed to achieving a settlement of its water rights without harm to existing water rights holders. Our negotiations involve a Federal Indian Water Rights Negotiation Team, OWRD representatives, and representatives of each of the Umatilla Basin irrigation districts and ditch companies. We appreciate the commitment of OWRD, as well as their knowledge and creativity, to making these negotiations a success. The CTUIR strongly encourages the Committee to approve the Governor's budget for OWRD to permit their continued participation in our negotiations.

c) The CTUIR is also strongly supportive of OWRD's work on the Integrated Water Resources Strategy which is critical to Oregon's future, and to the future of the CTUIR. My work on the IWRS Policy Advisory Group was focused on ensuring that the Strategy addressed both instream and out-of-stream water needs in Oregon and that water quality and ecosystem needs were incorporated into the Strategy. I believe these issues have been fairly addressed in the Strategy. However, the Strategy is only valuable if it is implemented. The CTUIR strongly encourages the Committee to approve of the Governor's budget for OWRD and the General Fund resources required for implementation of the Strategy.

d) The Declaration of Cooperation executed by the State, the CTUIR and Umatilla Basin stakeholders outlined water projects and management regimes to address water supply needs in the Umatilla Basin. Obviously, OWRD must play a critical role in the evaluation and pursuit of any of these initiatives. While the CTUIR will insist that any new water supply projects or management regimes not adversely impact the water

resources or infrastructure needed to settle our water rights, we look forward to working with OWRD and Basin stakeholders in addressing these water supply needs in a responsible way.

e) The CTUIR is concerned that today's push for new water supplies for additional consumptive purposes does not repeat the mistakes of the past. We will work with OWRD to ensure that further depletion of in-stream flows and loss of flood plain habitat does not occur in the evaluation, construction or operation of new water supply projects. We have particular concerns regarding the "straw dog" being developed to create and establish criteria for use of State funds from a Water Supply Development Account for new water projects. To date, our comments on the straw dog have not been given adequate consideration as they relate to the CTUIR's co-management role of water and fishery resources throughout our traditional use areas in the State. We continue to assert that that the Integrated Water Resources Strategy could be utilized more fully to inform this legislative concept. Finally, we offer our commitment and professional capacity to assist Oregon in collaboratively determining seasonally varying flows that need to be established and protected by OWRD to support ESA-listed fish and other native aquatic species before new water projects are authorized. We will look to OWRD for their leadership and assistance to ensure the protection of CTUIR's treaty-reserved resources as the straw dog is revised into proposed legislation.

For each of these reasons, the CTUIR supports the Governor's budget for OWRD during the 2013-15 biennium. This budget will permit OWRD to continue to effectively participate in these initiatives that are so important to the CTUIR and the State.

Thank you for this opportunity to present the CTUIR testimony.