



HB 2819

Testimony of WaterWatch of Oregon Kimberley Priestley

House Energy and Environment Committee February 12, 2019

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 to sustain fish, wildlife, recreation and other public uses of Oregon's rivers, lakes and streams. 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 has been working on water issues in the Umatilla Basin for over three decades. In recent years, we were a member of the Columbia River Umatilla Solutions Task Force (CRUST) that signed a 2013 Declaration of Cooperation that had as an objective, among other things, identifying options to increase utilization of Columbia River water for in-stream and out-of-stream uses in the Umatilla Basin without negatively impacting instream flows needed for fish. Following that agreement, we worked for over two years with the Northeast Oregon Water Association and the State to negotiate new water right permits to supply water for irrigation from the Columbia River that provided mitigation water for fish in accordance with state law.

WaterWatch opposes HB 2819 -1 as currently drafted

What HB 2819-1 amendments do: The -1 amendments direct the OWRD to establish a pilot project to make Columbia River water available to groundwater right holders in critical groundwater areas in the Umatilla basin.

Among our concerns with existing language is the fact that the language in the -1's does not limit this pilot to existing surface water rights, but opens up Columbia River water without sideboards. The -1's also do not limit use of this program to certificated groundwater holders in the Umatilla basin who are actually getting water under Critical Groundwater Area allotments, but instead would allow any groundwater right holder (whether they are currently getting water under their existing rights or not) the ability to use Columbia River water. The -1's do not protect the water stored in the aquifer into the future, nor do the -1's outline a clear public environmental benefit for the public funds invested.

Discussions are ongoing with this bill, and we understand at least one additional set of amendments will be offered. Any solution should include mechanisms to protect water restored into the aquifer for the term of the pilot and beyond. The bill needs delineate pilot sub-basins, and include a clear process for distribution, enforcement and protection (whether voluntary regional agreements that include all groundwater holders in a sub-basin pursuant to OS 537.745 or some other mechanism). Bill language should be clarified so that it is clear that only those that receive water under critical groundwater area allotments can use Columbia River water rights in place of their allotments. It also needs to be clarified that the bill is not opening up the Columbia River to new withdrawals to serve this pilot, but this pilot is based on the use of existing Columbia River water rights only (in accordance with water right terms and conditions, including any required mitigation).

Sustainable conjunctive management of surface water and groundwater resources in the Umatilla basin is an important goal. That said, HB 2819 raises questions of statewide concern that deserve adequate time for discussion, including but not limited to: tools necessary to protect the gains to the aquifer into the future, ensuring that public environmental benefits attach to any public dollars distributed to water projects and the role of water banking in our state.

In short, this discussion should not be rushed and should be given adequate time to both ensure that the intended sideboards of the pilot project are actually captured in bill language, and also to address issues that could have implications for other basins across the state. We agree that creative thinking is needed to recover aquifers in the Umatilla basin, but any solution needs to set a framework that will work to recover the aquifer, protect the Columbia River and its fisheries and provide public environmental benefits. HB 2819 needs more work.

Thank you for consideration of our comments.

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