

**Confederated Tribes of the  
Umatilla Indian Reservation**

Board of Trustees



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March 4, 2019

Senator Kathleen Taylor  
900 Court St. NE, S-423  
Salem, OR 97301

Representative Jeff Reardon  
900 Court St. NE H-473  
Salem, OR 97301

Re: Oregon Water Resources Department Budget, House Bill 5043

Dear Senator Taylor and Representative Reardon, Co-Chairs of the Ways & Means Subcommittee on Natural Resources:

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) appreciates the opportunity to provide comments on House Bill 5043, establishing the budget for the Oregon Water Resources Department (Department). How Oregon manages our shared, crucially-important water resources directly impacts the CTUIR's ability to work collaboratively as co-managers throughout our Oregon-based aboriginal territories and Treaty-secured traditional use areas to protect, enhance, and restore our tribal First Foods and our members' exercise of their Treaty Rights. We respectfully urge you to support Governor Brown's recommended budget for the Department, and further suggest an increase of \$1,362,000 to support the Department's capacity to participate in the development and implementation of collaborative and locally-driven processes and solutions to complex water issues.

In light of the Secretary of State's 2017 performance audit of the Department that noted rising litigation costs and increasing instances of problematic water issues around the state, it is clear that the Department needs additional resources to adequately manage water and enable the State to more competently address current and future water challenges. The CTUIR is keenly aware of the problems that arise when water management decisions are based on insufficient data, such as the following examples we've had to confront:

- Critical Groundwater Area and Serious Water Management Problem Area designations;
- Surface water over-appropriation and water quality-limited designations;
- Native species extirpation and Endangered Species Act listings; and
- Five of our six subbasins prioritized for basin water studies because of existing and emerging water supply issues.


The CTUIR recognizes and deeply appreciates the inclusion in the Governor's proposed budget of \$2,837,027 to improve groundwater data, management, and protection, and the prioritization of the Walla Walla subbasin for the next groundwater study. Information gained from the groundwater study will be vital to the development of an equitable and sustainable solution to the many challenges caused by the over-allocation of surface water and groundwater supplies.

In the Walla Walla basin for example, the CTUIR has worked collaboratively for over two decades to restore conditions necessary to support native fisheries. We have sponsored over \$20M in fish ladders, irrigation diversion screens, and flow restoration projects to assist water users in legally operating while we pursue our goals for enhanced stream flows and fisheries for CTUIR members and non-Indian alike. However, surface and ground waters are linked, and the continued lack of adequate information on groundwater resources and surface water availability threatens to undermine our mutual efforts in the Walla Walla subbasin and the collaborative, cooperative spirit we've sought to foster there for the last twenty years, and drive us more toward disagreement and litigation.

We are concerned the Governor's proposed budget does not include the Department's request for resources to help resolve complex water issues. The Department's ability to participate in the development of collaborative solutions and to monitor the outcomes to ensure success is just as important as having adequate data to inform those efforts. The CTUIR is involved in collaborative water rights settlement negotiations in the Umatilla basin, in-stream flow restoration and water supply development in the Walla Walla, and instream flow restoration in the Grande Ronde basin and we are concerned that without additional resources, OWRD would not be able to participate in these collaborative processes given its current work load. For example, it is our understanding the Department relies on this funding to participate in our Umatilla Basin Federal Indian Water Rights settlement negotiations. Their participation is vital for our settlement's progress and the shared benefits a successful settlement would bring to the Basin. Their ongoing work in other collaborative efforts is needed as well, including helping basins address climate change impacts. We will continue to bring resources to these challenges in the form of staffing and our limited funding, but we urge the Committee add a minimum of \$1,362,000 to the Department's budget to help address these complex water issues.

We encourage the Committee to act now, take advantage of the enthusiasm for collaboration, and put the Department in a position to help the CTUIR and others achieve effective, informed paths forward for water management. The CTUIR, informed by review and support from our Tribal Water Commission, Fish and Wildlife Commission, and the Board of Trustees, respectfully requests you support the Governor's proposed budget with an increase of \$1,362,000 to ensure the Department can meaningfully inform and engage efforts to address existing and future water issues. Thank you for your consideration of our comments.

Sincerely,



Gary Burke

Chairman, Board of Trustees