

Dear Chair Helm and members of the House Committee on Water,

My name is Steven Graeper and I am the volunteer President of the Rhododendron Water Association (RWA).

I am submitting testimony today in favor of HB 2594. While I would have preferred the original version first proposed by Representative Williams, the amended version that is now being considered by this committee does meet some of the criteria necessary to help protect surface water streams which flow within watersheds that serve communities like Rhododendron.

As background, Rhododendron is a small community on the western flanks of Mount Hood along Highway 26. Its population is just over 1000 residents and the Rhododendron Water Association serves the community through approximately 365 service connections.

Big Henry Creek is the surface water stream which is the sole source of water for the .3 cubic feet per second (135 GPM) water right used by the association's customers. Big Henry Creek flows through a watershed that is approximately 2.8 square miles in size with the majority of the watershed acreage falling within the Mt. Hood National Forest boundaries.

However, there are approximately 230 acres of privately owned, Timber Zoned, property in the Henry Creek watershed over which nearly 3000' feet of Henry Creek flows.

Since 2018, after receiving an updated version of the DEQ's Source Water Assessment, the Rhododendron Water Association has been constantly attempting to effect source water protections for Big Henry Creek. The association was awarded a \$30,000 SWP Grant in 2019 that was to be used to help secure possible Conservation Easements from the owners of the two privately held parcels. However, our attempts to contact the owners to begin negotiations went unanswered by one owner and were refused by the other. Unable to secure any protections, the Grant funds have since been returned to the state.

While RWA has been attempting to do the right thing and protect the systems source water as outlined in the DEQ's Source Water Assessment, we have been frustrated that there are absolutely no incentives for private property owners to enter into negotiations with water providers to protect drinking water sources.

The protections outlined in the Oregon Department of Forestry Timber Practices act are sorely inadequate for protecting sensitive streams that contain anadromous fish and serve as water sources for communities like Rhododendron. Case in point is the situation in the Corbett Water District where timber harvesting, which supposedly followed the ODF guidelines for stream buffers, completely disrupted the flow of Gordon Creek, cutting off a portion of the stream that serves as a surface water source for the Corbett Water District. Fortunately, Corbett has other sources of water and the community did not go without water.

However, if the same thing were to happen in the Henry Creek watershed, the whole community of Rhododendron would go without water.

Additionally, the Rhododendron Water Association filters its water using rapid sand and cartridge filters prior to being disinfected and distributed to the community. The use of cartridge filtration makes the Rhododendron filtration plant extremely vulnerable to high NTU (turbidity) events, especially during high flow events. It is not unusual during high turbidity events that RWA cease the filtration process and rely on stored reserves to supply the community's water, while waiting for the turbidity to return to normal.

If one or both of the private properties were to be harvested, using the existing ODF buffers, the likelihood of increased NTU's is exponentially increased, and would effectively be shutting off the community's water supply.

It is for these reasons that the RWA fully supports HB 2594. The State Board of Forestry needs to be more aware of, and protective of, streams, channels and tributaries that have domestic water use. They need to be made to review their rules under ORS 527.710 (2) (b) and they need to be more consistent using the best management practices as described in ORS 527.765 and bring their standards compliant with Federal Safe Drinking Water and Clean Water Acts.

In my opinion, this legislation does not go far enough. Nor does it enact incentives for private property owners to negotiate in good faith with domestic water suppliers to insure adequate source water protections, but at least it's a start.

We urge this committee on water to recommend HB2594 be moved forward for discussions on the House floor.

Sincerely,

Steven G. Graeper, President
Rhododendron Water Association