



## **The Conservation Angler Supports Passage of HB 2929**

HB 2929 gives Oregon Water Resources Department (WRD) the authority to move quickly when water sources are illegally being used or otherwise harmed. In a hotter and drier world, clean and abundant water is even more precious than ever – it is Oregon's most precious resource. Illegal and unpermitted water use can quickly drain aquifers and streams, harming people, fish, and amphibians – effectively stealing these resources from current and future citizens of this state. Unpermitted water impoundments cut off stream flows and springs, risking whole populations of fish and sources of drinking water.

HB 2929-2 authorizes WRD to seek temporary or permanent injunctive relief if WRD has information that a person was engaged in activity that constituted a violation of specific water laws. The Conservation Angler supports HB 2929-2 for these specific reasons:

Illegal water use and storage are time-sensitive issues for native fish which require abundant cool, clean water to survive. Native fish are present in Oregon's streams at all times of the year both as juveniles and adults. Native fish already must survive during the summer-fall irrigation season when streams are already at their lowest flow and warmest temperatures of the year. At those times, cold water species such as wild salmon, trout and steelhead are vulnerable – especially if illegal water use and storage is exacerbating the already low stream flows.

If an illegal water use includes an illegal and unpermitted off-channel reservoir, native fish are likely to be trapped in the diversion facilities or reservoir. Once diverted to an illegal storage pond, trapped fish will die due to lack of food, lethal water temperatures, predation by birds or mammals or non-native fish, or simply from the eventual dewatering of the illegal pond.

Stream flows are already a limiting factor for native fish and decreasing water quantity is increasingly a harmful factor for native fish. Delays in securing a remedy for illegal water use or storage is a critically pressing issue for fish facing climate change impacts and seasonal drying. Studies and field reviews show that low streamflows are currently a frequent bottleneck or constraint for native fish population sustainability statewide, especially in southwest Oregon, where the effects of summer drought on water quantity are compounded by illegal water use and storage.

Illegal water use and storage are growing problems in Oregon and presents the same risks to fish no matter whether the water is used for illicit or legal crops or purposes. Oregon needs a full complement of enforcement tools to address those extreme water law violations wherever they occur, and whatever the ultimate use of the water. Illegal water use is stealing – plain and simple – it is no different than robbing a bank of the State Treasury Office.

WRD needs the statutory authority to obtain an injunction against water code violations including illegal use or storage of water. Timely remedies for those violations are vital to protect Oregon's native fish species (let alone, the interests of legal water users). HB 2929-2 would protect the state's significant investments in fish passage, instream flow restoration, and habitat restoration on private and public lands.

As Oregon wrestles with increasing and prolonged drought conditions, ensuring for the lawful use of water is paramount. WRD needs the authority to seek injunctive relief where information clearly demonstrates illegal water use, and HB 2929 gives WRD this important tool.

As Casey Kulla wrote in Oregon Wild's testimony, responding quickly is key; responding justly is crucial.