NORTHEAST OREGON WATER ASSOCIATION

Via Electronic Submittal to the House Committee on Agriculture, Land Use, Natural Resources and Water

February 12, 2025
Representative Ken Helm
Representative Mark Owens
House of Representatives
State Capital
Salem, OR 97301

RE: HB 2988 (Neutral but in Support of Recharge Reform)

Dear Co-Chair Helm, Co-Chair Owens, Vice-Chair Finger McDonald and Members of the Committee:

The Northeast Oregon Water Association (NOWA) would like to thank the House Committee on Agriculture, Land Use, Natural Resources and Water for your leadership in addressing the challenges faced by our cities, counties, special districts, NGO's and private landowners who are attempting aquifer recharge (AR) and aquifer storage & recovery (ASR) testing, targeting a multitude of benefits to Oregon. NOWA is very appreciative that this topic is going to be debated in the 2025 session and are only neutral at this time as we believe the bill does not go far enough to provide the relief needed today to move recharge testing forward in our region and other regions of the state. NOWA is willing to work on amendments to HB 2988 and engage in further discussions on amendments or a final recommendation on a recharge package this session.

About NOWA

NOWA is a results-based non-profit organization to the natural resource-based economy of the Mid-Columbia region of Northeast Oregon. We represent solutions not special interests or industries for the benefit of all needs in our region. Our organization includes landowners of over 350,000 acres of the most highly productive, irrigated food producing farmland in the world, as well as the counties, cities, ports, special districts, and private businesses that generate and support our value-added agricultural output that now not only contributes food for families around the world but also contributes over $2 billion annually to the region and State of Oregon. A sustainable, drought and climate-change resilient, conjunctively managed water supply program is critical to sustainability of our region and the quality of life of all our current and future generations.

NOWA formed in 2013, shortly after memorialization of the Columbia River-Umatilla Solutions Task Force (CRUST) Declaration of Cooperation was signed by all 21 members representing diverse interests in the Mid-Columbia region. NOWA's primary goal was to establish and maintain the local institutional capacity needed to ensure that the short and long-term recommendations of the CRUST were not forgotten, and that the Umatilla Basin would finally begin to move

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forward on long-term water sustainability. NOWA continues its focus on 4 key milestones to achieve water sustainability and build environmental wealth within the Mid-Columbia region of Oregon:

1) Development of a mainstem Columbia River mitigation program above John Day Dam that does no harm to the Columbia River and promotes net gain, through mitigation projects, to meet 150,000 acre-feet of Columbia River demand.
2) Development of three Columbia River pipelines and optimization of existing and mitigated Columbia River water rights (including water recycling and recharge) to maintain the land base, incent multiple use of water molecules, relieve annual irrigation pumping pressure on the 4 Critical Groundwater Areas & native groundwater in general, and restore ecologic function in the Umatilla Basin where possible.
3) Continued testing and implementation of aquifer recharge where feasible to restore aquifers, faster than mother nature can do on her own, to ensure multigenerational drought and climate resiliency in our region as well as improvement to regional groundwater quality.
4) Development of a regional groundwater savings and banking program to ensure stable and recovering groundwater levels for current and future generations and optimized use of those recovering aquifers for specific consumptive and non-consumptive priorities of the region.

Mid-Columbia River Recharge and Oregon's Recharge History

The Mid-Columbia region of Oregon is where recharge in the United States was born. Our region is home to the first aquifer recharge project constructed in the history of the United States (County Line aquifer recharge project). Our region also has the first "agricultural aquifer recharge to aquifer storage and recovery systems" ever built in the United States. A farmer in our basin invented one of the first ASR valves (3R Valve) which continues to be installed in ASR projects of various application benefit from water storage, to heat exchange to subsidence mitigation all around the world. In the history of the generation that came to together to form NOWA, the region has developed and tested 2 AR/ASR projects, one municipal ASR project (with another in development stages today), and 3 AR projects (with 2 more under development today). All of these projects have worked, but some have not worked for the originally intended benefits. As an example, the Echo Meadows AR project tested in the early 2000's was originally being tested for storage and potential pre-treatment for secondary ASR. Echo Meadows did not prove to be a great storage reservoir for secondary beneficial use but the data collected showed that Echo Meadows would be a great AR project for groundwater quality improvement (i.e. nitrate dilution and flushing) as well as a long-term benefit to return flows in the Umatilla River (return flow benefit and ecological function.

Basically, every AR and ASR project tested in the Mid-Columbia region has resulted in a net positive over negative and the State of Oregon and the Mid-Columbia region were once national leaders/examples in recharge testing and recharge implementation. We have shown that recharge can positively impact groundwater levels, groundwater quality (nitrate improvement by both dilution and flushing), wetland and return flow enhancement cut off flood plains of the Umatilla River (cut off by roads, railroads, cities and other human developments that will not ever go away). Our region hosted tours for leaders from multiple states and countries such as Saudi Arabia, China and Africa who were all looking for ways to fix past overdevelopment problems like the legacy problems NOWA formed to alleviate as part of its multi-generational plan.

What's Changed?

As recently as 2012, AR and ASR were the dominant conversations of the day in Oregon. The Governor's office and legislature were supporting recharge testing and directing OWRD to complete recharge assessments across the state. NOWA was encouraged as we believed the data and testing completed in our region had finally lead to enough certainty that state agencies and the legislature were confident in the various tools and opportunities that AR and ASR could bring to the table. Over the past 10 years it has been the exact opposite. All the data that has been generated in our basin

and around the positive benefits of recharge have seemingly been ignored and replaced with what appears to be entrenched agency opinion that the sky is going to fall if a region is allowed to test aquifer recharge. Rather than build upon existing data sets and monitoring/reporting investments of past testing, we are being forced to basically start over on each recharge test. Models previously approved by state agencies are somehow being questioned by those same state agencies. Costs to get through a simple 5-year testing permit have skyrocketed due to interagency requirements and the time and uncertainty of the process has become something so risky that some of the largest philanthropic organizations, that took years to get bought into AR and ASR testing, are beginning to question investments in recharge or are outright pulling out of the state.

Oregon, in less than 25 years, has gone from an international leader in AR and ASR testing to bills, like HB 2988, that reference that we now must look at other states for direction on AR and ASR. Nothing has changed with groups like NOWA and other results driven regions who see AR and ASR as a tool for legacy problem remediation and future resiliency. The drive has and continues to be there at the local level. The only thing we have seen changed has been the support and direction at the executive, legislative and agency level. Our state government partners have failed in advancing recharge and encouraging its testing and application. NOWA agrees its long past time to right the ship on recharge and, as expeditiously as possible, to again test recharge in the state for the multitude of benefits that AR and ASR are designed to bring. Everything, from population growth to ecological function, can benefit in some fashion from recharge and we have an amazing program at OSU (which is also having trouble getting off of the ground due to bureaucratic red tape) ready to show the state what AR and ASR can and cannot accomplish for the future of our states drought and climate change resiliency.

Positive Signals

NOWA is grateful for the positive signals we are receiving from the Oregon Legislature and, specifically, the House Committee on Agriculture, Land Use, Natural Resources and Water regarding the importance of recharge and the need to support recharge testing. In 2023, NOWA supported SB 455 which was absorbed into section 6-6 of the 2023 drought package to advance an AR and ASR due diligence grant program and forgivable loan program for testing within Business Oregon to aid in covering testing costs. We have attached our testimony of SB 455 that provides greater detail on why that program will become so critical. It is now time to marry modernized recharge policy and re-enforce the need to quit talking about recharge and begin testing recharge. We believe HB 3228, with amendments, could get Oregon back to being the leader we once were in this technology and its application. We appreciate the opportunity to provide testimony, and relevant attachments, and are willing to engage directly in this process should amendments be discussed or considered.

Best regards,

J.R. Cook, Director

Attachments:
SB 455 Testimony (2023)
CRUST Declaration of Cooperation
OWSCI Recharge Study (2009)