



Via Electronic Submission to Senate Committee on Rules

Senator Kayse Jama, Chair
Senator Daniel Bonham, Vice-Chair
Senate Committee on Rules
State Capital
Salem, OR 97301

RE: Opposition to SB 1153 (All Public Water Supply Systems Should be Considered)

Dear Chair Jama, Vice-Chair Bonham and Members of the Committee:

The undersigned members of the Northeast Oregon Water Association represent a large proportion of the public water supply systems that serve the population of the Lower Umatilla Basin and Mid-Columbia Region of Oregon. We represent three key needs for a sustainable and thriving rural economy—jobs, food, and clean water. Our generation of leaders has been handed the arduous task of fixing legacy water sustainability issues including groundwater quantity issues, ground and surface water quality issues, and enhancement/repair of ecological issues impacting our two primary surface water bodies, which include the Umatilla River watershed and Columbia River mainstem.

Many of these issues originated in the early 1900s when the state encouraged settlement and development of North Morrow County and West Umatilla County. Science caught up to development in the mid-1900s, which led to an extremely tense period of regulation and litigation in the Umatilla Basin. During this time, more resources were spent on litigation and fighting than on solutions. The region was at a crossroads: either we keep fighting with the State and among ourselves or explore ways to compromise with one another and find solutions to further the various goals and values of our diverse population.

In the 1980s, the Umatilla Basin with the help of strong State and Federal leadership came together and adopted the guiding principles of “do no harm” to both the environment and water users, as well as “collaboration over litigation.” These principles led to the implementation of one of the most successful U.S. Bureau of Reclamation exchange projects ever conceived of, which both kept our irrigation community whole while also successfully restoring anadromous fish species in the Umatilla River and its tributaries. This work continues today. These same principles have also led to a renaissance around the use of available and/or mitigated Columbia River water, enabling the regional food production land base to slowly lessen its dependence on potable basalt groundwater. This freed up groundwater is now targeted for potable municipal needs and drought resilience for the food production land base (for example, in periods of droughts, saved and banked groundwater can be used for irrigation when more surface water in our streams and rivers



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is needed to meet essential fishery needs). We have spent hundreds of millions of dollars on NOAA approved, no take fish screens, efficiency, groundwater recharge and on administrative mechanisms to jointly and collectively use our water most efficiently, stabilize and recover depleted aquifers, and protect and enhance mainstem and Umatilla River fisheries. Most of this has been funded at the local level by private users and public rate base dollars.

We collectively oppose SB 1153 as the bill will negatively impact our ability to work together in a meaningful and equitable way as a community. SB 1153 makes it more difficult to utilize our public water supply systems to continue to solve our problems and grow our communities in a sustainable fashion.

One Community Cooperatively Working on Water Sustainability Solutions in the Mid-Columbia

Private water rights holders, cities, counties, ports, and special districts have been working together for over three decades to solve water quantity issues. We have developed three regional plans and found ways to communicate and collaborate, not just by sharing the water resources we have available, but also by developing publicly owned (note: not just municipal but “public”) infrastructure to meet the daily needs of cities, rural residents, industries, farmers, and the other myriad needs of the human population. Today, through various publicly owned water supply systems and a mix of publicly and privately held water rights that rely on publicly owned systems, our basin is maintaining our food production land base, saving potable groundwater (which can be used for human consumption and, in times of drought, other high priority uses), and finding ways to recharge aquifers and solve legacy ecological problems. As a region, we do not see our Columbia River diversions or our water rights individually, publicly, or district held; we view our diversions and water rights as a network serving the broader needs of our residents and the State of Oregon.

Our success has not happened overnight. It has taken a significant amount of local collaboration, investment and a willingness and formal commitment on the part of our municipalities, private water rights holders, special districts, and intergovernmental entities. Our basin has learned that while our cities, farmers, and residents can all compete for business and growth, the best use of our Columbia River water rests with utilizing public water supply systems in conjunction with public and individually held water rights for optimum regional benefit.

Just in the past decade our region has invested over \$200 million into three regional, multi-beneficial water supply systems, which serve agriculture, municipal, and special district interests. These projects are multi-beneficial either directly by virtue of their use (i.e., one pipe serving agriculture, industry, and municipal needs at the same time) or indirectly by virtue of the potable groundwater savings the public water supply systems have created (i.e., agriculture using mitigated water in lieu of pumping potable groundwater, which is then available to serve human consumption needs).

Our region’s public water supply owners (districts, municipalities, ports, and IGA entities) are in ongoing planning and negotiations on how we can share the same molecule of water without unnecessarily pumping more out of the Columbia River. We are also finding ways to share in the cost of one pipeline rather than subjecting taxpayers and rate bases to exorbitant capital outlays and fee increases associated with building and maintaining new Columbia River diversions and pipelines for single uses.

We are proud of our efforts to save taxpayer money and optimize water and infrastructure for maximum sustainability gain in our region. We feel that our efforts and our willingness to work together should be rewarded and incentivized, not set back.

SB 1153 will add cost, process, and confusion to our efforts to work together and may outright kill our ability to cleanly and crisply work together. Should that happen, we will once again be forced to look at more costly planning exercises, argue over interpretations, battle over water and infrastructure, and engage in further litigation. We ask, as a region,

why would the State of Oregon want to subject a region which has worked so hard to come together to find ways to help each other out, to something that sets us back and leads us, again, to conflict?

SB 1153 will exempt one group of public entities from any additional requirements around water right transfers while subjecting other groups of public entities, even if their water supplies are traveling through the same pipe or through the same family of diversions, to vague and subjective language, additional processes, new interpretations, and undoubtedly more litigation.

We have heard many arguments that municipalities are the only entity that has to go through Federal consultation for their water diversions or be subjected to the rigorous reviews and approvals of State and Federal law. That is simply untrue and unfounded. Every pumpstation on the Columbia River in our area of responsibility (Willow Creek to Wallula Gap) is within the Federal "Take Line" of the Columbia River. Therefore, all easements for pumpstation locations, and any/all construction and operation must go through the same rigorous State and Federal permitting (Section 404, tribal consultation, NEPA, removal/fill, etc.) regardless of if they are private systems or publicly owned. This misstatement is just one of many that underscores the conflict and inequitable treatment of one publicly owned water system over another.

In closing, SB 1153 represents everything we have strived to come together to avoid as a region.

Our Regional Ask

Our region is asking that you vote no on SB 1153 should the bill include anything other than the broad consensus reached regarding tribal consultation for water right transfers.

We are asking that you take steps to encourage the formation of public water supply jurisdictions and incentivize their efforts to work together to solve problems, rather than inequitably reward one interest over another simply due to the municipal name on the deed of particular diversion works or the municipal name identified as the holder of particular water rights.

We are asking that you dig a little deeper to understand the costs associated with the vague language included in the current bill as it relates to additional technical staff that will be needed to make the determinations required by the bill and to foresee the administrative protests and litigation that will inevitably follow.

We request that you consider the further divide SB 1153 may cause between our local government entities, including local public districts, State of Oregon agencies, and NGOs, and consider how this can and should be avoided through empowering implementation of locally developed solutions through publicly held (note: not just municipal) infrastructure and water rights.

We are asking that you help empower regions like ours that have come together to share water and financial resources, through public means, to solve problems and help each other out.

Lastly, we ask that you look at the attached map and visualize how impractical this bill is when a certain color of dots on the map is managed one way while the other colors of dots are managed differently, when the goals and uses of the water supplies are the same for all the dots on the map. Those diversions all have a purpose in our on-going solutions, and they are all working together to solve legacy problems. We feel it is past time that the State of Oregon acknowledge the hard work of this network of systems to find a way to work together rather than pick winners and losers based on the name of the diversion.

We don't feel that any of these requests have been fully vetted as they relate to SB 1153, and as such, the 2025 session is not the time to pass this bill. Regional discussions on how this bill will impact regional efforts, and regional investments of valuable public resources to solve problems, should be given time to succeed in order to prevent unnecessary protests of water right transfer applications, wasted staff expenditures at the state level, and yet another pathway for costly litigation for both the State and the publicly funded districts of the State.

Sincerely,

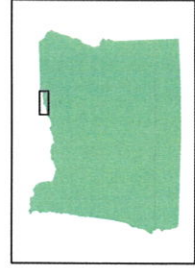
J.R. Cook, Northeast Oregon Water Association
Jake Madison, Mid-Columbia Water Commission
Umatilla County Commissioners (Dan Dorran, John Shafer, Cindy Timmons)
August Peterson, Morrow County Commissioner
Jeff Wenholz, Morrow County Commissioner
David Sykes, Morrow County Commissioner
Carl St. Hilaire, East Improvement District
Aaron Palmquist, City of Irrigon
Curtis Engbertson, Westland Irrigation District
Brian Anderson, Stanfield Irrigation District
Mark Maynard, Columbia Improvement District

Attachment: Columbia River Diversions and Ownership Status (NOWA Area of Operation)



Northeast Oregon Water Association

Order	Category	Color Code
1	Private	
2	Private	
3	Private	
4	Private	
5	Private	
6	Irrigation District	
7	Federal	
8	Federal	
9	Municipal	
10	Federal	
11	Municipal	
12	Private	
13	Irrigation District	
14	Private	
15	Municipal/Irrigation District	
16	Private	
17	Private	
18	Irrigation District	
19	Irrigation District	
20	Private	
21	Private	
22	Municipal	
23	Private	
24	Private	



Legend

- Federal
- Irrigation District
- Municipal
- Private
- Municipal/Irrigation District

