

March 22, 2017

Testimony On HB 2705 and HB 2706

Curtis W. Martin

51840 Hwy. 237

North Powder, OR 97867

Thank you, Chair Helm, and House Energy and Environment Committee members, for this chance to testify, not only to my concern, but also for the constituents that I represent, about House Bills 2705 and 2706. I am Curtis W. Martin, current Chair of Oregon Cattlemen's Water Resources Committee, a board member of Water for Life, and a lifelong Rancher in Eastern Oregon. I have also been involved in many water resource issues, most recently as a policy adviser to Oregon Water Resources Department on updating the Integrated Water Resources Strategy, administered by OWRD. I mention this to assure you that I have the knowledge, understanding and experience to speak to these issues. Also I have driven over 330 miles, one way, to be here today, because these ill founded policy efforts, are truly punitive in nature.

I will make my remarks direct and succinct, and to just a few of our concerns with the two bills, 2705 and 2706. HB 2705 is a prime example of a solution looking for a problem to solve. If this bill is directed toward misuse/overuse of water, I would simply point to Oregon Water Resources own data that documents in 2015 stating "on a Statewide basis, water use compliance with Water Rights and regulations was at 98 percent, also a percentage consistent with the 2014 compliance rate". The current system in place has historically worked extremely well, because in reality it is self-policing! By that I am meaning that the next junior water rights holder will make sure there is NOT an overuse of, or volume of water that is taking place. Also as testament to the existing jurisdiction of water in Oregon, is that in the year 2015, out of an estimated 89,000 Water Rights, only 66 individual cases were validated for unauthorized use. Again, this is according to data collected by OWRD. Instead of this punitive measure, it would be much more advantageous to implement the Oregon Water Resources Commission's "Strategic Measurement Plan", adopted in 2000, and updated as recently in 2007. This "Plan" is to identify "Significant Points of Diversion". That technical plan identified 2,385 diversions of significance, of which only 1005 have been equipped with measuring devices. Continuing this Strategic Plan, would identify and install measurement protocols that would mean better management of this resource.

Another problematic point of this idea, is that it segregates and regulates only out-of stream uses, as opposed to in-stream rights. In the spirit of equality under the law, it should absolutely require

March 22, 2017

the SAME treatment to the In-Stream Water Right as to the beneficial Out-of-Stream economic use. It short, it is discriminatory, and that definitely is not right!

Now, on too address House Bill 2706. In reality, this classifies as a tax and not merely a “fee”. Reasoning is that a “fee” can be appropriated only when a service is being rendered. In this current language, there is NO additional services being delivered to the user of the resource. Therefore, House Bill 2706 being a tax, should enjoin the exempted uses, namely domestic and municipal water users into participating in financing the effort, and not discriminating, against the out-of-stream agricultural uses. Also this act, is financially hostile to many individual, legal water rights holders. Multiple generational Ranching operations possess numerous diversion points to distribute their water, and the imposition of this monetary burden would severely impact their financial viability from continuing to the next generation of Agriculturalists. These are but a few of the real errors these two bills contain.

In closing my remarks, and on a more conciliatory, solution oriented tone, I sincerely want to express my personal desire for us to leave the positions of conflict behind us, and move toward collaborative, coordinated, out-come based discussions of improved management of this most vital resource.

Very honestly, I personally would like to engage with you as Legislators and Policy makers, in coming to Eastern Oregon and, in conjunction with our local/regional Water-masters examine and learn the intricate methods employed in allocating the multiple beneficial uses of Water, because it is complex. In exploring the many needs around Water, it does not have to be a zero sum game, in which to benefit one entity we have to take away from another! A current example, but at another forum, I would like to elaborate on how we, in the Powder/Brownelee Watershed are engaging with Oregon Department of Fish and Wildlife, along with other state and federal agencies, in addressing in-stream aquatic habitat needs, AND water for rural community’s economics. We can come together, because what we all want is a vibrant Oregon, with rural and urban understanding and respecting each others culture, heritage and values!

Again, thank you for your time and attention,

Curtis W. Martin