

Smith Holly

From: Lyndon Kerns <fbkerns@charter.net>
Sent: Monday, March 20, 2017 8:35 PM
To: Rep Reschke; Rep Bentz; Rep Helm; Rep Smith D; Rep Power;
rep.MarkJohnson@oregonlegislature.gov; Rep Holvey; Rep Barnhart; Rep Boone; HEE Exhibits
Subject: Opposition to HB 2705 and HB 2706

I am opposed to both House Bills 2706 and 2705.

HB 2706 is an impermissible tax on water users. The fee does not go toward providing an equivalent benefit for users and is explicitly a revenue raising bill—two hallmarks of a tax. The value of a water right is part of property values that farmers pay tax on. Farm families should not be double taxed on their water rights. It unfairly targets certain farmers. OWRD's work benefits all Oregonians, yet certain water rights are exempt from assessment or assessed at a much lower rate. Even among farmers, assessments can vary among users depending on how they hold their right. Farmers could end up paying wildly different rates for the same number of water rights.

As a personal example how complicated determining the water rights for our property could be. Historical water rights have changed ownership several times over the past century and in 1994, under adjudication, were transferred to Keno irrigation district. We also have water rights that fell under the Warren Act in 1954. How all of these different water rights would be determined under this bill is not clear. These fee's have no benefits to irrigated agriculture as they do not add any water certainty, water quality or water quantity.

HB 2705 would require installation of technologically advanced measurement devices on all non-exempt water rights and reporting of measurement results to OWRD. It authorizes OWRD to impose a punitive penalty of up to \$500 per day, with no exceptions for equipment failure. This one-size-fits-all approach to measurement is inappropriate for several reasons:

It's data for data's sake, certain water users and entities must report under their water rights. Presently, OWRD lacks the resources to process and analyze that data. Landowners should not be required to incur the cost of providing data to OWRD that it cannot use.

The cost of compliance to users would be significant and the cost of buying the best technology will be significant for farmers, especially considering that most have more than one diversion. OFB estimates average costs of compliance to range from \$1000 to \$20,000+ depending on the diversion type.

Measurement is not necessary in all areas of the state which already have measurement plans and priorities based on data and information needs.

Costly measurement devices are unnecessary for pumped irrigation, as a simple calculation based on KWH usage per year will determine the amount of water that is pumped. Expensive measurement devices installed may also have inaccuracies if they are installed in open ditch turnouts. During the summer months moss and other aquatic weeds in the water may impair the devices ability to accurately measure water pumped.

Sincerely:

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