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Submitted Testimony of Scott White, Executive Director  
Presented by Dave Jensen, Board Member & Farmer  
Submitted to the House Committee on Energy and Environment

March 22, 2017

RE: Opposition to HB 2705 and HB 2706

Chair Helm, Vice-Chairs Johnson and Power, and members of the Committee on Energy and Environment, my name is Scott White and I am the Executive Director of the Klamath Water Users Association (KWUA). Prior to my current role with KWUA, I served the State of Oregon as the Klamath Basin Watermaster, so I have an intimate knowledge of the effects water related legislation can have on the Water Resources Department and the water users of this great state. We appreciate the opportunity to provide our input on House Bills, HB 2705 and HB 2706.

KWUA is a non-profit corporation that has represented Klamath Irrigation Project farmers and ranchers since 1953. KWUA members include rural irrigation districts and other public agencies of the Klamath Reclamation Project as well as private water users who beneficially use water on both sides of the Oregon-California border. KWUA focuses on issues that affect thousands of people including farm and ranch families, local businesses and our rural communities.

The Klamath Reclamation Project is home to over 1200 family farms and ranches on over 200,000 acres of fertile farm land. In 2001, the Federal Government declared a zero allocation of water impacting every acre of the Project. Those impacts are still being felt today. Many individuals have filed for bankruptcy or lost their farms due to poorly thought out regulations that have had very negative consequences.

Today, the next generation of farmers and ranchers are trying to make a go at this noble lifestyle but struggle with continued regulations that impede their ability to thrive. Along with this increasing regulatory environment, drought conditions have been persistent in the Klamath Basin which furthers these business owners ability to make ends meet. Additionally, Klamath County leads the State of Oregon in certified organic farms and acres.<sup>1</sup> This is something we take pride in and don't want to see jeopardized by unnecessary regulations.

### **KWUA Position on HB 2705**

In 2013, the Oregon Water Resources Department completed a 27 year long adjudication process that determined the rights to water in the Klamath Basin. The Findings of Fact and Order of Determination identified the countless Points of Diversion (POD) located within the geographic

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<sup>1</sup> Kirby, E., &. (2010) *Oregon Certified Organic Acreage, Sales and Livestock*. Pullman. Washington State University, Center for Sustaining Agriculture and Natural Resources. Retrieved from [http://csanr.wsu.edu/publications/techreports/Organic%20Stats/OR\\_Organic\\_Tables\\_2009.pdf](http://csanr.wsu.edu/publications/techreports/Organic%20Stats/OR_Organic_Tables_2009.pdf)

area of the Klamath Basin Adjudication, many of which that do not have current measurement devices. I can say with utmost confidence that there is a strong interest from the water users to measure their water. However, due to the unique and complex hydrologic nature of the Klamath Basin, measurement is extremely costly and currently seen as unnecessary due to annual water rights regulation. Furthermore, as one who has seen firsthand the measurement devices employed at select PODs, water users have found that they have actually been using less water than what their water right entitles them to. In many cases, **measurement devices are counter intuitive to conserving water**. Our resource is too valuable to mandate regulations that would encourage more use of water.

HB 2705 in its current form would place impracticable mandates on many young and eager family farmers and ranchers trying to get started in the agriculture business.

HB 2705 in its current form would also place an **undue burden on the Oregon Water Resources Department** field offices. The field offices are responsible for regulating the water rights of the state in a manner that effectively ensures senior water users their right to water. **Mandating measurement devices will impede their ability to regulate water rights**. As noted above, senior Klamath Basin water users have waited 27 years for the opportunity to call for the enforcement of their rights. There is an overwhelming amount of effort that goes into predicting supply for the Klamath Project. Any delay in the enforcement of these rights can have dire consequences in Project operations, annual crop yields, and annual on farm success.

In addition, Oregon Administrative Rule 690-250-0060 already gives the Oregon Water Resources Department the authority to require measurement devices when necessary for regulation or management purposes. Therefore, **HB 2705 is redundant** in nature and in its current form takes the professional opinion and expertise out of the hands of local Watermasters who understand each unique hydrological situation, and places an undue burden on them and other field staff.

KWUA will remain committed and supportive of gathering data to improve understanding our valuable and limited resources, but not when it doesn't make sense. Mandating measurement and reporting must be at the discretion of the professionals at the Oregon Water Resources Department's local field offices, so for this reason and the others mentioned above, KWUA **opposes HB 2705** in its current form.

### **KWUA Position on HB 2706**

KWUA has long been a proponent of improving science to better understand our state's natural resources. As mentioned above, much effort goes into predicting the supply for the Klamath Reclamation Project. Any new information would only help in this effort. However, the cost of this improved science must not fall on the, already overregulated, water users of this great state.

The recent 2013 Klamath Basin Adjudication has cost the water users of the Klamath Basin millions of dollars and those costs will continue to grow until we see a decree from the circuit court judge. Separate costs are mounting due to Endangered Species Act litigation aimed at taking water from Oregon residents who currently hold Oregon State water right permits, certificates and claims. This water is essentially being redirected out of state into California. Not only are our family farms and ranches not able to use their water rights to grow taxable products

in Oregon, they are now potentially being asked to pay \$100 for each right they are not able to use.

KWUA appreciates the predicament that the State of Oregon and the Oregon Water Resources Department is in regarding its ability to fund key programs to improve its understanding of the resource. Putting the burden of funding those programs should not be on the back of the hard working family farmers and ranchers that already contribute nearly \$26 billion to Oregon's economy. For these reasons, **KWUA opposes HB 2706** and any proposed fee or tax placed on the water users of the State of Oregon.

We respectfully request that the House Committee on Energy and Environment support the family farmers and ranchers in Oregon and oppose HB 2705 and HB 2706.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Scott White", with a large, stylized flourish at the end.

Scott White  
Executive Director