



**Testimony of Oregon Wild on HB 4016
Submitted to the House Energy and Environment Committee
February 9, 2018**

Oregon State Legislature
Oregon State Capitol
House Committee on Energy and Environment
900 Court Street NE
Salem, OR 97301

February 9, 2018

**Oregon Wild Written Testimony Regarding Klamath Basin Water Over-Appropriation,
House Bill 4016**

Dear Chairman Helm, and Members of the Committee,

On behalf of Oregon Wild's more than 20,000 members and supporters from across the state, we respectfully submit the following written testimony for your consideration regarding HB 4016. We oppose this short-sighted legislation, as it would exacerbate the already severe over-appropriation of water in the Klamath Basin and further undermine efforts to protect and restore the region's irreplaceable National Wildlife Refuge wetlands. Further, this legislation would undermine salmon recovery efforts in the Klamath River, programs to recover endangered fish in Upper Klamath Lake, and would undermine the water rights of Native American Tribes throughout the Klamath Basin.

Oregon Wild opposes HB 4016.

HB 4016 is bill designed to use the authority of the legislature to intervene in the ongoing process of determining water claims in the Klamath Basin. In essence, it would put the thumb of the Oregon legislature on the scale for the benefit of irrigation districts who hold determined claims within the federal Klamath Irrigation Project, to the detriment of National Wildlife Refuges and other public lands, salmon and steelhead recovery efforts, off-project water users, and Native American Tribes. Specifically, the bill:

1. Allows the transfer of determined claims in the Klamath Project without requiring proof of use in the past five years. This will allow long unused claims to be revived, which will increase water demand in an already grossly over-appropriated basin.
2. Under a new statute, more than doubles an existing pilot irrigation project from 15 districts to 33 (with the new 18 being all within the federal Klamath Irrigation Project),

allowing for an end-run around the existing process in the basin negotiated for extension/expansion. It fails to import all the checks and balances of the existing program.

Summary of Concerns Regarding House Bill 4016:

- **HB 4016 allows revival of unused determined claims:** Granting a special right to one select group of irrigators in this state allowing them to transfer water without any showing of proof of use over the past five years not only sets dangerous precedent, but, because this will allow the revival of unused claims, will lead to an increase of water use by these select districts. In a grossly over-allocated basin like the Klamath, this increase will come at the expense of National Wildlife Refuge wetlands and other public lands, salmon, off-project irrigators, and Native American Tribes.

HB 4016 will make the already terrible water conflicts of the Klamath Basin even worse.

- **This legislation narrowly benefits 18 irrigation districts within the Klamath Project at the direct expense of the many other interests in the basin:** The Klamath has been the subject of decades of conflict over water, all rooted in the fact that the basin is already severely over-allocated. Even in good water years, there is not sufficient water to honor all legitimate claims. In dry years, this over-promised basin has lurched from one environmental crisis to another.

This has been demonstrated in repeated fish kills, including the massive 2002 Klamath River salmon kill that claimed more than 30,000 fish before they could spawn. It repeats nearly every year on National Wildlife Refuge wetlands, where vitally important wetland habitat is often left bone dry even as adjacent Klamath Project irrigated lands receive full water deliveries. It has also demonstrated in the 2017 request for a federal declaration of a regional salmon fishing disaster by Governor Brown (OR) and Governor Brown (CA), and the repeated closures on commercial salmon fishing off the Oregon Coast due to the collapse of Klamath River salmon runs.

In this environment, it would be extremely irresponsible for the Oregon Legislature to pass a bill that will only benefit one select group of people, and that would actually *increase* the demand for water in this over-appropriated basin. For decades, private, state and federal agencies have sought to reduce the demand for water in the Klamath through conservation easements, leases, water banks, and permanent buy-its. It simply makes no sense for the legislature to adopt a bill that would make matters worse, not better.

- **There is no need for additional transfer authority in the Klamath basin:** In 2015 the Legislature passed SB 206 to grant holders of “determined claims” in the Klamath basin the ability to temporarily transfer water either instream or out-of-stream. This bill came from the Governor’s office and was a direct response to users in the basin who had expressed concerns as to not being able to transfer determined claims. The Legislature has already given Klamath basin irrigators the ability to temporarily transfer water, this bill is unnecessary.

Chair Helm and members of the committee, Oregon Wild urges you to reject this bill. This is a cynical one-off piece of legislation designed to benefit a select set of irrigation interests within the federal Klamath Irrigation Project, at the expense of our public lands, salmon, other irrigators, and Native American Tribes. It would make the already severe over-allocation of water in the Klamath Basin even worse. It is ill-conceived, destructive, and irresponsible – and should be rejected.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Pedery". The signature is stylized and cursive.

Steve Pedery, Conservation Director
Oregon Wild