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March 22, 2021

To: [Joint Committee on Ways and Means Subcommittee on Natural Resources](#)  
Sen. Kathleen Taylor and Rep. Jeff Reardon, Co-Chairs  
Members of the Subcommittee

Re: **SB 5545** – Dept. of Water Resources Budget – **Support with additions**

The League has strong positions on both water quality and quantity. We have studied water issues since 1969. We had a seat on the original Integrated Water Resources Strategy Policy Advisory Group and the latest update work. Members attend Water Resources Commission meetings and work group meetings. As a result of that window into the department’s responsibilities, we provide testimony today **in support of the General Fund and Lottery Fund request for the base budget/activities and for additions to help this department meet its important mission:** *“to serve the public by practicing and promoting responsible water management through two key goals: To directly address Oregon's water supply needs; To restore and protect streamflows and watersheds in order to ensure the long-term sustainability of Oregon's ecosystems, economy, and quality of life.”*

A reminder:

***“All water within the State from all sources of water belongs to the public.”***

For 2021, we support the following Policy Option Packages (POPs):

**POP 087:** \$340k GF for the estimated **full cost** of the department’s migration to the State Data Center Services. The department needs access to servers capable of handling the increased data we hope this department will gather in the coming years.

**POP 090:** \$1.5m GF (or some portion) to assure equitable water access and address water needs of those who have often been left behind during water investments. (Separately, we note we support **SB 286** that will house the Environmental Justice Council at the Dept. of Environmental Quality (DEQ) linking EJ with all agencies’ work.)

**POP 101:** \$1.9m GF & 3.52 FTE to **implement and enforce the dam safety policies** that the legislature passed in 2019 (HB 2085) with rules adopted by the Water Resources Commission in 2020. In 2017 we started on this journey with the leadership of Rep. Rick Lewis. The department provided [testimony](#) on HB 3427 (2017). *“Pursuant to Oregon Revised Statutes 540.340 to 540.400, the Oregon Water Resources Department has regulatory oversight for the design, construction, inspection, and safety of dams that are at least ten-feet high and store at least three million gallons (9.2 acre feet) of water. There are over 900 dams in Oregon that meet these criteria and are regulated by the Department.”* ***“A dam hazard rating is based on what could happen if the dam fails, not on the condition of a dam. A high hazard dam means that failure would likely cause fatalities.”*** The latest number is 953, with 75 considered high hazard. (<https://damsafety.org/oregon>). As this legislature rightly focuses on the hazards of wildfire, only a few areas of the state, such as the City of Newport, have lazar focused on this **public safety issue**. We are sure you have seen the [story](#) about the Detroit Dam and how the U.S. Army Corps of Engineers did a seismic study only to discover that the current maximum water levels might “overstress the spillway gates during a large earthquake”.

**POP 102:** \$818,781 GF to begin work on modernization of the department's data and online tools to provide better access to the data needed for good water policy and decision-making. This package was not in the Governor's Recommended Budget (GRB). That is true with some of the other POPs listed below, but we believe the Governor's budget was developed when revenue shortfalls were severe. It is time to take a second look at the agency's request budget.

**POP 103:** At least \$800,000 GF to address legal costs, about half related to the on-going disputes in the Klamath basin. Without this expenditure, the department must leave vacancies open to cover budget shortfalls. Those vacancies reduce the department's ability to implement the legislature's policies.

**POP 104 (HB 2142):** The revenue from this fee bill will "buy back" 2.5 FTE in the Water Rights Division where permits are processed. As you saw with their Key Performance Measures (KPMs), as most permits are now for the use of groundwater, it takes more time to attempt to address the true water availability since we are so woefully behind in groundwater data. **The League supports increasing staff beyond this POP but we also support the 50/50 cost share between the GF and fees that has existed since 2009. (See Reductions POP 070)**

**POP 105 (HB 2143):** The bill updates and simplifies the annual fees paid by hydroelectric projects and provides shared revenue for this department, DEQ and the Oregon Dept. of Fish and Wildlife. We need the electric power, clean water and safe passage for fish and these fees address all three issues.

**POP 108:** We leave it to others to advocate for a specific amount related to funding feasibility studies and projects where most of the money is in lottery bonding, **but first we must fund place-based planning (PBP) efforts.** We cannot consider the second and third legs of this water infrastructure stool until we engage local communities to determine the best answers for both protecting Oregon's waters and addressing their needs. With that in mind, we support **HB 3105** that will **continue funding for the 4 current PBPs at a minimum of \$100,000 GF and the staffing needed at WRD** (\$289,683 & 1 FTE) to convene and coordinate these efforts.

**POP 109:** \$1,378,576 GF & 5.28 FTE to increase field staff for on-the-ground water management. As counties have pulled back from funding field staff over the years, we cannot lose the capacity needed to monitor and enforce Oregon's water laws. **(See Reductions POP 090)**

**POP 110:** \$2,001,470 GF for continued groundwater studies. We are also intrigued by **HB 2018**. The League provided [testimony](#) for the legislature's consideration: "We were impressed by the [December presentation](#) around the use of satellite data to help provide information on groundwater usage in a particular area of Oregon. Although LWVOR has continually supported legislation to increase groundwater basin studies, it seems as if there is never enough money to move the data dial." So also investing in this new technology may move us forward, while also doing what's necessary for scientific groundwater basin studies.

**POP 111:** \$422,190 GF & .88 FTE **(Limited Duration)** for staffing to address complex water issues. The League of Women Voters of Deschutes County is engaged in the Deschutes Basin Water Collaborative. This request will provide a limited duration staffer to help with that work.

**POP 113:** \$321,040 & .88 FTE to provide additional staff to implement the Willamette Basin Reallocation, one of the most impactful efforts to determine future uses of already stored water that Oregon as seen.

Besides the GRB and Agency Budget packages, we note that we are hopeful the bills noted above will show up in your subcommittee, as well as the following:

**HB 2145**, a bill that will modernize well construction in Oregon and protect drinking water. There is an amendment that would allow WRD to set up a program to help low-income well owners to repair or

replace defective wells. This is particularly important as we address the rebuilding of homes in rural Oregon after the devastating wildfires.

**HB 3093-8**, a bill that addresses the need for communication and collaboration in addressing harmful algal blooms among agencies. (We were pleased to see that **HB 3102-2** was funded in the recent rebalance bill, HB 5042. But that is only the urgent funding. We need a complete package.)

Then we would be remiss if we didn't address yet another issue facing WRD: HB 3315 (2015) was brought to the legislature by Rep. Rayfield and we supported "requiring that ODFW track and report hours spent by department staff on reviewing permits and activities of other agencies." That work has been done and the current bill to WRD is \$94,883.68. ODFW was allowed to begin billing agencies as of July 1, 2019. As we said to the Oregon Fish and Wildlife Commission in 2015 "We believe that licenses and fees have a purpose, but that the General Fund has a responsibility related to the general public's interests." **Oregonians need to pay this bill and not put it on the back of WRD to find those funds within their current underfunded budget.**

We sincerely thank you for considering our extensive testimony on this agency's budget. We are available to discuss each request and look forward to a healthier water resources agency in 2021.



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