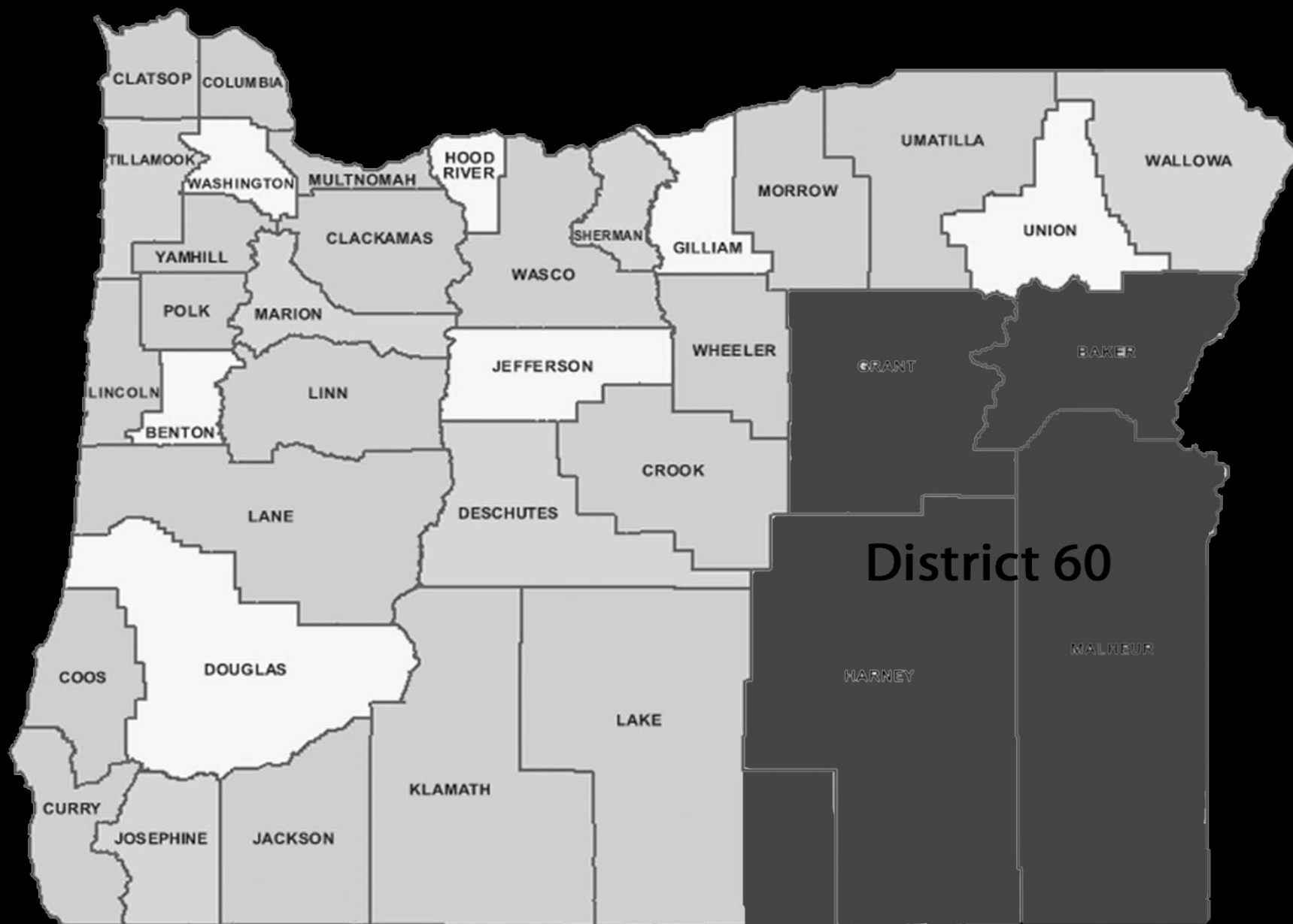




REP. CLIFF BENTZ

PRESENTATION TO TREASURE
VALLEY IRRIGATION CONFERENCE
DECEMBER 17, 2013



WHO HAS THE POWER TO TAKE YOUR WATER?

- 1. Congress (CWA, ESA, Wetlands)**
- 2. Federal Judges (enforcement of CWA, ESA, Treaties)**
- 3. Indian Tribes (CWA, ESA, Treaties)**
- 4. Oregon Legislature (statutes)**

LEGISLATIVE & EXECUTIVE POLITICAL PARTY MAKE-UP

There are 91 elected people in Salem making decisions for Oregon. Their party affiliation is as set forth below:

	REPUBLICAN	DEMOCRAT	TOTAL
HOUSE	26	34	60
SENATE	14	16	30
GOVERNOR		1	1
		TOTAL	91

RECENT EVENTS
AFFECTING WATER
SUPPLY & WATER USE

An aerial photograph of a vast agricultural landscape. In the foreground, there are large, rectangular green fields separated by dark, straight lines, likely irrigation canals or roads. A winding river flows through the middle ground, curving from the upper left towards the lower right. The background features rolling hills and mountains under a clear sky. The title 'LESSONS FROM THE KLAMATH' is superimposed in the center of the image in a white, serif font with a black outline.

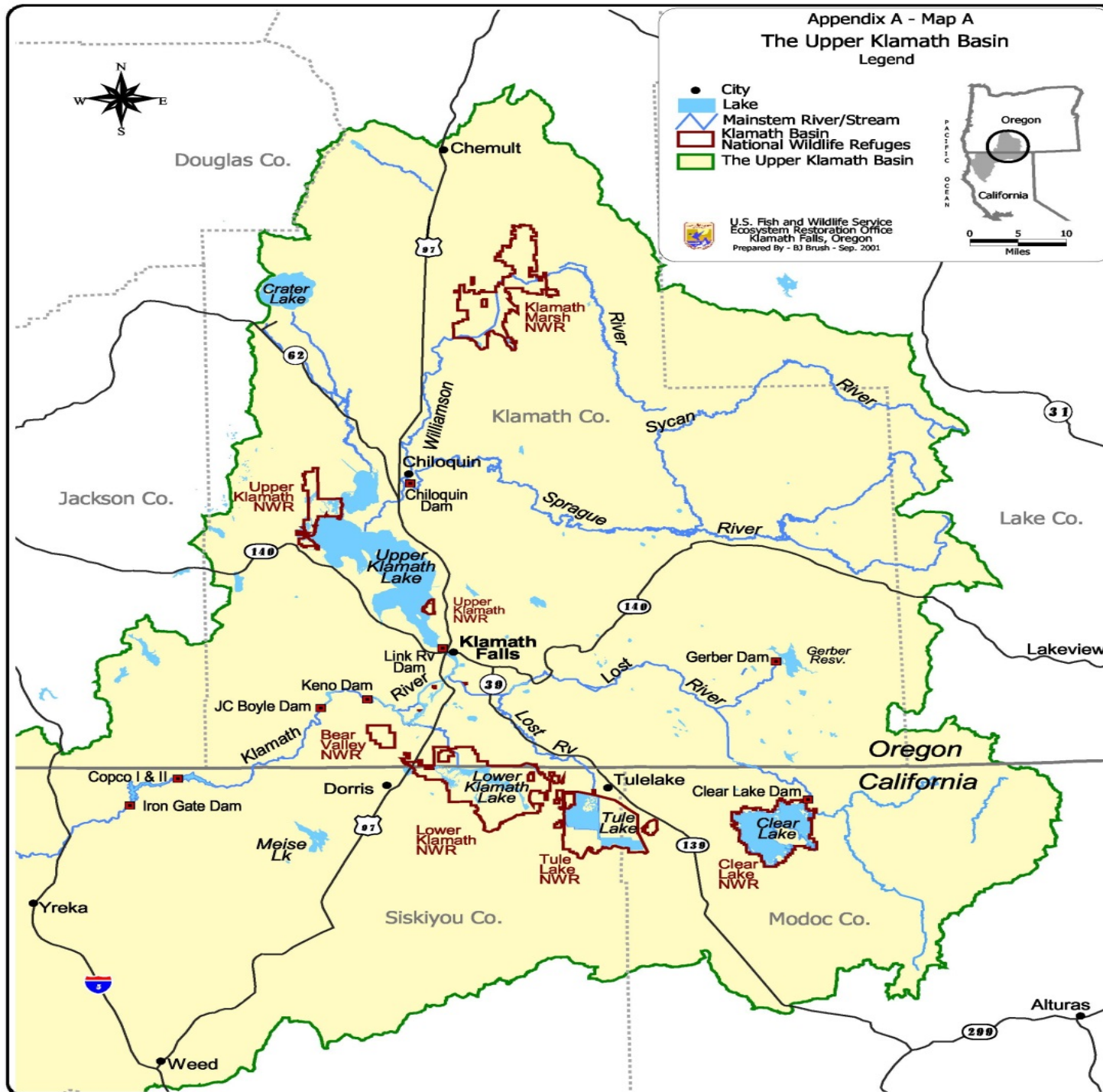
LESSONS FROM THE KLAMATH

The Upper Klamath Basin
Legend

- City
- Lake
- ▬ Mainstem River/Stream
- ▭ Klamath Basin
- ▭ National Wildlife Refuges
- ▭ The Upper Klamath Basin



U.S. Fish and Wildlife Service
Ecosystem Restoration Office
Klamath Falls, Oregon
Prepared By - BJ Brush - Sep. 2001



Klamath Basin

Facts:

1. Approximately 2,000 farms
2. Approximately 220,000 BOR irrigated acres
3. Approximately 550,000 total irrigated acres

FEDERAL WATER TAKINGS

ENDANGERED SPECIES ACT



Short nosed sucker fish

CLEAN WATER ACT

A photograph of a riverbank covered with many dead fish, illustrating the impact of low flows and rising water temperatures on aquatic life. The fish are scattered across the grassy and rocky shore, with some still in the shallow water. The background shows a rocky riverbank and a forested hillside.

Fish killed by low flows and rising water temperatures on the Klamath River
Summer 2002

all necessary transportation and subsistence to their new homes and subsistence for six months thereafter: *Provided*, That, owing to the heretofore good conduct of the Mille Lac Indians, they shall not be compelled to remove so long as they shall not in any way interfere with or in any manner molest the persons or property of the whites: *Provided*, That those of the tribe residing on the Sandy Lake reservation shall not be removed until the President shall so direct.

ARTICLE 13. Female members of the family of any government employe[e] residing on the reservation, who shall teach Indian girls domestic economy, shall be allowed and paid a sum not exceeding ten dollars per month while so engaged: *Provided*, That not more than one thousand dollars shall be so expended during any one year, and that the President of the United States may suspend or annul this article whenever he may deem it expedient to do so.

ARTICLE 14. It is distinctly understood and agreed that the clearing and breaking of land for the Chippewas of the Mississippi, as provided for in the fourth article of this treaty, shall be in lieu of all former engagements of the United States as to the breaking of lands for those bands, and that this treaty is in lieu of the treaty made by the same tribes, approved March 11th, 1863.

In testimony whereof the said Wm. P. Dole and Clark W. Thompson, on behalf of the United States, and Chippewa chiefs, Hole-in-the-day and Mis-qua-dace, on behalf of Indians parties to this treaty, have hereunto set their hands and affixed their seals this seventh day of May, A. D. one thousand eight hundred and sixty-four.

W. P. Dole, Commissioner Indian Affairs.

Clark W. Thompson, Superintendent Indian Affairs.

Que-ze-zance, or Hole-in-the-day, his x mark.

Mis-qua-dace, or Turtle, his x mark.

[SEAL.]
[SEAL.]
[SEAL.]
[SEAL.]

Signed in presence of

Peter Roy, special interpreter.

Benjn. Thompson.

TREATY WITH THE KLAMATH, ETC., 1864.

Articles of agreement and convention made and concluded at Klamath Lake, Oregon, on the fourteenth day of October, A. D. one thousand eight hundred and sixty-four, by J. W. Perit Huntington, superintendent of Indian affairs in Oregon, and William Logan, United States Indian agent for Oregon, on the part of the United States, and the chiefs and head-men of the Klamath and Moadoc tribes, and Yahooskin band of Snake Indians, hereinafter named, to wit, La-Lake, Chil-o-que-nas, Kellogue, Mo-ghen-kas-kit, Blow, Le-lu, Palmer, Jack, Que-as, Poo-sak-sult, Che-mult, No-ak-sum, Mooch-kat-allick, Toon-tuck-tee, Boos-ki-you, Ski-a-tic, Shol-las-loos, Tatet-pas, Muk-has, Herman-koos-mam, chiefs and head-men of the Klamaths; Schon-chin, Stat-it-ut, Keint-poos, Chuck-e-i-oe, chiefs and head-men of the Moadocs, and Kile-to-ak and Sky-te-ock-et, chiefs of the Yahooskin band of Snakes.

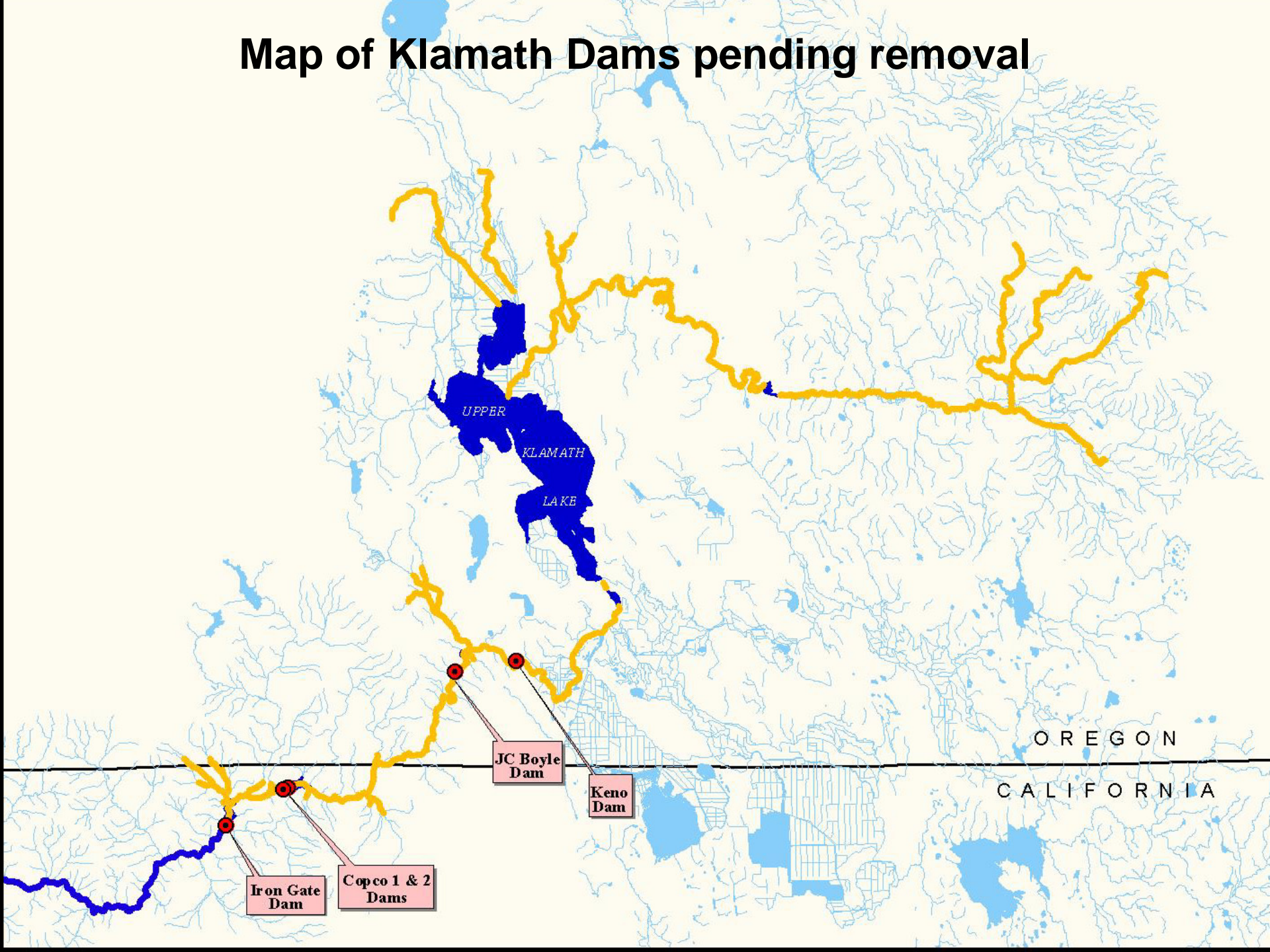
ENFORCEMENT OF FIRST NATION TREATY RIGHTS

“The [B]ureau [of Reclamation] has estimated that the combined calls would require irrigation shutoffs to 58,000 acres.”

-The Associated Press

SOURCE: “Klamath Tribes and feds exercise water rights”
June 10, 2013

Map of Klamath Dams pending removal



SUMMARY OF ADJUDICATION:

“Though the federal government took away the reservation in the 1950s, courts have determined the tribes retained their hunting, fishing and water rights, dating to time immemorial.”

Based on this, Oregon’s adjudicator has found that Tribal rights to water have priority.

SOURCE: Jeff Barnard, The Associated Press

“Klamath Tribes and feds exercise water rights in Oregon, will shut off irrigation for ranches.”

2013 KLAMATH SETTLEMENT

The parties have reached an Agreement in Principle that is designed to accomplish four objectives.

- 1. Support economic development of Klamath Tribes;**
- 2. Sustain Upper Klamath basin agriculture;**
- 3. Restore riparian corridors; and**
- 4. Prevent further challenges to adjudication.**

SOURCE: Upper Klamath Basin Agreement in Principle
December 2, 2013

IMPACT ON THE KLAMATH

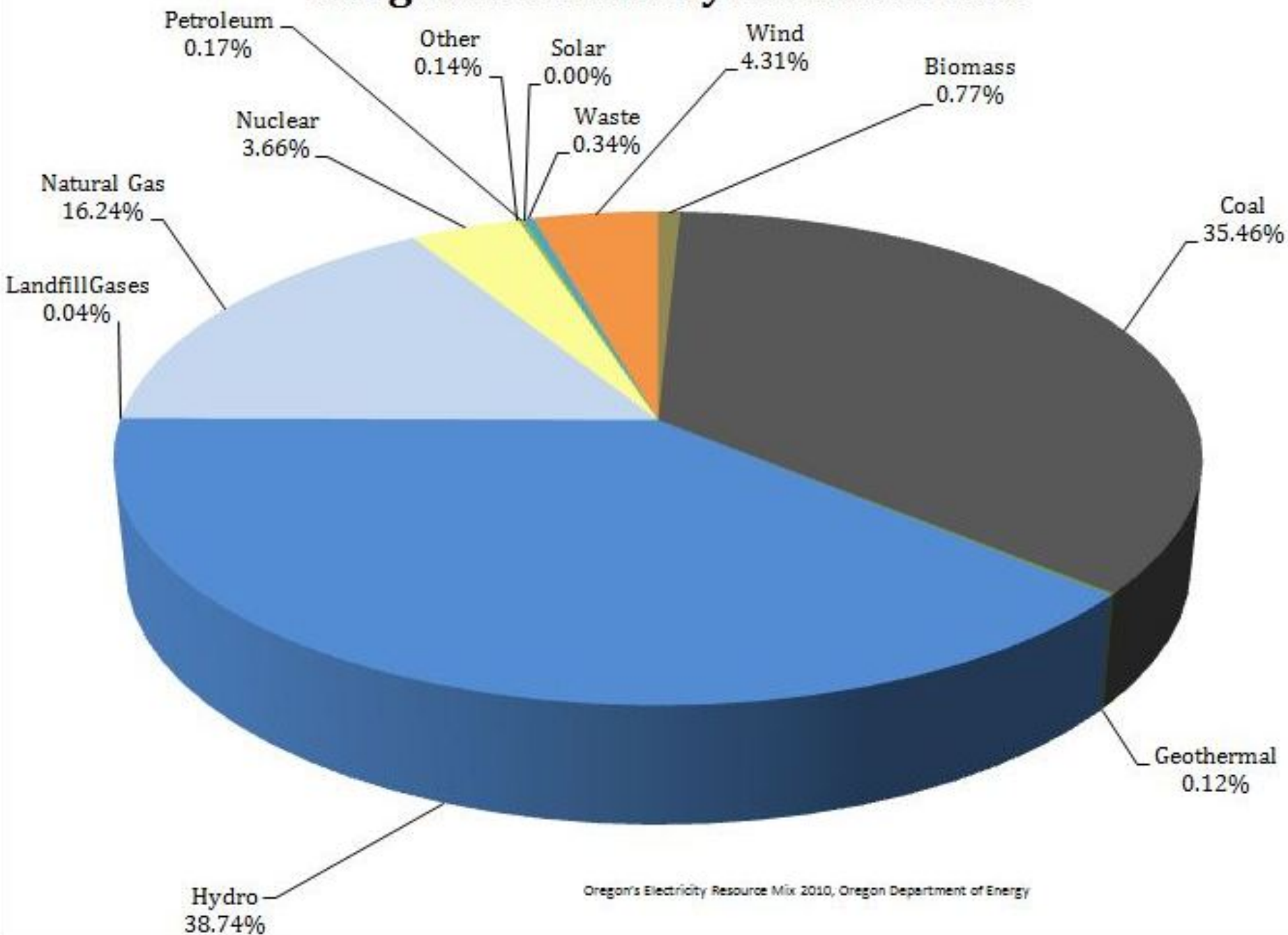
- 1. Approximately 100,000 acre feet less water in dry years.**
- 2. Tribal access to riparian areas.**
- 3. Support for acquisition of 90,000 acres of land for Indian Reservation.**
- 4. Reductions in water availability for Upper-system water users.**

INCREASE IN
ENERGY COSTS FOR
PUMPING WATER

WHY?

- 1. Use of coal being discontinued**
- 2. “Green” power is more expensive**
- 3. Possible greenhouse gas tax**
- 4. Increased transmission costs
(green power is remote)**

Oregon's Electricity Resource Mix



TOTAL MEGAWATTS OF
WIND POWER GENERATED IN
OREGON =

3,045.3 MW
(CAPACITY)

SOURCE: American Wind Energy Association

SB 306

(GREENHOUSE GAS TAX)

- **Feasibility study of “clean air” tax**
- **Legislation would occur in 2015**
- **Part of Governor’s “sales tax” discussion**

REASONS FOR GREENHOUSE GAS TAX

- 1. Incentive to reduce greenhouse gas emissions**
- 2. Utilization of “sin” as foundation for tax**
- 3. Opportunity to reallocate income**

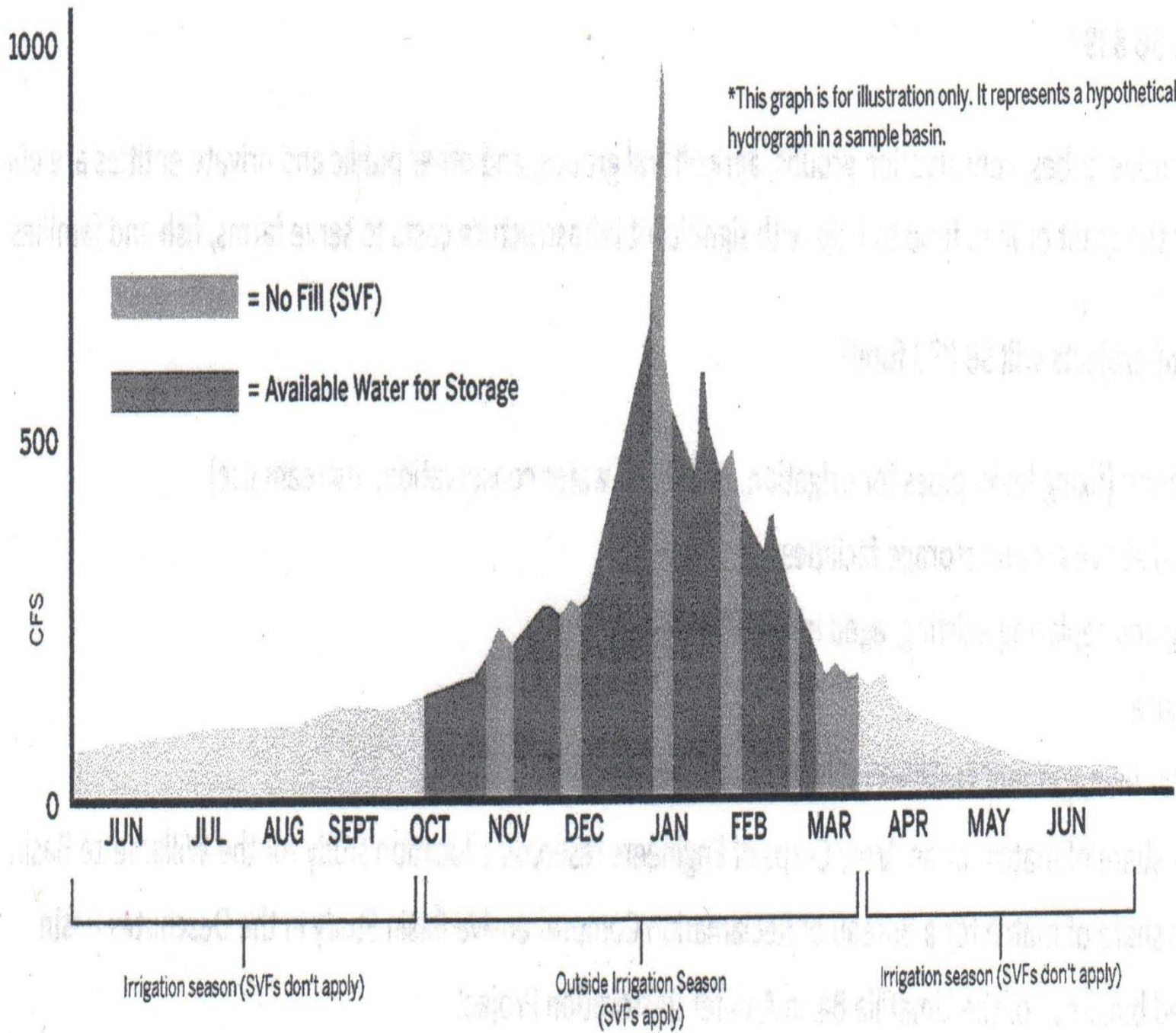
REGULATORY IMPACT ON POWER RATES

- 1. Subsidized wind**
- 2. Fish (endangered species) recovering**
- 3. Drought/climate change**
- 4. Columbia River Treaty renegotiation**

SB 839

(2013 MAJOR WATER BILL)

- **Establishes Water Supply Development Account.
(\$10 million)**
- **Establishes criteria for funding.**
- **Creates work group to review water governance.**
- **Creates work group to study Seasonally Varying Flows
(storage).**
- **Funds study of allocation of water in Army Corp of
Engineer projects.**



RENEGOTIATION OF
COLUMBIA RIVER
TREATY

Columbia River Basin



The U.S. recommendation is to terminate the Treaty primarily because too much hydropower from the Columbia is being allocated to Canada.

The assertion is that Oregon would receive a significant part of the \$300 million now being “paid” annually to Canada in the form of electrical power generation.

POSSIBLE
LOSS/REDUCTION
OF WATERSHED
COUNCIL FUNDING

GAMBLING ADDICTS
PAY FOR WATERSHED
IMPROVEMENTS AND
PARKS

OREGON LOTTERY

\$1.082 billion per biennium

**BALLOT
MEASURE 76**

**15% OF LOTTERY TO
PARKS & OWEB**

OWEB (7.5%)=
\$81 MILLION PER BIENNIUM

PARKS (7.5%)=
\$81 MILLION PER BIENNIUM

THERE ARE 36
LOTTERY
RETAILERS IN
MALHEUR COUNTY

MALHEUR COUNTY VIDEO LOTTERY SALES

Name of Outlet	Yearly Sales	Retailers Share (Option B)
Rusty's	\$652,817	\$114,243
Winners Horseshoe Annex	\$743,660	\$130,141
Winger's	\$154,200	\$33,924
Denny's	\$821,157	\$143,702
Longs Sports Pub	\$414,182	\$91,120
Hog Rock Café	\$1,007,215	\$176,263
Elks Club	\$96,815	\$21,299
Sage Brush Saloon	\$171,579	\$37,747
Willow Creek Store	\$81,861	\$18,009
Winners Horseshoe Park	\$577,379	\$127,023
Thunderegg Coffee Co.	\$356,643	\$78,461
Bob's Steak N' Spirits	\$777,626	\$136,085
Nyssa Tavern	\$83,697	\$18,413
The Mirage	\$324,022	\$71,285

CLEAN WATER ACT—

JUDGE ACOSTA
DECISION

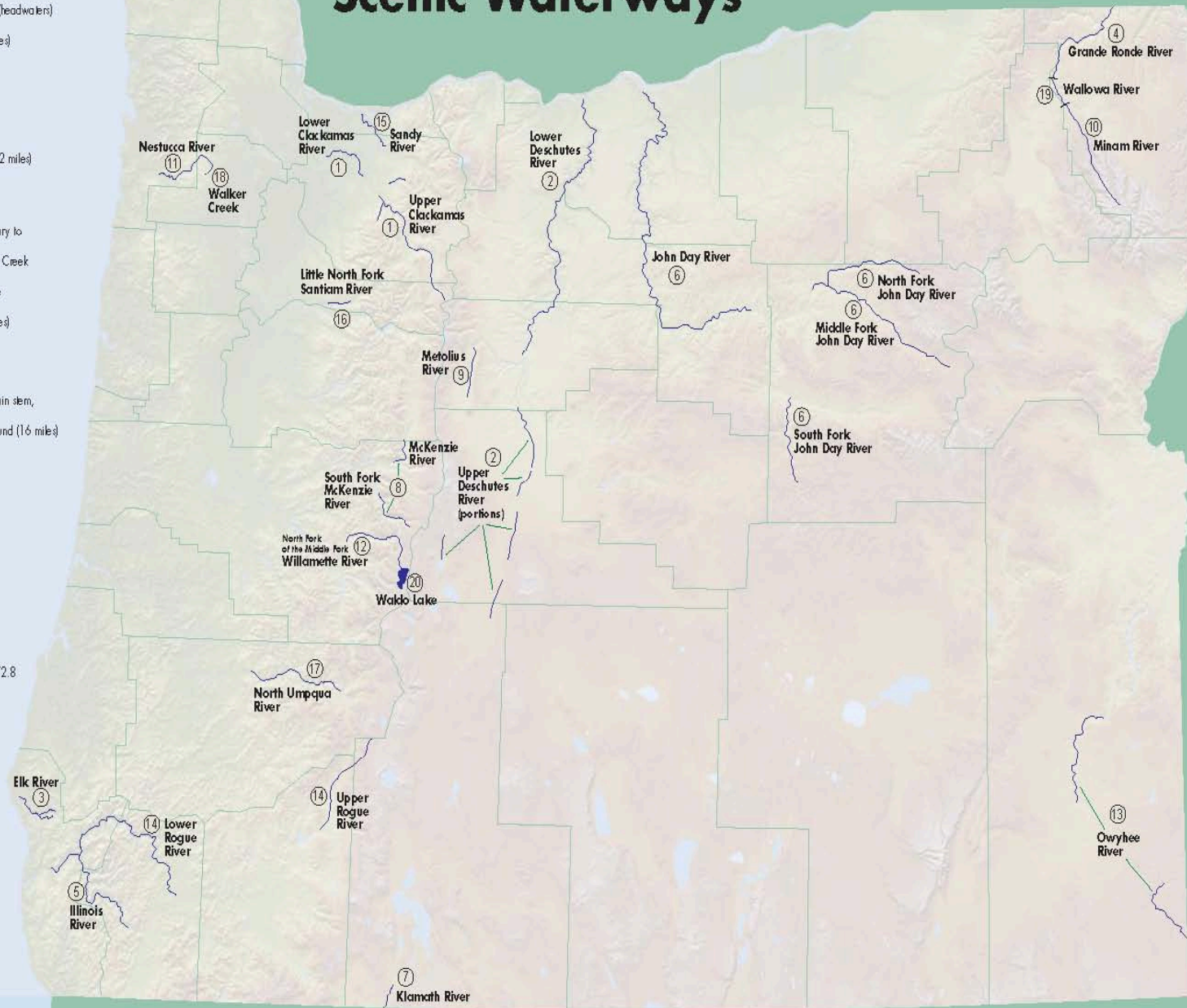
SCENIC
WATERWAYS—

HYDRAULIC
CONNECTION

Oregon State Scenic Waterways

- 1. Clackamas River**
 - North Fork (12 mile)
 - South Fork (4 mile)
 - Main stem from Olballe Lake Scenic Area to North Reservoir (54 mile)
 - River Mill Dam to Carver (12 mile)
- 2. Deschutes River**
 - Upper Deschutes: various segments from Little Lava Lake (headwaters) to Lake Billy Chinook (99 mile)
 - Lower Deschutes: Pelton Dam to Columbia River (100 mile)
- 3. Elk River**
 - North Fork (5 mile)
 - South Fork (5 mile)
 - Main stem from confluence of North and South Forks to Elk River Fish Hatchery (11 mile)
- 4. Grand Ronde River**
 - Confluence with Wallowa River to Washington border (42 mile)
- 5. Illinois River**
 - Deer Creek to Rogue River (46 mile)
- 6. John Day River**
 - North Fork from North Fork John Day Wilderness boundary to River Mile 20.2 above Monument (56 mile)
 - South Fork from Post-Paulina Road crossing to Murderers' Creek Wildlife Area above Dayville (29 mile)
 - Middle Fork from Crawford Bridge crossing to confluence with North Fork (71 mile)
 - Main stem from Parrish Creek to Tumwater Falls (160 mile)
- 7. Klamath River**
 - John Boyle Dam powerhouse to California border
- 8. McKenzie River**
 - South Fork from Three Sisters Wilderness boundary to main stem, excluding Cougar Reservoir (21 mile)
 - Main stem to Paradise National Forest Service Campground (16 mile)
- 9. Metolius River**
 - Metolius Springs to Candle Creek (14 mile)
- 10. Minam River**
 - Minam lake to Wallowa River (45 mile)
- 11. Nestucca River**
 - Main stem from McGuire Dam to Blaine (23 mile)
- 12. North Fork of Middle Fork of Willamette River**
 - Waldo Lake to River Mile 1.5 near Westfir (43 mile)
- 13. Owyhee River**
 - Crooked Creek to Birch Creek at the boundary of Rogue River National Forest
 - Idaho border to Three Forks (25 mile)
- 14. Rogue River**
 - Upper Rogue: Crater Lake National Park to River Mile 172.8
 - Lower Rogue: Applegate River to Lobster Creek (88 mile)
- 15. Sandy River**
 - Bull Run River to Stark Street Bridge (12 mile)
- 16. North Santiam River**
 - Little North Fork: Battle Ax Creek to River Mile 16.7 at Willamette National Forest boundary (7 mile)
- 17. North Umpqua River**
 - Mt. Thielsen Wilderness boundary to Lemolo Reservoir (6 mile)
 - Soda Spring Dam powerhouse to Rock Creek (34 mile)
- 18. Walker Creek**
 - Source to confluence with Nestucca River (3 mile)
- 19. Wallowa River**
 - Confluence with Minam to confluence with Grande Ronde (10 mile)
- 20. Waldo Lake**
 - 6,672 acres, 13 miles north of Oregon Highway 58

* National Wild and Scenic Rivers



SB 401

(WOULD HAVE EXPANDED SCENIC
WATERWAYS)

- In District 60, the bill would have added these waterways:
 - Eagle Creek
 - North Fork Burnt River

IRRIGATION WELLS
WILL BE SHUT DOWN IN
THE KLAMATH BECAUSE
THEY IMPACT RIVER
FLOW.

THE 2014
LEGISLATIVE SESSION
BEGINS IN: 48 DAYS



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what's happening
in Oregon's
Legislature?**



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Just send your email address, name, and city of residence to:
rep.cliffbentz@state.or.us**

THANK YOU FOR COMING!



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Hours:

Monday—Friday

8 am—5pm (MST)

***The office will close for a 1 hour lunch**

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However, figures and estimates may not be exact, and therefore, should be checked before being quoted.