

**Statement of Robert Quint, Chief of Staff  
Bureau of Reclamation  
U.S. Department of the Interior  
Before the  
Natural Resources Committee  
Subcommittee on Water and Power  
U.S. House of Representatives  
on  
HR 2060  
Central Oregon Jobs and Water Security Act**

**June 23, 2011**

Chairman McClintock and members of the Subcommittee, I am Bob Quint, Chief of Staff at the Bureau of Reclamation (Reclamation). I am pleased to provide the views of the Department of the Interior (Department) on HR 2060, the Central Oregon Jobs and Water Security Act. The provisions of HR 2060 address the Crooked River Wild and Scenic River designation along with water supply concerns relating to Reclamation's Crooked River Project. The Department supports the goals of correcting the Wild and Scenic River boundary near Bowman Dam and improving Reclamation project operations, where possible, to further enhance water use and availability. However, we believe that some of the provisions of HR 2060 will not be fully effective in realizing these goals. We are also concerned that some sections of this legislation shift costs from Reclamation project beneficiaries to Federal taxpayers and could hinder efficient water management.

HR 2060 includes four sections which address: 1. the Wild and Scenic River designation near Bowman Dam; 2. water supply for the City of Prineville; 3. first fill protection for currently contracted irrigation water in Prineville Reservoir; and 4. repayment contract provisions for the Ochoco Irrigation District (District). This statement focuses on the most significant provisions of each section of the legislation.

**Wild and Scenic River Designation**

An eight-mile segment of the Lower Crooked River near Prineville, Oregon was designated as a National Wild and Scenic River in 1988 with enactment of the Omnibus Oregon Wild and Scenic Rivers Act (Public Law 100-557). The Lower Crooked River meanders through canyons of deeply eroded basalt and banks covered with riparian vegetation. A variety of wildlife including river otters, beaver, great blue herons and mule deer inhabit the corridor. A wide-range of recreation opportunities are available along the Lower Crooked River including native trout fishing, camping, hiking and boating.

When the Wild and Scenic River boundary was administratively finalized for this section of the Crooked River, the centerline of Bowman Dam was used as the upstream terminus of the designation. However, the placement of the beginning of the designation within this man-made feature is both counterintuitive and cumbersome to administer. Section 2(a) of H.R. 2060 addresses this by moving that upper limit of the designated river one-quarter mile downstream. The Department of the Interior supports the proposed modification of the boundary as a reasonable solution consistent with the original intent of the Wild and Scenic designation. The

Department is willing to work with the Sponsor and the Committee to determine the exact placement of the new boundary. Clearly the dam and related facilities were never intended to be included within the wild and scenic river designation.

### **City of Prineville Water Supply**

Section 3 of HR 2060 proposes further amendments to the Act of August 6, 1956 (70 Stat. 1058), as amended, by increasing the statutorily-required minimum release flows from Bowman Dam to serve as mitigation for groundwater pumping by the City of Prineville. While the Department does not oppose the concept of providing releases to mitigate for municipal use of groundwater, we believe that the bill could more effectively address this objective by providing the Secretary with specific authority to contract with the City of Prineville to provide up to 5,100 acre-feet of water annually for miscellaneous and municipal purposes. This approach would avoid several concerns with Section 3 of HR 2060 as written.

One concern is the bill's provision that minimum releases for the City's benefit would be nonreimbursable, meaning that water from a Federal project would be provided at no cost. This would preferentially favor the City of Prineville relative to current and future contractors who are required to make payments to receive water under contracts with Reclamation, and be inconsistent with the "beneficiary pays" principle that underlies Reclamation law. A second concern is the statement that "The Secretary is authorized to contract exclusively with the City for additional amounts in the future at the request of the City." This language would similarly preferentially benefit the City of Prineville relative to the current or potential future contractors of the Crooked River Project. The effect of this language in section 3 is to shift costs that would otherwise be borne by the beneficiaries of the project water, in this case the City of Prineville, to American taxpayers.

While Bowman Dam is statutorily authorized to provide a minimum flow release of 10 cfs for fish and wildlife purposes, our current operational practice for irrigation delivery and flood control has provided an actual minimum release of 30 cfs for the past ten years or more. Therefore, the HR 2060 provision to statutorily increase minimum release flows from 10 cfs to 17 cfs is not likely to result in any actual increase in flows and would have questionable value as mitigation for the City of Prineville's purposes. As noted previously, we believe that the bill could more effectively and equitably address the City's needs by providing legislative authority for the Secretary to contract with the City for the provision of water for municipal purposes or related mitigation.

### **First Fill Protection**

Section 4 of HR 2060 also proposes an entirely new addition to the 1956 Act. The proposed addition would provide existing contractors with a "first fill" priority basis, rather than the current situation where both contracted and uncontracted storage space in Prineville Reservoir fill simultaneously. While this provision is not likely to have any immediate effect, our experience has been that under a first fill/last fill priority system there is an increased possibility for conflict when the first fill entity has 100% of their water and the last fill entity is shorted. Our hydrology information for the Crooked River suggests that in successive very dry years under the proposed approach, this type of conflict will become likely if the currently uncontracted space is either put under contract with a last fill priority or is re-allocated to some other use. The Department supports the concept of providing some of the now unallocated space in the reservoir for fish and wildlife purposes.

This section of the bill would also direct Reclamation to protect or set aside an amount of uncontracted water to enable Reclamation to enter into temporary water service contracts with the North Unit Irrigation District (NUID), upon their request, for up to 10,000 acre-feet of water annually. Because Reclamation has entered into temporary contracts in the past and may do so in the future as needed, and because other entities may be interested in receiving additional irrigation water, the Department believes that the objective underlying this provision can be effectively accomplished without legislation.

### **Ochoco Irrigation District Repayment**

Section 5 of HR 2060 would provide for early repayment of project construction costs by landowners within the District and the District's participation in conserved water projects of the State of Oregon. The Department fully supports these objectives and has no concerns regarding corresponding language in the bill.

The Department also supports the McKay Creek Exchange Project which has been the subject of periodic discussions between the District and Reclamation and which would provide enhanced instream flows in McKay Creek in exchange for water from a portion of the District's current contracted water supply from Prineville Reservoir. However, we have concerns with those portions of Section 5 of HR 2060 that address contract amendments relating to lands within the vicinity of McKay Creek. As written, the proposed legislation does not clearly identify the fundamental exchange element of the project. The language in Section 5 is unclear as to whether the proposed water supply would come from the District's current contract supply or from uncontracted water in Prineville Reservoir, and the amount of water is not specified. As a result, the Department believes the McKay Creek Exchange Project would be implemented more effectively by proceeding with contracting processes that Reclamation has typically used for such situations, and which have been the subject of prior discussions with the District.

In conclusion, while the Department supports the major goals of HR 2060, we believe that the bill would benefit from changes as I've outlined today. In particular, we have concerns that some of this bill's provisions that would shift costs from Reclamation project beneficiaries onto American taxpayers.

This concludes my written statement. I am pleased to answer any questions the Subcommittee may have.