

**IT ALL DEPENDS ON WATER: EXAM-
INING EFFORTS TO IMPROVE AND
PROTECT CENTRAL OREGON'S
WATER SUPPLY**

OVERSIGHT FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON WATER, WILDLIFE AND
FISHERIES

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

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HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Committee on Natural Resources Republican Members
From: Committee on Natural Resources staff: Annick Miller, x58331 (annick.miller@mail.house.gov), Thomas Shipman (thomas.shipman@mail.house.gov), and Lindsay Walton (lindsay.walton@mail.house.gov)
Date: Tuesday, October 8, 2024
Subject: Oversight Hearing on *“It All Depends on Water: Examining Efforts to Improve and Protect Central Oregon’s Water Supply”*

The Subcommittee on Water, Wildlife and Fisheries will hold an oversight hearing on *“It All Depends on Water: Examining Efforts to Improve and Protect Central Oregon’s Water Supply”* on **Tuesday, October 8, 2024, at 10 a.m. (PDT) at the South Sister Conference Center in the Deschutes County Fairgrounds in Redmond, Oregon.**

Member offices are requested to notify Madeline Kelley (madeline.kelley@mail.house.gov) by 4:30 p.m. on Monday, October 7, 2024, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- Local water challenges must be met with locally driven solutions.
- The best water conservation solutions are developed by local interests and are tailored to the unique circumstances of each region. These solutions are driven most effectively by genuine incentives rather than the issuance of directives from faraway places.
- In the Deschutes River Basin, we have seen how collaboration between irrigation districts, conservation groups, tribes, cities, and others allow for agriculture to continue while protecting and recovering species.

II. WITNESSES

- **Mr. Bobby Brunoe**, Secretary-Treasurer, Confederated Tribes of Warm Springs, Warm Springs, OR
- **Dr. Trish Backsen**, DVM, Farmer and Owner, Oregon Feed and Irrigation, Redmond, OR
- **Mr. Jeff Larkin**, Owner, Jeff Larkin Realty, Redmond, OR
- **Mr. Pat Gaylord**, Geomatics Service Excellence Leader, David Evans and Associates, Inc., Happy Valley, OR
- **Mr. Anthony DeBone**, Commissioner, Deschutes County, Bend, OR

III. BACKGROUND

Deschutes River Basin

The Deschutes River Basin, located in the heart of central Oregon, encompasses more than 10,000 square miles and is the second largest watershed in the state.¹ Its unique positioning—east of the Cascades Mountains and west of the Ochoco Mountains—allows for a steep flow path, dropping over 4,500 feet to the Columbia River.² The primary contributor to the basin is snowpack, which recharges the groundwater aquifer and feeds the Upper Deschutes primarily through springs.³



Figure 1. Deschutes River Basin. Source: Oregon DEQ

More than 100 years ago, federal and state policies encouraged the settlement of central Oregon's high desert by facilitating access to land and irrigation water.⁴ This water has made possible the diverse agricultural sector that has helped shape the region. The Deschutes River Basin provides water for eight irrigation districts, which largely support the agriculture sector, which is critical for the region's economy.⁵ Central Oregon was one of the fastest growing regions in the United States in 2023 and supports the state's economy in many ways.⁶ From 2010 to 2022, Oregon's population increased nearly 12 percent;⁷ while Bend and Redmond, Oregon, grew at 34.2 percent and 43.3 percent, respectively.⁸ The area is also a popular tourist destination, with 3.9 million people visiting central Oregon annually.⁹ The rapid growth in Jefferson, Deschutes, and Crook Counties has put added pressure on the region's water supply to meet current and future demands.¹⁰

Over the past two decades, irrigation districts, governmental entities, and conservation groups have collaborated to address these issues. Basin stakeholders have collaborated to implement water conservation and water marketing projects that restored significant flows to basin rivers and streams and aided groundwater uses.

Water Supply Development

The Bureau of Reclamation (Reclamation) has long been involved in constructing and developing water infrastructure along the Deschutes River Basin in Oregon. Irrigation is necessary to promote and support the agriculture sector. Prior to the popularization of dryland wheat production, the basin was primarily devoted to grazing sheep and cattle.¹¹ While irrigation development started in 1871, Reclamation development did not occur until 1914 when a comprehensive report of the

¹Deschutes River Conservancy, "Get to Know the Deschutes River Basin" <https://www.deschutesriver.org/deschutes-basin-101/get-to-know-the-deschutes-river-basin>.

²*Id.*

³*Id.*

⁴U.S. Bureau of Reclamation, "Upper Deschutes River Basin Study," October 2019. <https://www.usbr.gov/fn/studies/deschutes/finalstudy.pdf>

⁵*Id.*

⁶EDCO, 2023 Central Oregon Economic Profile. <https://edcoinfo.com/wp-content/uploads/2023/09/2023-Central-Oregon-Profile-Final.pdf> at 4.

⁷*Id.* at 5.

⁸*Id.*

⁹*Id.*

¹⁰Deschutes River Conservancy, Deschutes Basin 101: Where Does the Water Go? <https://www.deschutesriver.org/deschutes-basin-101/where-does-the-water-go>

¹¹United States Bureau of Reclamation, Deschutes Project. <https://www.usbr.gov/projects/index.php?id=445&csrt=9101729379384694784>

Deschutes River Basin was issued under the joint sponsorship and financing of the State of Oregon and the federal government.¹²

The initial investigations for the North Unit Irrigation District proposed a project that would have irrigated 133,000 acres; however, due to funding restraints associated with World War I, construction never took place.¹³ Reclamation continued its efforts to develop the Deschutes River Basin water infrastructure and made significant progress after a 1936 study was published that explored all storage possibilities above the Crooked River.¹⁴ In tandem with this study, the Deschutes Project was authorized in 1937 by the Secretary of the Interior.

Construction on the North Unit Main Canal began in 1938 and on the Wickiup and Crane Prairie Dams in 1939. The canal and Crane Prairie Dam were completed on time; however, Wickiup suffered significant delays due to complications during World War II.¹⁵ The last dam completed as part of this project was the Haystack Dam, which began construction in 1956 and was completed the following year. While the authorized purpose of this project is irrigation, the dams provide an additional benefit of flood control.

These dams collectively store more than 250,000 acre-feet of water, with the largest, Wickiup, storing up to 200,000 acre-feet.¹⁶ This water is primarily irrigated to produce grain, hay, pasture, mint, potatoes, and seeds.¹⁷ As part of the project, water is diverted from the Wickiup Reservoir into the North Unit Main Canal and pumped over 40 miles north to Haystack Dam, where it is stored until needed for irrigation. To the northeast of Redmond is the Crooked River Pumping Plant, where water is pumped 150 feet from the Crooked River Gorge into the North United Main Canal to provide additional irrigation capacity.¹⁸ Construction of the pumping plant was completed in 1968.¹⁹

The Central Oregon Irrigation District and the North Unit Irrigation District are currently engaged in a multi-year process to pipe water from the Pilot Butte Canal to bring additional water resources to the region's multiple water users.²⁰ This project will bring many benefits to central Oregon: more than 3,000 jobs, improved habitat for fish and wildlife in the region, and a more reliable water supply to the region's farmers.²¹

Water Certainty and Endangered Species Act Compliance

The Deschutes River Basin, like many other river systems in the American West, has faced significant challenges in complying with the Endangered Species Act (ESA). Farmers in the region have faced risks and uncertainties to their water supplies for years. However, almost two decades ago, the eight irrigation districts in the basin (organized as the Deschutes Basin Board of Control or DBBC) began to develop a long-term plan that would provide certainty for agricultural water supplies while, at the same time, water for the listed species.

The Deschutes Basin Habitat Conservation Plan (HCP) was the product of 12 years of scientific study, hard work, and collaboration between irrigators, federal and state agencies, the Confederated Tribes of the Warm Springs Reservation, cities, counties, multiple non-governmental organizations, and the public in the Deschutes Basin.²²

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ United States Bureau of Reclamation. The Story of the Deschutes Project. <https://www.usbr.gov/projects/pdf.php?id=223>

¹⁷ *Id.*

¹⁸ United States Bureau of Reclamation. Deschutes Project. 1996. <https://www.usbr.gov/projects/pdf.php?id=112>

¹⁹ *Id.*

²⁰ Central Oregon Irrigation District. Formal Public Scoping Meeting. Pilot Butte Watershed Plan/Environmental Impact Statement. July 19, 2022. https://coidpiping.com/wp-content/uploads/2022/07/COID-formal-scoping-meeting_final_07.20.22.pdf

²¹ *Id.*

²² Testimony of Dan Keppen, Executive Director of Family Farm Alliance, before the House Subcommittee on Water, Wildlife and Fisheries, March 8, 2023. <https://docs.house.gov/meetings/II/II13/20230308/115450/HHRG-118-II13-Wstate-KeppenD-20230308.pdf>.



Figure 2. Map of Deschutes Basin. Source: USFWS

An HCP is a “planning document designed to accommodate economic development to the extent possible by authorizing the limited and unintentional take of listed species when it occurs incidental to lawful activities.”²³ Finalized in 2020, the Deschutes HCP covers approximately 10,500 square miles of land in central Oregon and has a 30-year term.²⁴ It provides a pathway and timeline for modernizing the DBBC’s water delivery systems through canal piping and other projects.

In exchange for the commitments to conserve water over time through the HCP, the DBBC districts are authorized to continue to access their water supplies without running afoul of the ESA. As required under the HCP, the DBBC districts and irrigators are making significant financial investments to implement water conservation measures, such as canal piping.²⁵

Federal Lands Management and Water Supply

Forests play a critical role in watershed health and are key to ensuring safe and reliable supplies of clean drinking water across the United States. In Oregon, more than 32 million acres, constituting roughly 53 percent of the land base, are owned by the federal government,²⁶ making federal land management, particularly forest management, critically important for water supply.

Across the country, more than one billion acres are at risk of wildland fire.²⁷ Federal land management agencies have identified 117 million acres of federal land at high or very high risk for wildfire, representing nearly one-fifth of the overall land they oversee.²⁸ These high-risk federal forests are overloaded with dangerous dry fuels that have been allowed to accumulate through a century of fire suppression combined with a lack of thinning, prescribed burns, and mechanical treatments.²⁹ Overstocking makes forests less resilient by increasing competition among trees for the water, minerals, and sunlight necessary to sustain a healthy forest. The West’s unprecedented drought has further weakened overgrown national

²³“Habitat Conservation Plans.” U.S. Fish and Wildlife Service. Habitat Conservation Plans / U.S. Fish & Wildlife Service (fws.gov)

²⁴“Deschutes River Basin Habitat Conservation Plan.” U.S. Fish and Wildlife Service. Deschutes River Basin Habitat Conservation Plan / U.S. Fish & Wildlife Service (fws.gov)

²⁵*Id.*

²⁶Congressional Research Service, “Federal Land Ownership: Overview and Data,” February 21, 2020, R42346, <https://crsreports.congress.gov/product/pdf/R/R42346>.

²⁷Testimony of Christopher French, Deputy Chief, U.S. Forest Service, before the Senate Energy and Natural Resources Committee, June 24, 2021, <https://www.energy.senate.gov/services/files/AAF7DF40-2A47-4951-ADA4-4B124AD3894F>.

²⁸Hoover, Katie, “Federal Wildfire Management: Ten-Year Funding Trends and Issues (FY2011–FY2020).” October 28, 2020, CRS, R46583.

²⁹Ingram, Robert G. “Robert G. Ingram: Forest Fuel Management-the Ugly Truth.” *TheUnion.com*, October 9, 2020, <https://www.theunion.com/opinion/columns/robert-g-ingram-forest-fuel-management-the-ugly-truth/>.

forests, leaving them extremely vulnerable to wildfire. Recent research has shown that some areas are experiencing the driest conditions in 1,200 years.³⁰ These conditions have turned vast swaths of the nation's forests into ticking time bombs that can ignite with a single spark. It is no longer a matter of "if" these areas will experience catastrophic wildfire but "when."

Oregon is no exception. The state has experienced exceptional drought, with the past two decades labeled as "the worst megadrought on record."³¹ The semi-arid climate, combined with Oregon's geology, makes drought recovery that much more difficult, as the need to recharge the deficit of water in the aquifers.³² Additionally, the ever-persistent wildfires in the Deschutes National Forest have severely damaged central Oregon's recreation and tourism industries.³³ These dynamics—the ecological importance of the basin, the many ways this region influences the state's economy, and the anticipated increase in resources that will be needed due to population increases—highlight the importance of actively managing the watershed's environment and infrastructure. To balance the interests of the many stakeholders that are end users of the basin's water, the region has a long history of collaboration between conservation groups, the agriculture sector, and others across the region.³⁴ That collaboration and engagement provide many lessons that can be applied at the federal level.

³⁰ *Id.*

³¹ State of Oregon Official Website. Oregon Drought. <https://www.oregon.gov/owrd/programs/climate/droughtwatch/Pages/default.aspx>.

³² Deschutes River Conservancy. Bend Bulletin—Central Oregon gets a break from drought, but threats still loom. June 15, 2024. <https://www.deschutesriver.org/in-the-media/bend-bulletin--central-oregon-gets-a-break-from-drought-but-threats-still-loom>

³³ United States Forest Service. Wildfire Crisis Strategy: Central Oregon Landscape. <https://www.fs.usda.gov/detail/deschutes/landmanagement/resourcemanagement/?cid=fseprd1070210>

³⁴ Deschutes River Basin Building Formal Collaboratives to Leverage Federal Funding. <https://www.rivernetnetwork.org/wp-content/uploads/2023/03/deschutes-river-amp-case-study-river-network.pdf>

**OVERSIGHT FIELD HEARING ON “IT ALL
DEPENDS ON WATER: EXAMINING EFFORTS
TO IMPROVE AND PROTECT CENTRAL
OREGON’S WATER SUPPLY”**

**Tuesday, October 8, 2024
U.S. House of Representatives
Subcommittee on Water, Wildlife and Fisheries
Committee on Natural Resources
Redmond, Oregon**

The Subcommittee met, pursuant to notice, at 10:05 a.m., in Deschutes County Fairgrounds, 3800 SW Airport Way, Redmond, Oregon, Hon. Cliff Bentz [Chairman of the Subcommittee] presiding.

Present: Representatives Bentz, Chavez-DeRemer, Maloy, Newhouse; and Hoyle.

Mr. BENTZ. The Subcommittee on Water, Wildlife and Fisheries will come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

Good morning, everyone. I want to welcome our witnesses, Members, and our guests in the audience to today’s hearing. The Subcommittee is meeting today in Redmond, Oregon for an oversight field hearing entitled, “It All Depends on Water: Examining Efforts to Improve and Protect Central Oregon’s Water Supply.”

It is great to be in my home state of Oregon. While many of you know me, for those that don’t, I am Cliff Bentz, the Chairman of the Subcommittee on Water, Wildlife and Fisheries. I am grateful to be joined today by several Members who represent various regions. Therefore, I ask unanimous consent that the gentlewoman from Oregon and our host today, Mrs. Chavez-DeRemer; the gentleman from Washington, Mr. Newhouse; and the gentlewoman from Utah, Ms. Maloy be allowed to participate in today’s hearing.

Without objection, so ordered.

I also ask unanimous consent that all other Members’ opening statements be made part of the hearing record if they are submitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

Ladies and gentleman, please stand and remove your hats for the presentation of the colors and the playing of the national anthem. They will also lead us in the Pledge of Allegiance. The colors are presented by cadets Sam Case, Tracon Statler, and Chloe Berkeley of the Redmond High School Marine Corps Junior ROTC color guard commanded by Cadet First Lieutenant Simon Lavery. Please remain standing and silent until the color guard has left the floor.

[Colors are presented.]

Mr. BENTZ. Please recognize them with a round of applause.

[Applause.]

Mr. BENTZ. I thank all of you for being here. Congresswoman Chavez-DeRemer, as the Congressional Member representing this part of Oregon, has the distinct privilege of formally welcoming you to today's hearing.

I yield to you, Congresswoman Chavez-DeRemer.

Mrs. CHAVEZ-DEREMER. Thank you, Chairman. Good morning. I cannot thank you enough for being here today. Thank you, Chairman, the Natural Resources Committee, and all of our guests.

I represent Oregon's 5th Congressional District, which is inclusive of Redmond, Bend, Sun River, Sisters, and all the way from Portland, as well. It is my distinct pleasure to be here today to welcome the Natural Resources Committee.

I do want to take one moment to recognize a few of our guests in the audience today.

Commissioner Tony DeBone, who will be testifying, thank you for being here. Commissioner Patti Adair is here as well, and Commissioner Phil Chang. Thank you for being here and participating.

With that, I will yield back.

Mr. BENTZ. Thank you. As I am sure all of you know, arranging a field hearing is a lot of work, and I want to call out most of those that deserve recognition, because I may not know all of them.

But the Natural Resources Committee staff is here from DC. I much appreciate their hard work. Our team of professional sound and communication folks have traveled out from Washington, DC to set up the sound and communication systems. They are the ones making sure that whatever we say here today, no matter how unwise or regrettable, is instantly available for all the world to see and hear. Remember what you say you won't be able to take back.

[Laughter.]

Mr. BENTZ. The address to enter on your cell phones if you wish to see this hearing online is NaturalResources.House.gov. Again, if you have folks that want to watch this online, have them go to NaturalResources.House.gov.

I also want to thank our law enforcement folks for being here. We deeply appreciate you taking the time to be with us. And that would be the Redmond police and the Deschutes County Sheriff's Office.

Finally, I want to thank the Deschutes County Fairgrounds for letting us use this beautiful, beautiful facility.

Let me point out that we welcome your written comments on issues that will be discussed in this meeting. The contact information email and mail addresses are available at the desk where you came in or here after the hearing, if you want to send us your thoughts.

Please let me point out that this is not a town hall meeting. It is a congressional hearing designed to provide information to Members of Congress attending and to members of public present and those who are watching and listening online. The only people who will be speaking today are Members of Congress and the witnesses you see in front of you on the stage. The witnesses will be recognized and asked to speak, and shall do so without interruption. If a member of the audience has something to add, they may do so in writing and by sending their comments to us. We value

those comments, so if you have some thoughts, and I hope you do, during what you hear today, share them in writing with us.

And to quote my friend and one of my predecessors, Congressman Bob Smith, "Anyone who chooses to interrupt without being recognized will not remain in this room very long." So, hopefully, we will have a civilized discussion of these incredibly important issues.

This is my 5th field hearing that this Subcommittee has had since I became Chair. It is the first time I have had the opportunity to hold a Subcommittee hearing in my state. As nearly as we can tell, this is the first field hearing held by a Congressional House Subcommittee in Oregon's 5th District in about 20 years. It is a pleasure to be here, and I want to thank Congresswoman Lori Chavez-DeRemer and her staff for their help in arranging this field hearing and allowing us to do so in Congressional District 5.

I am also pleased to note that today's hearing is bipartisan, and that is because we have Congresswoman Val Hoyle joining us from Oregon's 4th Congressional District. Val and I served in the Oregon House together, so I know that she has an extensive background in forestry and water-related issues.

Welcome, Congresswoman Hoyle.

I now am going to ask each of the Members to briefly introduce themselves and say what committees they are on, and where they are from.

Congresswoman Chavez-DeRemer.

Mrs. CHAVEZ-DE REMER. Thank you. Again, Lori Chavez-DeRemer, I represent Oregon's 5th Congressional District. I serve on the Agriculture Committee, Transportation and Infrastructure, Education and Workforce, and many of the subcommittees. And I am on the Subcommittee on Forestry and Water through the Ag Committee, so this is very important to my district, very important to the state of Oregon, and I am just grateful to be here and welcome my colleagues from across the country.

Ms. HOYLE. Hi, I am Congresswoman Val Hoyle. I represent Oregon's 4th Congressional District, which encompasses just over 17,000 square miles: Curry, Coos, the half of Douglas County that Representative Bentz does not represent, and Lane, Lincoln, and Benton counties. I am very grateful to be here. I am on the Natural Resources Committee and on this Subcommittee, so I felt like it is important to show up. Forestry and water issues are absolutely critical, and I want to thank everyone for being here today, and I am looking forward to the discussion.

Mr. NEWHOUSE. Thank you, Chairman Bentz. My name is Dan Newhouse. I represent Washington's 4th Congressional District, which is just north of you. It is the central third of the state of Washington. I am one of the few farmers in Congress, and very proud of that fact. The committees I sit on, I am on Appropriations and on Appropriations I have three subcommittees: Homeland Security, Energy and Water, and, of course, Agriculture. I also sit on the Select Committee on China, a committee that has been put together to look at the threats that the Communist Chinese Party poses to the United States. I am Chairman of the Congressional Western Caucus, and the issues that we focus on in the Western Caucus are very similar to what we are going to be talking about

today, so I am very excited to learn what is going on in the Deschutes River Basin. Thank you for having us today, and thanks for such a great turnout.

Ms. MALOY. Hi, I am Celeste Maloy. I represent the 2nd District in Utah. I am on the Transportation and Infrastructure Committee with Lori Chavez-DeRemer, and I am also on the Small Business Committee. My district in Utah is very dry and very natural resources-dependent, so I am excited to be here today and be part of this hearing. And I am always excited when there is a field hearing and people get to watch Congress work in their own state, in their own district. So, thank you for letting me be part of this today.

Mr. BENTZ. Thank you. As I indicated before, I am Cliff Bentz. I live in Ontario with my wife. We have two kids that we have successfully managed to move out of our home.

[Laughter.]

Mr. BENTZ. But my background is in law, and in water in particular, but lots of discussion in my law firm over how to manage to get people to work together. And I focused my last 10 years of practice on trying to resolve farm and ranch success and issues. So, the discussions about how we come to agreement are normal for me.

I also enjoy owning a 120-acre farm that is under the Owyhee Reservoir, so I have a personal interest in how water is dealt with. And, of course, my family, having grown up on a cattle ranch, many of them, three of my younger brothers are still involved in that space.

I am now going to recognize myself for an opening statement.

**STATEMENT OF THE HON. CLIFF BENTZ, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF OREGON**

Mr. BENTZ. Our purpose today is to hear about challenges facing Central Oregon when it comes to water, with a specific focus on jurisdiction, supply, access, and use.

It used to be that the Oregon Water Resources Department, a state not Federal agency, had the final say about water. This was because water use was viewed pretty much as a local issue. Local control over water is a really good idea, but I can assure you use of water is no longer controlled by local people. Federal laws such as the ESA, Clean Water Act, NEPA, the Northwest Power Act, and Federal court decisions such as the Winters case have pushed aside state laws, leaving executive branch bureaucrats and Federal judges masters of our waters.

Perhaps reversal of the Chevron case will change things, but Federal laws now give the Federal Government significant, if not final, authority many times over how much and when we can use much of our water. But the final word over control of water does not have to be surrendered to agencies and judges. We are here because it is our belief that with your help and insight we can develop legislation that returns at least some of the control over water to the state and the people who live here.

But if we are to create legislation that addresses water issues, we need to know what has and what hasn't worked in your basin. It has been my observation over the past 30 years that, although

not perfect, the Deschutes community has usually found a way to deal with extremely difficult water allocation problems. Other basins have not been so fortunate: the Klamath comes to mind, Central Valley in California, the Colorado, the Rio Grande. In these places we see never-ending, multi-million-dollar litigation or severe damage to thousands of farm workers and farmers as their water is cut off, or never-ending uncertainty as to when farmers' annual water allocation might be developed, or short-term fixes that usually take big heaps of Federal money, a very expensive Band-Aid.

To a certain extent, your basin has avoided these slow-moving water management disasters, so we look forward to hearing how you did it. We don't expect our panel to provide instant solutions to the problems we may discuss, but I would ask that Members describe the tools they have used to build consensus. Many issues will come up in this hearing, but here are several I hope the panel chooses to address.

Additional water from the Deschutes Basin watershed. Your basin is the second largest watershed in Oregon, measuring 10,500 square miles in size. That is almost 7 million acres. Fifty-one percent of that land is owned by the Federal Government. Many thousands of those Federal acres are overgrown with forest under-story, putting the forest, animals that live in it, land, communities, and water at risk. Thousands of trees per acre slurp up groundwater, releasing it into the air through transpiration. Is protection and perhaps even increasing your basin's water supply a path we can use to get back into the woods? Can we help tribes better use their political power to get back into the forest for restoration activities at scale?

I am pleased that we have Bobby Brunoe of the Confederated Tribes of Warm Springs here today to address this possibility.

Should people in communities whose ancestors were enticed by the government water storage policy to move into this basin when it was a desert be incentivized to reverse course as political winds change and government takes their water away? This basin is facing this issue head on, first of all, by recognizing that farmers are being damaged by the ESA, and then by designing means of reducing and mitigating against that damage. Solutions include piping up canals, the HCP, drought relief support, and congressional involvement such as this hearing today.

I am pleased that we have Dr. Trish Backsen, a veterinarian, owner of Oregon Feed and Irrigation; and Jeff Larkin of Jeff Larkin Realty here with us to discuss the solutions and problems that water demand, drought, and the ESA have brought about.

What new tools are available to address water supply and allocation? Will artificial intelligence play a part? I am sure that it will, not the least in the area of water modeling, adjusting water delivery, and in helping to identify new sustainable sources of water. But an obvious opportunity for the use of AI is applying it to sorting out the myriad of water trading and exchange opportunities which lie buried in the complexities of intra-district mapping, difference in water delivery timing, diversion locations, water right priorities, and on and on.

Figuring this out using district personnel would take literally forever, but with AI it could take seconds. And we cannot forget the

new satellite and software technology that exists to identify areas amenable to aquifer recharge, machines which can penetrate some 1,200 feet into the ground using magnetic resonance technology, can now pinpoint places on the ground where water could be absorbed, or use of similar new systems to identify areas of forest most likely to produce more runoff if restored to normal tree numbers.

Happily, we have Mr. Pat Gaylord of David Evans and Associates with us today to address some of these opportunities.

Finally, let me mention groundwater, an issue the Federal Government, with very good reason, has stayed away from for years. But that has changed. And part of that change is based on an abject failure of the Federal Government to recognize that if its Federal laws, such as the ESA, took surface water away, there would be an immediate and totally foreseeable shift to groundwater. And the link between groundwater and surface water, variable though as to time, is becoming more clearly understood. It is this connection that the Federal Government is using to force the state of Oregon to regulate groundwater.

Indirect and non-local Federal management of groundwater is not a good thing, and is most certainly not a precise thing. The question is, will states step up to reassert their authority over their water? It has been sad to watch Oregon become an agent of the Federal Government, and used to enforce the Endangered Species Act as to surface and groundwater down in the Klamath. Is this basin going to watch the same thing happen here?

You should know that folks losing their house wells to dropping aquifers have been asking if the Federal Government is shutting down groundwater use in Klamath to protect fish, then why doesn't the Federal Government act to protect domestic wells? I don't think that the Federal Government should be taking control over our groundwater, but the situation is complicated.

We are fortunate to have Commissioner Tony DeBone here to help us discuss how Deschutes County is addressing these difficult issues of local versus Federal authority.

And I don't want to place all the burden on Commissioner DeBone. I want all the members of the panel to weigh in on these difficult issues.

With that, I recognize Congresswoman Chavez-DeRemer for an opening statement.

STATEMENT OF THE HON. LORI CHAVEZ-DEREMER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mrs. CHAVEZ-DEREMER. Thank you, Chairman Bentz. Hi, everyone. And again, thank you for being with us today in Redmond.

I just want to start out by saying thank you to the Chairman for bringing the Water, Wildlife and Fisheries Subcommittee to Deschutes County to spotlight this area and the good work you all are doing.

I also want to thank my colleagues again who have traveled from across the country to be here today because they also realize the value of collaboration and certainty in our community's water supply. Again, Celeste and Dan, my colleagues, thank you for traveling

out of your states and into our state to recognize how important this issue is.

Today, we are going to talk about Central Oregon's current and future water supply. We are going to discuss the challenges that have hit this area that are not unfamiliar for our West Coast friends. Years' long droughts, wildfires, and changing climate have forced water users in our basin to be creative in their approach. This summer has been no different, with the most expensive fire season on record for Oregon and the eastern side of the state being hit the hardest.

Deschutes County has, unfortunately, seen its fair share of devastation due to the Darleen III and the Little Lava Fires. These events underscore the need for better land management and a strong workforce, two things I have been proud to advocate for and support in the bipartisan 2024 farm bill. The farm bill included provisions that will encourage active and healthy forest management to help reduce the risk of wildfire, while still protecting the surrounding environment. And to do that management, we need a strong and dependable workforce.

I am proud to say that my bipartisan bill, the Jobs in the Woods Act, was included in the farm bill, and will help address labor shortages in the forestry and conservation sectors. I know just how important this work is because healthy forests contribute to healthy watersheds. Without that, your work as farmers, ranchers, and conservationists, and frankly, just those who care about the environment you live in, becomes much more difficult. Nevertheless, I am proud to say that the Deschutes Basin has been a poster child for effective collaboration.

But before we dig into the collaborative work, I want to take a few steps back and talk about how we got here. Bend, Oregon and the entirety of Deschutes County has seen rapid growth, nearly doubling in population in the last 20 years. However, with such rapid growth comes growing pains. This area has not been immune from the lack of affordable housing and skyrocketing costs, not to mention the challenges of accessing affordable child care. Yet, remarkably, water usage here has stayed nearly the same.

While the outlook in the early 2000s was bleak, the basin has made tremendous progress, thanks to the collaboration from unlikely sources. Many groups have come together realizing that negotiating a compromise is far more appealing than fighting it out in court for years on end. This basin has seen cooperation between farmers, conservationists, and municipal users, not to mention the partnership between those with senior and junior water rights.

I believe in the work these groups are doing, which is why I introduced H.R. 8428, the Deschutes River Conservancy Act, which would reauthorize the DRC working group for the next 10 years. The DRC has brought together a diverse group of stakeholders, including those in agriculture, hydroelectric production, the environmental community, the tribal community, and the representation from our state and Federal Government. This collective group has found creative solutions to the growing demands for water without forcing one faction to suffer at the expense of others.

I have also been very supportive of a PL-566 program that has resulted in millions of dollars being granted to the irrigation

districts here to fund the canal piping projects. As a result, nearly 25 miles of irrigation canals have been piped, conserving nearly 15,000 acre-feet of water annually. However, there is plenty of work to be done. We will hear more about some of this work from our witnesses, as well.

I also want to give credit to our local governments. The cities Redmond and Bend have been creative in this challenge by incentivizing residents to reduce unnecessary water usage in the lawns, and promoting drought-tolerant vegetation instead. I don't need to remind you all how important water is for farming, for drinking, for wildlife habitat, for fighting wildfires, and for life, which is why I am excited to have convened this hearing today, and for us to dive into more solutions to protect our water supply here in Central Oregon and be a model for the West.

And with that, I yield the remainder of my time, Mr. Chairman.

Mr. BENTZ. Thank you. I will now introduce our witnesses.

Mr. Bobby Brunoe, Secretary-Treasurer-CEO of the Confederated Tribes of Warm Springs in Warm Springs; Dr. Trisha Backsen, farmer and owner of Oregon Feed and Irrigation in Redmond; Mr. Pat Gaylord, Oregon Director to the National Society of Professional Surveyors of the Professional Land Surveyors of Oregon in Tigard; Mr. Jeff Larkin, owner of the Jeff Larkin Realty in Redmond; and Mr. Anthony DeBone, Commissioner of Deschutes County in Bend.

Let me remind the witnesses that under Committee Rules, you must limit your oral statements to 5 minutes, but your entire statement will appear in the hearing record.

We use timing lights. When you begin, the light will turn green. When you have 1 minute remaining, the light will turn yellow. And at the end of 5 minutes, the light will turn red, and I will ask you to please complete your statement.

I will also allow all witnesses to testify before Members ask their questions.

I now recognize Mr. Brunoe for 5 minutes.

STATEMENT OF ROBERT "BOBBY" BRUNOE, SECRETARY-TREASURER-CEO, CONFEDERATED TRIBES OF WARM SPRINGS, WARM SPRINGS, OREGON

Mr. BRUNOE. Thank you, Congressman.

[Speaking Native language.] That means good morning in our Wasco language, so thank you all for having me here today to speak. I am Bobby Brunoe, Secretary-Treasurer-CEO for the Confederated Tribes of Warm Springs.

I wanted to go through a couple of different things with everyone today, and the first is who the Confederated Tribes of Warm Springs is. The Confederated Tribes of Warm Springs is a tribe made up of three tribes: the Warm Springs Tribe, the Wasco Tribe, and the Paiute Tribe. We have a treaty of 1855 signed on June 25, and it reserved rights for the tribes to fish, hunt, gather our cultural foods, and to pasture livestock on unclaimed lands. It also defines where some of these areas are.

We ceded lands to the U.S. Government, 10 million acres, which takes in most of this basin, Deschutes Basin, all of the Hood River Basin, and all of the John Day Basin. So, it is a very large area

that we have reserved rights. The important word there is “reserved rights,” so that is the tribes.

We come from the Columbia River. Celilo Falls, which is now under water from the Dalles Dam, our homeland is the Columbia River, up and down the Columbia River. So, that is where we come from. So, a little bit about the tribes and who we are and where we come from.

A bit of our culture, there are gifts that the Creator gave us, and those gifts are in order. The No. 1 gift the Creator gave to us, and these are gifts that we are to take care of and always look after forever, is water. Water is the No. 1 gift. And a lot of this discussion today is about water and why it is important to all of us. And it is something that you will hear me talk more about as I am going through my talk here. So, that is the No. 1 gift.

The second gift is the fish. And that is the salmon and all the fish in the river.

Third is the deer and the wildlife.

And the fourth is our cultural foods, that being our roots and berries and medicinal plants.

So, these are in order for us: water, fish, wildlife, and then our traditional foods. These are things that we are supposed to be looking after. And working in natural resources all the years I have, this is something that is in our minds, that we teach our people. We teach new people that come to work for us that are non-tribal how important these are to us and we need to take care of these gifts. So, a little bit about the tribes and our culture.

Next is good neighbors, and being good neighbors with everyone around us. The tribes, we are going to be here forever, and so are all our neighbors, so we need to work together and come up with good solutions as we work through these challenging times, and with climate change, and with water concerns, and trying to balance these with all of our communities around us.

The tribes also own a hydroelectric project, and partners with Portland General Electric. We are a 49.99 percent owner of the project with Portland General Electric. This is the Pelton Project, which are three dams north of us here on the Deschutes River. And one of the reasons the tribes are very interested in partners in that is because of fish passage. We want to be able to see those fish and the salmon get above the dams.

So, collaboration. The Deschutes River Conservancy is a group that the tribes and the irrigation districts are charter members of and started back in 1996. And I start there because that was something we all worked on hard, and then there was the Water Collaborative, which is a group that I am one of the co-chairs on right now. We work to balance water for our communities, for Ags, the cities, the environmental groups, conservation groups, private citizens. We have private citizens that are part of this group, and it is a very important group that we work with.

And you have probably heard a little bit about the Water Collaborative and all the work that we are doing. That is a big piece. A lot of folks I see out in the audience I recognize that are part of this group here, and we work really well together, and I believe we are a model for the basin and for the state.

Forestry issues. There are a lot of challenges there. We have a lot of work that needs to be done. And with forest health we have three forests that are against the boundaries of the reservation: Mount Hood, Willamette, and the Deschutes. And we always have challenges with fire. So, how do we work with things for the tribes, for Tribal Forest Protection Act, and being able to do good forest health work on those forests and working in these upper watersheds so we have good, clean water that we can capture with these systems there? Thank you.

[The prepared statement of Mr. Brunoe follows:]

PREPARED STATEMENT OF BOBBY BRUNOE, SECRETARY-TREASURER/CEO,
CONFEDERATED TRIBES OF WARM SPRINGS

My name is Bobby Brunoe. I am an enrolled member of the Confederated Tribes of Warm Springs, and I currently serve as Secretary-Treasurer/CEO for the Tribes. Previously, for 24 years, I served as the General Manager of the Tribes' Branch of Natural Resources.

Welcome to our ancestral lands, within the 10 million acres that our ancestors ceded to the U.S. government in the Treaty of June 25, 1855, with the Tribes of Middle Oregon. This area goes from the crest of the Cascade Mountains to our west, to the Columbia River and east to what is now Baker County. Warm Springs tribal members continue to exercise our inherent sovereignty and treaty rights throughout that territory, including the right to fish at our usual and accustomed locations and the right to hunt and gather on unclaimed lands.

Our historic territory is largely defined by watersheds, where our people have been nourished by its fish. Water is of the utmost importance to us—it sustains all life on earth. In our language, water is called “chuush”. In our religious practice, water is consumed to unify all of our First Foods: salmon, deer and elk; root vegetables and berries. They are all interconnected and we manage the land and watershed for their health. Water is the first gift of the creator and we continue to place it at the forefront of our lives, planning and natural resources management.

I mention this because it echoes the title of this hearing: “It All Depends on Water.” We agree. Warm Springs has dedicated significant time and resources to working with our neighbors to improve the use of water in the Deschutes River Basin to meet current and future needs. Striking that balance is a growing challenge and requires real collaboration.

The Deschutes River forms the eastern boundary of the Reservation. We rely on the Deschutes River as the source of our drinking water for the Warm Springs community. Our point of diversion is located in the lower Deschutes River, below rapidly growing communities like Bend and here in Redmond. We are also located below thousands of acres of irrigated agriculture.

Snowmelt high in the Cascade Mountains has traditionally been the principal source of water for the Deschutes River. We, however, receive less snow now and have been suffering through persistent drought, which is affecting the Deschutes River flows and those of its tributaries, such as the Crooked River and the Metolius River. The drought is worsening the water quality issues throughout the Deschutes Basin. According to a recent Indian Health Service report, our drinking water rivals some of the best in the nation; however, the drought poses a very real threat to this positive progress.

Hydroelectric Power

The Warm Springs Tribes are 49.99% owner of the 500-megawatt Pelton Round Butte Hydroelectric Project, which consists of three dams in the Deschutes River canyon north of here. The revenues derived from power sales from this project supplies critical resources to support the well-being of our community.

The fact that we now serve as an equal partner and voice concerning the management of the hydroelectric project is critical, because our traditional knowledge was left out of the decision to construct the dams in the first place so many years ago. Our role now helps to ensure responsible management of our sacred water resources and fish populations through thousands of years of ecological and cultural expertise.

We are working continuously with our partner, Portland General Electric, to improve fish out-migration and passage previously blocked for 50 years by the hydroelectric project. Together with PGE, we built a \$108 million Selective Water Withdrawal system. The 278-foot tall structure allows us to attract migrating fish

above the dam for collection, and to move them downstream. It also allows us to control the temperature of water released into the Deschutes River to optimize seasonal conditions for fish. The results have been extremely successful. In 2022, we were able to reintroduce more than 700 Chinook into the upper basin. To this day, they have been observed to spawn naturally and their offspring are now on their way to the ocean. And this program has helped to multiply efforts in the upper and middle Deschutes basin to restore streamflow and watershed functions, which in turn has improved water quality and generated numerous benefits in the region.

Collaboration

We collaborate closely with our neighbors to manage the Deschutes Basin and its bounty of precious resources, yielding benefits to fish and to water quality and quantity. In 2018, the Warm Springs Tribes and the State of Oregon convened a water summit, which resulted in the Deschutes Basin Water Collaborative. This group includes state and federal agencies, cities, counties, irrigation districts, conservation organizations, and even the League of Women Voters.

As co-chair of the Collaborative, we are identifying real-world solutions to reduce needless water consumption and loss, improve efficiency and keep more water—and better quality water—in the river for fish. A key part of the Collaborative’s mission is the development of a comprehensive Deschutes Basin Water Plan that is aligned with the State’s integrated water resources planning model. Our initial focus is on implementing activities on the Upper and Middle Deschutes River.

Warm Springs is also a founding member of the Deschutes River Conservancy (“DRC”), which was established in the early 1990s, and I am currently chairman of the organization. The DRC is a textbook example of place-based decision-making infrastructure. One area where the DRC has been successful is restoring summer streamflow in the Deschutes River downstream of Bend. DRC’s cooperative efforts with local irrigators have restored almost 135 cubic feet per second (“cfs”) of streamflow during the peak summer months, with a hope of meeting a 250 cfs streamflow target through additional water purchases, water conservation, and water leasing.

A third example of positive collaboration is Warm Springs’ involvement with the Crooked River Water Quality Partnership. Earlier this year, the Partnership received a \$300,000 federal grant to design projects to reduce nutrient pollution in the Lower Crooked River. This is particularly important to Warm Springs because poor water quality conditions in the Crooked River are affecting our ability to successfully reintroduce salmon and trout species that are socially, economically and culturally significant above the Pelton Round Butte hydro project.

Confederated Tribes Is Co-Manager of the Water Resources of the Deschutes Basin

It is our sovereign duty to support a healthy watershed from the headwaters to the mouth of the Deschutes River. We hold this responsibility also in partnership with the United States and the State as co-managers of the water resources of the Deschutes Basin. As an example, this co-management is recognized in the Confederated Tribes of Warm Springs Reservation Water Rights Settlement Agreement, which was entered into in 1997.

Land use matters, including on the National Forest lands. Wildfire has significantly impacted the watershed by affecting the timing of snowmelt and impairing the function of forest meadows and wetlands. There is much work to be done in connection with both pre-fire hazardous fuel reduction and post-fire restoration of the landscape.

Forest Health and Water

The forests on our ancestral lands help to sustain both the well-being and the prosperity of our people. The western half of the Warm Springs Reservation is forested and managed to meet multiple purposes, from traditional foods and medicines to carbon storage, timber and forest products. We are proud of our forest management plan and the balance it achieves, including helping to provide clean air and water.

However, our forests border three National Forests: the Mt. Hood, Deschutes and Willamette. The federal side of those borderlands are largely wilderness and other reserves that limit management actions.

Over the last two decades, this combined landscape has seen increasingly large, catastrophic fires. The result is a growing presence of dead snags that create a future fire hazard. Loss of forest canopy, particularly in riparian areas, affects stream temperature and aquatic health. Recent scientific studies also show that snow melts faster on fire-affected slopes, meaning less water available when needed the most in warm months.

We cannot have clean and cold water, flowing at the right times, without better addressing the threat of wildfire. The Warm Springs Tribes have pursued projects aimed at reducing and utilizing hazardous fuels on federal lands. But federal managers were threatened with litigation. This not only impacted the ability to address dangerous conditions but also reduced the ability of the federal government to demonstrate a viable biomass supply for beneficial use. We have tried to pursue Tribal Forest Protection Act projects on federal lands, but were also threatened with litigation and delays that we simply cannot afford.

We appreciate efforts by Congress to encourage federal forest management agencies to work more closely with Indian tribes. Improving Good Neighbor Authority to give tribes equal footing with states is an important step. However, funding for tribal forest management is drastically below that of the Forest Service or BLM. A recent report to Congress¹ documented that forests managed by the BIA for tribes receive four times less than the Forest Service and 14 times less than BLM forests.

While tribes have a great desire and interest to do work on federal lands—and much to offer with our scientific and cultural knowledge—we are extremely limited in capacity. We encourage Congress to create new authorities and funding mechanisms for tribal co-management of federal forests. One localized example is legislation introduced by Senator Wyden and Congressman Blumenauer that would direct the Forest Service to enter into a stewardship agreement with Warm Springs for improved management of our sacred resources and habitat—including water—on the Mount Hood National Forest. More broadly, Warm Springs supports legislative efforts by the Intertribal Timber Council to broaden TFPA and codify co-stewardship and co-management authorities for tribes.

Challenges

Having healthy dialog and collaboration is like having a strong family. It doesn't prevent bad things from happening, but it helps everyone get through them. We face serious challenges in the Deschutes Basin—from prolonged drought, poor water quality conditions, increased demand and other factors.

Conclusion

I want to thank Congressman Bentz, Members of the Subcommittee and Representative Chavez-DeRemer for coming here to talk about water. I began by speaking of how Warm Springs people view water. It is the very first gift the Creator gave to humans. You don't have to believe our religion to see what a gift water is here in the high desert. It can grow crops, sustain robust populations in our communities, generate power for hundreds of thousands of homes, and more.

But it's not easy. In fact, it's quite difficult—especially as we honor and protect the fish who move through these river systems on their journey back and forth to the Pacific Ocean.

I think we're doing a better job here in the Deschutes Basin than anywhere else. Why? The Warm Springs people have been here since time immemorial. We're not going anywhere. Our neighbors are going to be here forever. We've all decided to be working together to come up with solutions and ways to take care of the water. We get a lot more work done working together than alone.

Mr. BENTZ. Thank you, Mr. Brunoe. I now recognize Dr. Backsen for 5 minutes.

STATEMENT OF TRISH BACKSEN, FARMER AND OWNER, OREGON FEED AND IRRIGATION, REDMOND, OREGON

Dr. BACKSEN. Thank you, Congresswoman Lori Chavez-DeRemer, Chairman Cliff Bentz, and all the other Members of Congress, for taking the time to hold this hearing here in Redmond. We appreciate your efforts to hear our concerns and to visit our beautiful community.

My name is Trish Kentner Backsen. I hold a BS in biology, a master's in education, and a doctorate in veterinary medicine. I am also a board member of Perfect Balance USA, a non-profit whose mission is to promote environmentally friendly agriculture. My

¹Fourth Indian Forest Management Assessment Report (2023)

husband and I own small businesses in Central Oregon focused on Ag which employ around 40 members of our community.

One of our key businesses, Haystack Farm and Feed, based in Culver, produces livestock, horse, poultry, rabbit feed, and our famous horse treats which we distribute across the Northwest and well into other states. In addition, we farm approximately 1,200 acres in Jefferson County and run a retail store in Redmond, Oregon, where we offer Ag irrigation products, livestock feed, and pet supplies. I have also been a veterinarian for over 30 years.

Small businesses have faced significant challenges over the past few years. Agricultural businesses in our region have been especially hard-hit. Rising costs for essentials like labor, fuel, seed, fertilizer, and herbicides have placed enormous strain on our operations. On top of that, we have been grappling with a severe water shortage due to prolonged drought, and complicated by issues that have occurred from the Oregon spotted frog. Many farms are being forced out of business due to these combined pressures, property values are plummeting, and generational farms are becoming extinct.

We have a unique growing environment in Central Oregon, producing a variety of seed and specialty crops vital to both local and global Ag. Our region is responsible for producing most of the world's carrot seed, and one local farm is the second largest producer of wildflower seed in the United States. This wildflower seed is important because it attracts the monarch butterflies, a species likely to be added to the endangered species list soon.

The water shortage impact on Central Oregon farms has been devastating. We are receiving only half of our traditional allotment where we are. Also due to the requirements of the Deschutes Basin Habitat Conservation Plan, the amount of irrigation water we receive will continue to incrementally decrease in the coming years. Of the 1,200 acres we farm, we are only able to harvest crops on around 400 to 600 acres, depending on the crop and the year, yet we still must pay full water delivery charges regardless of how little water we receive. The goal of all the resources provided for piping is to mitigate that decline, but there is no guarantee it will all happen in a timely manner.

Another significant challenge we face is weed management. Uncontrolled weeds present a serious fire hazard to surrounding properties, and plus they are just ugly. Last summer, we had to spray our non-planted fields with herbicides four times. Unfortunately, herbicides can seep into the ground and potentially contaminate the groundwater. Additionally, planted fields are valuable for converting CO₂ to oxygen, but weeds are not.

Historically, we have sourced most of the ingredients for our animal feeds as local as possible. However, we have been forced to look beyond Central Oregon, often turning to other regions of the state and out of state to meet the needs of our feed mill. We are grateful to Representatives Chavez-DeRemer and Cliff Bentz for their efforts in securing resources to help mitigate the water crisis we are facing.

Several Federal projects are currently underway to improve the efficiency of our water delivery systems and to conserve as much water as possible. The local irrigation districts have put in a

tremendous amount of work towards this goal, and some areas have already seen progress with the installation of pipelines. Unfortunately, the process of piping is costly, and can lead to lawsuits from people that are opposed to it, and also it takes a significant amount of time. Many local farmers cannot afford to wait, and are facing the real possibility of losing their livelihoods before these solutions are fully implemented.

Remember, no water, no farmers, no food.

Water challenges in Central Oregon are not only impacting agriculture. Our region has become a popular tourist destination due to its incredible scenery, outdoor rec, and great weather. The influx of new residents and tourists place even more pressure on our resources, especially water and our infrastructure.

I want to thank again Representatives Chavez-DeRemer and Bentz and the entire congressional delegation here today for your attention to these critical issues. We all share the goal of ensuring long-term viability of our farms, businesses, and communities. I appreciate your efforts in helping us achieve that goal. Thank you for your time.

[The prepared statement of Dr. Backsen follows:]

PREPARED STATEMENT OF TRISH BACKSEN, FARMER

I would like to thank Congresswomen Lori Chavez-DeRemer and Congressman Cliff Benz for scheduling this National hearing in Redmond, Oregon. I also want to thank all of the other Congressmen and Congresswomen that have taken the time to be here, listen to our concerns, and to visit our beautiful community.

My name is Trish (Patricia) Kentner Backsen, DVM. I have a Bachelor's of Science degree in Biology, a Master's Degree in Education, and a Doctorate in Veterinary Medicine.

My husband and I own a couple of small businesses in Central Oregon. Our businesses are based in agriculture and we employ around 40 people in the Central Oregon community.

One business, Haystack Farm and Feed, INC, in Culver, Oregon produces livestock, horse, poultry, and rabbit feed that we ship across the Northwest and to other areas in the country. In addition to the feed mill, we farm around 1200 acres in Jefferson County. We operate a retail store in Redmond, OR where we sell irrigation parts for agriculture, livestock feed, and pet supplies. I have also practiced as a veterinarian for the past 32 years.

There have been major challenges for all small businesses the past few years. Agricultural businesses have been hit hard in this area due to the increased costs of fuel, seed, fertilizer, and herbicides. We have endured a significant water shortage due to the drought which has been compounded by challenges presented by the Oregon Spotted Frog. Another significant issue in operating a small business is trying to find employees. This is a major concern for every other business owner that I have spoken with! Many farms, especially in Jefferson County, are going out of business because of a culmination of these issues. Their property values have decreased significantly and generational farms are becoming extinct.

Jefferson County has a unique growing environment where a lot of seed and other specialty crops are produced in the area. It produces a majority of the world's carrot seed and one farm is the second highest producer of wild flower seed in the USA. The importance of that particular crop is that they specialize in growing wild flower seeds that attract the Monarch Butterfly. It is a species that is probably going to be added to the endangered species list in the near future.

The effect of the lack of water on Jefferson County Farms has been devastating. We are receiving approximately one half of our traditional water allotment. Of the 1200 acres that we farm, we are only harvesting crops on around 400-450 acres. We still have to pay the water delivery charges no matter how much water that we receive.

Weeds are another issue that farmers are constantly dealing with. Weed management is important as the unmanaged weeds can also present a huge fire danger to surrounding properties. For example, this last summer we sprayed our non-planted

fields four times with herbicides. Unfortunately, this presents another issue for the environment. The herbicides can possibly seep into the ground and potentially into the aquifer. Planted, growing fields are great at converting CO2 to Oxygen. Weeds are not!

We have historically bought the majority of the ingredients used in our feeds as locally as possible. The decrease in available crops in this area has forced us to source the products from other areas in Oregon and from other states to meet the ingredient demands for our production. This increases the cost of doing business!

Farmers are also trying to find viable crop options that take less water to produce. We grew flaxseed this year and a few farmers grew Canola. Both only take a few waterings compared to other products in the area. More thoughts and emphasis around drought resistant crops might provide additional farming options for this area.

We appreciate Representative Lori Chavez-DeRemer and Representative Cliff Benz for their help in providing this area with resources to try and mitigate the water issues that we are experiencing. There are several projects going on that have been funded by the Federal Government to increase the efficiency of the water delivery systems which will help conserve as much water as possible. I know there has been a huge effort by all the irrigation districts in the area! Some districts have already been piped. COID (Central Oregon Irrigation District) manages the largest amount of water, and has senior water rights. They have been active in piping areas to try to conserve water and become more efficient with water use.

North Unit Irrigation District has one of the most efficient water systems and farmers in that area have upgraded their equipment to utilize their irrigation in the best ways possible. All of the water used is monitored and subtracted from your yearly water allotment.

It's a great start, but we also have to balance our water needs throughout all the industries and the general water requirements needed for Central Oregon. Central Oregon has become a huge tourist attraction due to our incredible scenery, recreational opportunities, outdoor activities, and great weather. The influx of population moving into this area the last few decades has stressed our resources including water, housing, medical, roads, and has caused many other infrastructure challenges that our community is struggling to cope with!

Thank you for the opportunity to speak at your hearing to help showcase the challenges that we are facing in Central Oregon with our water issues.

Mr. BENTZ. Thank you, Dr. Backsen. I now recognize Mr. Gaylord for 5 minutes.

STATEMENT OF PAT GAYLORD, OREGON DIRECTOR TO THE NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS, PROFESSIONAL LAND SURVEYORS OF OREGON, TIGARD, OREGON

Mr. GAYLORD. Good morning, Chair Bentz, Congresswoman Hoyle, members of the Subcommittee, and my Congressman Chavez-DeRemer. Thank you, Chair Bentz, for holding today's hearing and for recognizing the major role that land surveying plays in collecting data for good stewardship decisions.

My name is Pat Gaylord. I am an Oregon State University graduate with a bachelor of science in forest engineering. I am a second-generation Oregon land surveyor holding licenses in Oregon, Washington, and Idaho, and I am a certified Federal surveyor.

As a lifelong Oregonian with a passion for working and playing in the outdoors, I am honored to be here today to testify as a member of the Professional Land Surveyors of Oregon and as the Oregon Director to the National Society of Professional Surveyors. I am currently the Surveying and Geomatics Service Excellence Leader for David Evans and Associates, which is a multi-

disciplined firm founded in 1976 and headquartered in Portland, Oregon.

Surveying is no longer limited to determining legal borders of a piece of property, preparing legal descriptions, or creating plats. You might say, what the heck is geomatics? Geomatics refers to the methods and sophisticated technologies used to collect and present all types of geographic data. Geomatics does include the traditional land surveying, as well as geodesy, GIS, GPS, hydrography, mapping, photogrammetry, and remote sensing.

The reason I am here today is that the data generated by this profession is critical to managers and policymakers when assessing the conditions of the landscape. Surveyors want to be a key partner in providing this high-quality data.

With regards to water quality, this data provides the complex information needed for planning and design of critical systems for fish and wildlife, as well as humans. The USGS 3D Elevation Program, 3DEP, and the more recent 3D Hydrography Program, 3DHP, are the baseline of the data needed for these decisions. The future of these programs will bring them together into the 3D National Topography Model, or 3DNTM, which will revolutionize the way we make decisions for both the built and the natural environment.

Adding a comprehensive landownership data set such as what can be provided by implementation of the FLAIR Act is critical to determining stakeholders, partners, and strategies.

Optimally, the USGS views 3DEP to be funded at \$146 million annually. USGS is on pace to achieve 100 percent national coverage by the end of Fiscal Year 2026. On May 1, 2024, 30 bipartisan members of the House sent a letter to their colleagues in the House Appropriations Committee requesting robust funding for USGS 3DEP in Fiscal Year 2025. Among those co-signing this letter were Representatives Lori Chavez-DeRemer and Val Hoyle, Chairman Bruce Westerman, and five fellow Committee members. On May 15, the Senate companion letter to the Senate Appropriations Committee was co-signed by 11 bipartisan offices, including our Senator Ron Wyden.

As an example of the potential offered by the future 3DNTM program for the evaluation of the Deschutes watershed, David Evans and Associates recently completed a project on the Toutle River in Washington for the Army Corps of Engineers Portland District. In this project, DEA provided data to develop, evaluate, and select concepts to improve fish passage at the existing Toutle River Fish Collection facility in southwest Washington.

In the absence of a data set like the 3DNTM, DEA designed the acquisition program to meet the needs of the project for modeling, oversaw the collection of bathymetric data, upland data, and aerial LiDAR data to represent the present-day conditions from which a comprehensive model was generated. A subset of the survey data will also be used by the Army Corps of Engineers to build a fluid dynamics model to evaluate the local conditions at the tailrace near the fish ladder entrance. The resulting data set created by DEA closely mirrors that image found on the Department of the Interior website highlighting the future 3DNTM program and the value it brings.

In conclusion, Mr. Chairman, I would like to thank you for the opportunity to share our views, and we look forward to working with the Subcommittee to continue to build on our past success and further improve and protect Oregon's water resources. Thank you.

[The prepared statement of Mr. Gaylord follows:]

PREPARED STATEMENT OF PAT GAYLORD

Good morning, Chair Bentz, Oregon Congresswoman Hoyle, members of the subcommittee, and my Congresswoman Chavez-DeRemer. Thank you Chair Bentz for holding today's hearing on such an important topic of concern to Oregonians and for recognizing the major role the surveying profession plays in collecting data for good stewardship decisions.

My name is Pat Gaylord. I am an Oregon State University graduate with a BS in Forest Engineering, and I am a second-generation Oregon land surveyor. I hold surveying licenses in Oregon, Washington and Idaho and I am a Certified Federal Surveyor (CFedS). As a lifelong Oregonian who is passionate about working and playing in the outdoors, I am honored to be here today to testify as a member of the Professional Land Surveyors of Oregon (PLSO) and as their Director to the National Society of Professional Surveyors (NSPS).

I grew up in a family surveying business which, in part, provided services to timber companies and small woodland owners throughout northwest Oregon, primarily in Clackamas County. I am currently the Surveying and Geomatics Service Excellence Leader for David Evans and Associates which is a multidiscipline firm founded in 1976 and headquartered in Portland, Oregon. Among our many services, we provide Land Surveying, Geomatics services and Marine surveying throughout much of the United States. Our company is dedicated to working together to improve the quality of life while demonstrating stewardship of the built and natural environments.

For those who may be unfamiliar with the term, Geomatics is the newest evolution of land surveying. Surveying is no longer limited to determining the legal borders of a piece of property, preparing legal descriptions or creating plats. Geomatics refers to the methods and sophisticated technologies used to collect, process, analyze and present all types of geographic data. Geomatics includes traditional land surveying, as well as, geodesy, GIS, GPS, hydrography, mapping, photogrammetry and remote sensing. Aside from the importance that those first three things are what keep your car on the road with your favorite driving app; the reason I am here today is that the data generated by this profession is critical to supporting good decision making by managers and policy makers when assessing conditions of the landscape. We want to be a key partner in providing high quality data to serve the public needs evaluate and wisely use our natural resources.

With regards to water quality, geomatic data melds upland LiDAR data, ownership information, and topography together with hydrographic measurements to create a comprehensive data set for analysis. This data set can disclose patterns of water flow or erosion on the landscape, sediment loading in impoundments, dam monitoring and deformations as well as provide the complex information needed for planning and design of critical systems for fish and wildlife as well as humans. The USGS 3D Elevation Program (3DEP) and the more recent 3D Hydrography Program (3DHP) are one component of the data needed for these decisions. The future of these programs will bring them together into the 3D National Topography Model (3DNTM) which will revolutionize the way we make decisions for both the built and natural environment. Adding a comprehensive land ownership data set, such as what can be provided by implementation of the FLAIR Act, is critical to determining stakeholders, partners and strategies.

Optimally, USGS views 3DEP to be funded at \$146 million annually. USGS is on pace to achieve 100% national coverage by the end of FY2026. On May 1, 2024, thirty bipartisan members of the House sent a letter to their colleagues on the House Appropriations Committee requesting "robust funding" for USGS 3DEP in FY2025. Among those cosigning this letter were Representatives Lori Chavez-DeRemer (R-OR) and Val Hoyle (D-OR), Chairman Bruce Westerman (R-AR) and five fellow committee members. On May 15 the Senate companion letter to the Senate Appropriations Committee was cosigned by 11 bipartisan offices including Senator Ron Wyden (D-OR).

As an example of the efficiency offered by bringing this data to life in the future 3DNTM, David Evans and Associates recently completed a project on the Toulte River in Washington for the Army Corps of Engineers, Portland District. In this project DEA created virtually the same data set envisioned by the 3DNTM, from

scratch. DEA acquired bathymetric and upland topographic data for the development of a 1- and 2-dimensional hydraulic and sediment transport model as part of an effort to develop, evaluate, and select concepts to improve fish passage at the existing Toutle River Fish Collection Facility in southwest Washington.

In the absence of a data set like what is envisioned by the 3DNTM, DEA designed the data acquisition program to meet the project needs for modeling and oversaw the collection of bathymetric data, upland data, and airborne Lidar to represent the present-day conditions from which a comprehensive model was generated. A subset of the survey data will also be used by USACE engineers to build a 3-dimensional computational fluid dynamics model to evaluate local conditions in the tailrace near the ladder entrance. The resulting data set created by DEA closely mirrors that image found on the Department of Interior website highlighting the future of the 3DNTM program (The 3D National Topography Model / Land Imaging Report Site (usgs.gov)).

In conclusion, Mr. Chairman, I thank you for the opportunity to share our views and we look forward to working with the subcommittee to continue to build on past success and further improve and protect Oregon's water resources.

Mr. BENTZ. Thank you, Mr. Gaylord. I now recognize Mr. Larkin for 5 minutes.

**STATEMENT OF JEFF LARKIN, OWNER, JEFF LARKIN REALTY,
REDMOND, OREGON**

Mr. LARKIN. Chairman Bentz, Congresswoman Chavez-DeRemer, and members of the Subcommittee, my name is Jeff Larkin, and I am Owner-Operator of Jeff Larkin Realty; Larkin Valley Ranch, which is a direct-to-the-consumer beef and lamb operation; and owner of a farm and ranch development company here in Central Oregon. I also serve on the board of directors for the Central Oregon Irrigation District. COID is a founding member of the Deschutes Basin Board of Control that represents eight irrigation districts in Central Oregon, and I am also representing that group here today.

Thank you for the opportunity to testify before the Subcommittee today and share my views about opportunities to manage our natural resources to allow farming and ranching, recreation and tourism, healthy eco and wildlife so we can thrive together in our region.

First and foremost, I would like to thank Congresswoman Chavez-DeRemer for bringing this important hearing to these and other congressional leaders on agricultural and natural resources issues out to Redmond. Thank you all for making the trip out to Central Oregon.

Chairman Bentz, we certainly appreciate your continued leadership on this Subcommittee, as well.

As a third-generation cattle rancher, realtor, and Ag developer, I firsthand know how serious farmers and ranchers in the Deschutes Basin take their stewardship of the land and of the water. We understand the need to ensure agriculture so Central Oregon can survive in a rapidly changing environment. My family and others in the region continue to respond to a host of challenges, including droughts, urban growth, new environmental requirements, and many others by adapting our operations to apply water more efficiently and developing new markets with our livestock.

All this innovation helps the Ag sector remain viable and continue to feed our nation, but the recent years of drought also reminded us that the value of agriculture is ultimately linked to water, plain and simple. This value, of course, includes the direct production of food and fiber, but it doesn't end there. It is also embedded in the value of the land, and provides a lot of indirect value, as outlined in my written testimony in more detail. That is why COID and other DBBC members are working daily to implement projects that improve supply and restore confidence in our long-term viability of the irrigation in the basin. To accomplish this, DBBC and our partners in the basin have embraced a collaborative approach to solving major water and natural resource management challenges.

Sticking together hasn't always been easy, but the trust built between stakeholders at the local level over the past decade and a solid plan to achieve results that work together for agriculture, the environment, and other interests have helped avoid recent droughts from derailing our long-term plans.

At the heart of our plan is irrigation modernization that will reduce water losses and free up additional water for use on farm and to meet instream flow targets. These efforts are largely centered around piping, pressurizing, and automating open canals. We actually brought a section of pipe that you can see outside to get a sense of the scale of the infrastructure. Since 2015, the DBBC members have piped over 25 miles of canal, which has saved up to 15,000 acre-feet per year. Once all of the planned piping projects are completed, an additional nearly 80,000 acre-feet per-year savings is to be expected. To put that in perspective, that equates to about half of Wickiup Reservoir's capacity.

While these infrastructure improvements produce multiple benefits, they don't come cheap. The Deschutes Basin will need over \$1 billion in infrastructure investment to make this vision a reality, and the urgency of completing this infrastructure can't be overstated. HCP-mandated winter releases are only 5 years from tripling, and without significant progress on the improvements it will be crippling to our farms and ranches.

We hear from farmers and ranchers from across the basin about how recent drought and uncertainty about the future water reliability weigh on their decisions for continuing to operate. It is critical that we rapidly implement planned projects to ensure these producers know there is a reliable water supply for long term. Without this path to survivability, I have no doubt we will watch our basin continue to lose farmland. The effect of such a loss will take an economic, cultural, and environmental toll on the basin. My written testimony includes a discussion about Federal programs and policy that are key to the efforts.

As I conclude I would like to thank again Congresswoman Chavez-DeRemer for her support of these programs, and for being such an important voice to Central Oregon irrigated agriculture on the House Agricultural Committee. Keep fighting the good fight, and let us know how we can help.

Thanks again for allowing me to testify here today at the hearing, and for all those taking the time to be here. I look forward to answering any questions you have.

[The prepared statement of Mr. Larkin follows:]

PREPARED STATEMENT OF JEFF LARKIN, OWNER OF JEFF LARKIN REALTY AND BOARD MEMBER OF CENTRAL OREGON IRRIGATION DISTRICT

Chairman Bentz, Congresswoman Chavez-DeRemer and Members of the Subcommittee:

My name is Jeff Larkin and I am the owner and operator of Jeff Larkin Realty, Larkin Valley Ranch—a Grass-Fed Beef and Lamb operation here in Redmond—and a ranch-construction business. My strong roots in the community has also led me and my family to support various public and nonprofit organizations have 4H, Future Farmers of America, veterans programs, local sports teams, Friends of the Children and others.

I also serve as a member of the Board of Directors for the Central Oregon Irrigation District (COID), which is a founding member of the Deschutes Basin Board of Control and I am also representing that group here today. The DBBC is comprised of eight irrigation districts in Central Oregon—Arnold , Central Oregon, Lone Pine, North Unit, Ochoco, Three Sisters, Tumalo, and Swalley Irrigation District. DBBC members are responsible for delivering water supply to over 7,600 farm and ranch families, schools, and local parks and recreation districts throughout the Deschutes Basin. Overall, DBBC member Districts irrigate over 150,000 acres of productive agricultural lands. Collectively, the DBBC works together to protect irrigation water supplies in the Deschutes River Basin (Basin).

Thank you for opportunity to testify before the Subcommittee today and share my views about the opportunities we have at this point in time to truly “Improve and Protect Central Oregon’s Water Supply.” If we seize these opportunities, we will ensure all of the value derived from our natural resources—farming and ranching, recreation and tourism, and healthy ecosystems and wildlife—can thrive together in our Region.

First and foremost, I would like to thank Congresswoman Chavez-DeRemer for bringing this important hearing to Redmond and for bringing other congressional leaders on agriculture and natural resources issues from Congress out here today—thank you all for making the trip out here please let me welcome you to Central Oregon. Chairman Bentz, we all certainly appreciate your continued leadership on this Subcommittee as well and thank you for a life long dedication to these issues. I’d say we have a serious one-two punch that all of us in Central Oregon should be proud of, so thank you both for your public service and commitment to our water resources—because as has been said of the West, “Here is a land where life is written in water.”

Central Oregon Agriculture: A Legacy of Innovation and the Value of Reliable Water Supply

As a 3rd generation cattle rancher, relator, and ag developer, I know firsthand how seriously farmers and ranchers in the Deschutes Basin take their stewardship of our land and water, and understand the importance of constant evolution to ensure agriculture in Central Oregon can survive in a rapidly changing environment. Drought, extreme weather, urban growth, low commodity prices, new environmental requirements, and other factors have presented unceasing challenges that the agriculture operations my family and others in the region have to overcome.

However, these same challenges have also served as a calling to improve our water systems, farming and ranching operations, and markets to ensure there is a prosperous future for agriculture in Central Oregon. I am certainly not saying that it is always easy to see these challenges as opportunities rather than threats, but in fact farmers and ranchers—along the irrigation systems we rely on—have responded by becoming more efficient, more precise, and more innovative.

Responding to the ongoing pressures on ag in the Basin is essential to survival. My family and others have implemented irrigation technology, automation, and other techniques to maintain production with less water. We have reacted to population growth—along with the related reduction in ag land available to lease at affordable prices—by developing markets that go direct to consumer in order to maintain sales revenues with less cattle. I would also note that an added benefit of going directly to our customers is it helps more people know where their food comes from and hopefully increase our base of support for protecting agriculture. We have also shifted our cropping patterns and land use to ensure we focus resources to avoid losses on marginal lands and production. All of this innovation helps the ag sector remain viable and continue to feed our country.

But regardless of all of this innovation that allows us to do more with less, the recent years of drought also reminded all of us of the reality that the value in agri-

culture is derived from water. Of course, there is the direct value created or lost from the application of irrigation through the production of food and fiber, but it doesn't end there. In irrigation districts that recently experienced significant drought related curtailments, we have seen land values drop significantly and multigenerational farms and ranches sold for a fraction of what they were worth when water deliveries were considered more certain. There is also indirect value created from keeping water on the landscape. A good recent example is how insurance companies value the presence of neighboring irrigated lands when pricing wildfire insurance. Increasingly, insurance is becoming a major challenge for homebuyers and the natural fire break created by irrigated lands is a real factor in whether affordable insurance can be obtained.

It is not only the current water allocation on short-term hydrology that impacts our ability to create all of this direct and indirect value. While the availability of water needed to raise and sell a crop is obviously central to everything we do, the confidence that deliveries will return to normal and that there is a plan to ensure water will be available in the future is also crucial as farmers and ranchers make decisions about their operations. Providing this confidence in the long-term viability of irrigation in the Basin has driven us work constructively with others in the Basin to find solutions that provide the water supply certainty our farmers, ranchers, and irrigation districts need to persist.

Value of a Collaborative River Basin in Tackling Water Challenges

For over a decade, the DBBC and its partners in the Basin have embraced a collaborative approach to solving major water and natural resources management challenges. The foundation of this cooperation is the Deschutes Basin Habitat Conservation Plan (HCP), which marked the culmination of nearly 12 years of dedicated effort among various stakeholders—irrigators, federal and state agencies, the Confederated Tribes of the Warm Springs Reservation, local cities and counties, non-governmental organizations, and members of the public—to create a comprehensive strategy for managing water resources in the Basin for the next 30 years. This HCP provides crucial protections against potentially harsher regulations for water users under the Endangered Species Act (ESA), while charting a path to improving ecosystem health and habitat for fish and wildlife.

While we continue to believe that collaborative, locally-driven efforts are the best way to find solutions that benefit all reasonable interests, it doesn't mean it is always easy. This was evident when the first several years of environmental flow requirements from the HCP coincided with the worst droughts in Central Oregon history, leading to water curtailments for many water users. It is easy to understand how the rapid loss of water that for many raised the real prospect of losing generational farms and livelihoods could result in frustrations aimed at the HCP. At the same time, we saw out of state environmental groups that chose not to participate in HCP development throw the longevity of this collaborative solution into question with an "intent to sue" and raising concerns that even more water could be removed from agricultural water users.

Without the trust built between stakeholders at the local level through the HCP process and a solid plan to achieve results that work for agriculture, the environment, and other interests, these speed bumps could easily have caused a tough water situation to get worse for our farmers and ranchers. Instead, we were able to work with our federal and non-federal partners to implement "adaptive management" strategies to reduce required releases based on actual hydrology and prevent even greater drought impacts from deeper cuts to water users. In addition, the unified front in the basin and solid plan for success helped prevent an "intent to sue" from resulting in an actual legal challenge to the HCP.

We are confident that as new challenges come our way, we'll be able to build on this foundation of collaboration to find solutions that work for the Basin as a whole and maintain the balance that drew many of us to Central Oregon.

Conserving Water and Sustaining Agriculture through Irrigation Modernization and Infrastructure Investment

The certainty and partnerships established through collaborative problem solving has allowed the DBBC to develop a comprehensive strategy to safeguard the future of agriculture in the region while balancing environmental needs. This strategy hinges on infrastructure development and improvements that modernize irrigation systems and upgrade infrastructure in the Basin to reduce water losses—freeing up the water necessary to meet instream requirements and still deliver agricultural water supplies.

Irrigation modernization and infrastructure development plans is largely centered around piping, pressurizing, and automating open canals, but also includes development of mechanisms to transfer water, relocating pumping facilities, upgrading fish screens, and a variety of other activities. In addition, in many cases irrigation modernization projects include installation hydro generation to increase renewable, carbon free energy that benefits the entire region.



The benefits of irrigation modernization to the Basin are numerous, with water conservation being paramount. Many of the historic canals still used by irrigation districts in the Basin are carved out of volcanic soils and are extremely porous. Some reaches of canal lose up to 50% of its water in delivery. By piping these outdated canals, water losses from seepage and evaporation are slashed, allowing more water to be delivered to junior water users or used to support flows in the Deschutes River. Since 2015, the DBBC members have piped roughly 25 miles of canal which has saved 12,000–15,000 AF/year. Once all of the planned piping projects are completed, an additional nearly 80,000AF/year in savings is expected. To put that in perspective, that equates to over 1.1 billion pints of beer OR 224.3 Olympic swimming pools of water would be saved in one day.

Overall, these water savings will ensure that required winter releases to support the Oregon Spotted Frog and other species can be met while maintaining agricultural water deliveries to all of the irrigation districts regardless of water priority. Likewise, projects like relocating the North Unit Irrigation District Crooked River pumps will help rewater a stretch of river through Smith Rock State Park while boosting water supply certainty for region farmers.

Additional benefits of irrigation modernization include delivery of pressurized water to farms allowing for reduction of pumping and installation of new hydro generation. Taking COID's plans as an example, once fully implemented we will be able to deliver pressurized water that is expected to eliminate the need for over 2,300 pumps and reduce electricity use by over 33 million kilowatt hours per year. From a carbon emissions standpoint that is the equivalent of 2.6 million gallons of gasoline according to the EPA—and that is just one system and doesn't include the 15 megawatts of new hydro generation anticipated from these projects. A number of the smaller systems in the Basin are already fully piped and demonstrating that these energy benefits reduce emissions and save money on farm.

Reduced risk of canal failure is another important advantage of these projects. Just this year, a naturally occurring lava tube under one of COID's main canals caused a massive canal breach during the peak of irrigation system. We were able to quickly respond to restore deliveries without threatening the crops served by that facility, but it was costly and could have been much worse. Once these stretches are piped, the risk of these types of failures will be significantly reduced.

In addition, these modernization projects support over 4,900 jobs and contribute 219M in economic development for our rural communities.

While these infrastructure improvements produce multiple benefits, they don't come cheap. The Deschutes Basin will need over \$1 billion in infrastructure investment is required to make this vision a reality. Federal programs like the Natural Resources Conservation Service's (NRCS) Watershed Protection and Flood Prevention Act (PL-566), Bureau of Reclamation's Drought funding and WaterSMART program, Environmental Protection Service's Clean Water State Revolving Fund, and U.S. Fish and Wildlife Service's Fisheries Restoration and Irrigation Mitigation Act have been instrumental in our efforts to date. We are also greatly appreciative that

the State of Oregon recognized the value of these types of projects and has allocated \$50 million to help meet non-federal cost-share requirements for some irrigation district projects.

Urgent Need to Ramp up Efforts

The pressure to complete irrigation modernization plans is hard to overstate. Pressure on water resources from drought and environmental flows continues to grow, and a future for agriculture in the Basin requires moving ahead with infrastructure projects with a greater sense of urgency. In addition to threats from worsening droughts, HCP mandated winter releases for the Oregon Spotted Frog are only 5 years from **tripling** and without significant progress on infrastructure improvements it will be crippling to Districts and patrons.

We hear from farmers and ranchers from across the Basin about how recent drought related water curtailments and uncertainty about future water reliability weigh on their decisions about continuing to operate. It is critical that we continue to rapidly implement these projects to ensure these producers have confidence that they can count on continued water supply for the long-term. With low commodity prices, increasing costs of fertilizer and other inputs, and all of the other pressures on the agriculture sector, it is crucial that water supply is not yet another variable.

Without this path to survivability, I have no doubt we will watch as our Basin continues to lose farmland. The effect of such a loss will without question take an economic, cultural, and environmental toll on the Basin, not to mention impact our nation's food supply chain that gets over 55% of its carrot seed and significant portion of other seed crops from Central Oregon.

Opportunities for Federal Assistance

As we continue to work toward water management future that supports all of the values in the Basin, I'd like to highlight a couple areas of federal policy that are important to these efforts.

I realize some of this is preaching to the choir. We all certainly recognize and want to thank Congresswoman Chavez-DeRemer, and other Members of Congress recognized here today, for your active support for agriculture and natural resources in Oregon. We appreciate you being such an important voice for western irrigated agriculture on the House Agriculture Committee. We look forward to continuing to work with you as you push your bipartisan proposals in the Farm Bill aimed at enhancing support for farmers, ranchers, and foresters, along with your work with Oregon's congressional delegation to push for federal disaster declarations and resources for communities affected by wildfires.

Support for Infrastructure Investments and Programs

As referenced above, the NRCS PL-566 program has been an essential tool to Central Oregon. Currently, Central Oregon's irrigation districts have roughly \$350 million of projects that can move quickly through design, bid, and construction, and the majority of them are included in PL-566 watershed plans.

There has been increasing concern with the recent refocusing of the program away from multi-purpose water management projects and rather focusing on single purpose flood control projects. We think it is critical that the program maintain balance in terms of the types and phase of projects, along with regional balance.

We also encourage the Agency and Congress to consider steps that can help streamline and improved the PL-566 planning and construction process, including:

- Increase the statutory cap on construction cost from \$25 million to \$50 million. This limit has remained the same for decades even as inflation has raised the cost of materials used for irrigation piping projects.
- Ensure the program relies on the authority of the State Conservationists to make final selection of watershed plans and projects in their respective states. No two states and no two watersheds are exactly alike. Maintaining local control over the WFPO decision making process is important to ensuring that the program is utilized in the most efficient manner possible in each state.

Funding of the program is also important. The DBBC strongly supports provisions in the Farm Bill that increase the annual mandatory funding for the PL-566 program and efforts take steps to ensure that irrigation modernization is eligible under other NRCS conservation programs. Congresswoman, we know these are both issues you have championed on the Committee—please let us know if you need anything from us as you fight the good fight.

I would also like to thank Representatives Bentz and Chavez-DeRemer for their support for ensuring existing drought related funding and investments are allocated to Central Oregon and would ask for you to continue the drum beat on that issue.

Our Basin is still dry and one year of good hydrology hasn't bailed us out from the historic, multi-year drought. Please don't let the federal agencies forget about us as they move on to the next crisis.

Lastly, Support for future funding for water infrastructure programs at the Bureau of Reclamation, USDA, and other agencies is also important. While we all certainly appreciate the need to be good stewards of tax payer dollars, these investments easily pay themselves back and are crucial to the region.

Increased Certainty

Certainty is the cornerstone of collaborative, locally-driven environmental and ESA solutions. If there is a constant cycle of litigating, reopening, or layering new regulations and restrictions on water users it creates a huge challenge for water managers and their boards to commit to collaborative solutions or invest money in the projects that make them work. Federal policy should reward basins like the Deschutes that develop cooperative and workable solutions to their problems in any way it can.

Conclusion

Thank you again for allowing me to testify at this hearing today and for all of you taking the time to be here. The Deschutes Basin can be a model of how to constructively work through water challenges and find solutions that work for everyone. We look forward to working with all of you to continuing moving forward with these efforts.

I look forward to answering any questions you have.

Mr. BENTZ. Thank you, Mr. Larkin. I now recognize Commissioner DeBone for 5 minutes.

**STATEMENT OF ANTHONY DEBONE, COMMISSIONER,
DESCHUTES COUNTY, BEND, OREGON**

Mr. DEBONE. Thank you very much, and good morning to Chair Bentz and Congresswomen Chavez-DeRemer and Hoyle, and out-of-state Representatives. Thank you very much for joining us today. Thank you for conducting this field hearing in our community. I am Deschutes County Commissioner Tony DeBone. I live in southern Deschutes County, about 45 miles south of here.

The Deschutes River flows from south to north, all the way to the Columbia River, and then out to the Pacific Ocean. On October 2 of this year, Deschutes County, we just adopted the Deschutes County 2040 Comprehensive Plan. This is a 20-year vision document with goals and objectives pertaining to the conservation and development of the lands outside of our four incorporated cities of Bend, Redmond, Sisters, and Lapine. And we have a population of just over 200,000 and growing.

Quoting from our Comp Plan, "The Deschutes River and its tributaries serve as the region's surface water resources. Surface water rights in the upper Deschutes Basin are fully allocated, meaning no new surface water rights can be issued. Approximately 86 percent of the basin water rights are associated with agriculture, 12 percent associated with instream uses and 2 percent associated with municipal uses."

I am going to read from our goals in the water section in here. Goal 5.1, "Support regional comprehensive water management solutions that balance the diverse needs of water users and recognize Oregon water law." Goal 5.2, "Increase water efficiency and conservation efforts among all users, including homeowners and businesses." Goal 5.3, "Maintain and enhance a healthy ecosystem in the Deschutes River Basin." Goal 5.4, "Maintaining enhanced fish

and riparian-dependent wildlife habitat.” And Goal 5.5, “Coordinate land use and water policies to address management and allocation of water in Deschutes County.” As I say, this is from our published Comprehensive Plan from last week.

Water is the resource that gives life to people living here. In the upper Deschutes Basin, from Crescent Lake in northern Klamath County that feeds the Little Deschutes River to Spring River and Fall River, then they all merge to the main Deschutes River, flowing water is an asset for all of us. Recreationally, these rivers are used for floating and boating in the summer in southern Deschutes County by Sun River to the middle Deschutes River in Bend and beyond. We all love these rivers.

As commissioners, we support these ongoing efforts: water conservation efforts funded by the USDA Natural Resources Conservation Service that are helping pipe Central Oregon’s irrigation canals; Central Oregon Cities Organization’s effort to conserve water while meeting their legal responsibilities to prepare and plan for growth; and also efforts to improve on farm irrigation efficiency measures.

Now for a few project ideas. A future project that I support is the City of Bend providing reuse water from their wastewater processing plant to the North Unit Irrigation District. There are about 14,000 acre-feet of class A processed and sterilized water available. The State Department of Environmental Quality owns this issue, but this Committee may be able to help move that along.

Walking in the room today, a couple of folks were talking topics, and it came up: low-cost firm power from our hydro systems. We really appreciate that here.

And then also, water is serious business. Residential wells do go dry. We are in a dry period. And acknowledging that and managing the future is very important for everyone.

Thank you very much for conducting this hearing in our home, right here in Redmond at the Deschutes County Fairgrounds.

[The prepared statement of Mr. DeBone follows:]

PREPARED STATEMENT OF TONY DEBONE, COMMISSIONER, DESCHUTES COUNTY

Good morning Chair Bentz and members Subcommittee on Water, Wildlife and Fisheries.

I am Deschutes County Commissioner Tony DeBone. I live in Southern Deschutes County about 45 miles south of here. The Deschutes River flows from South to North all the way to the Columbia river and then out to the Pacific Ocean.

On October 2 of this year Deschutes County we just adopted the Deschutes County 2040 Comprehensive Plan. This is a 20 year vision document with goals and objectives pertaining to conservation and development for the lands outside of our 4 incorporated cities of Bend, Redmond, Sisters and La Pine. We have a population of just over 200 Thousand and growing.

Quoting from our Comp. Plan: “The Deschutes River and its tributaries serve as the region’s surface water resources. Surface water rights in the Upper Deschutes Basin are fully allocated, meaning no new surface water rights can be issued. Approximately 86% of basin water rights are associated with agriculture, 12% associated with instream uses, and 2% associated with municipal uses.”

Water Goals and Policies

Goal 5.1: Support regional, comprehensive water management solutions that balance the diverse needs of water users and recognize Oregon water law.

Goal 5.2: Increase water efficiency and conservation efforts among all users, including homeowners and businesses.

Goal 5.3: Maintain and enhance a healthy ecosystem in the Deschutes River Basin.

Goal 5.4: Maintain and enhance fish and riparian-dependent wildlife habitat.

Goal 5.5: Coordinate land use and water policies to address management and allocation of water in Deschutes County.

Water is the resources that gives life to people living here. In the Upper Deschutes Basin, from Crescent Lake in Northern Klamath County that feed the little Deschutes River to Spring River and Fall River then all merge to the main Deschutes River, flowing water is an asset for all of us. Recreationally these rivers are used for floating and boating in the summer. In Southern Deschutes County, by Sunriver and to the middle Deschutes River in Bend and beyond, we all love these rivers.

As commissioners we support these ongoing efforts:

- Water conservation efforts (funded by USDA Natural Resources Conservation Service) that are helping to pipe Central Oregon's irrigation canals.
- Central Oregon Cities Organization's efforts to conserve water while meeting their legal responsibilities to prepare and plan for growth; and
- Efforts to improve on-farm irrigation efficiency measures.

A future project that I support is the city of Bend to provide reuse water from their water processing plant for the North Unit Irrigation needs. There is 14,000 acre feet of Class A processed and sterilized water available. This is a State of Oregon Department of Environmental Quality issue that this committee might be able to help move along.

Thank you for conducting this hearing in our home, right here in Redmond at the Deschutes County fairgrounds.

Thank to our Congresswoman Lori Chavez-DeRemer for representing us in Washington DC and Congressman Cliff Bentz for bringing us together here today!

Mr. BENTZ. Thank you, Commissioner. I want to thank the witnesses for their testimony. I will now recognize Members for 5 minutes each for questions. We will begin with Congresswoman Hoyle.

You are recognized for 5 minutes.

Ms. HOYLE. Thank you. I have a comment, then questions.

We do need our communities, tribes, and the Federal Government at the table if we want to seriously address Oregon's water, drought, and wildfire challenges. We have gotten it wrong before by excluding key voices on issues like salmon restoration. Those mistakes have impacted more than just fish. Getting tribes, the Federal Government, the timber industry, and local communities to work together is hard, but it is absolutely necessary. We are failing at our current approach, and everyone here can see that.

Congress must act, and that will require bipartisan collaboration and compromise. I would like to give kudos to House Natural Resources Chairman Bruce Westerman, the only trained forester in Congress, and Congressman Scott Peters for their bipartisan leadership and work on H.R. 8790, the Fix Our Forests Act. I voted no on that because, as my mother always said, no money, no mission, and there was no funding attached to it. So, I am pushing for a final wildfire package to include more tools for Federal land managers, tribes, states, and the firefighters who are doing the difficult work to make permanent the increase in wildland firefighter pay so we don't lose 30 to 50 percent of our wildland firefighters before our next fire season.

This year, wildfires burned 7.8 million acres across the country; 1.49 million acres were burned in my district, and a lot of the rest

was burned in Representative Bentz's district. Before I went to DC this whole summer I would pack my to-go bag in case we were evacuated while I was gone. So, this is personal, and I will work with our Senators, I have already talked to them, and my Republican and Democratic colleagues to get that bill passed with funding so that we can make that happen. We need the resources to turn collaboration into action, and the Federal Government needs to step up to provide that support.

But one of the things I want to work on in my next term is tribal co-management of our forests. For millennia, our Native American tribes have figured out how to get it right. And in 115 years of fire suppression and various land management decisions, we now have forests that will burn with hotter and drier conditions. So with that, I guess my question would be to Mr. Brunoe. How is tribal forest management different from Federal forest management?

I know you could talk about that all day, but how can we bring your success onto our Federal lands?

Mr. BRUNOE. Thank you for the question. As I mentioned in my opening remarks, we have three different national forests along our boundaries: the Deschutes, the Willamette, and the Mount Hood. And there is a stark difference between when you look at the boundaries and the work that we have done for forestry on our side of the boundary versus on the other side of the boundary on the national forest. We actively manage our forest, we do a lot of fuels reduction work as much as possible with the minimal funding that we receive, and we also are looking at what is happening with disease.

We do not have any wilderness areas on our reservation. We have places that we call conditional use areas that are special places. But if there is an issue or a problem there such as there has been wildland fire, we go in and treat it after the fire. If there is a bug outbreak in those areas, we will go treat it. It is not part of our commercial base for us, but that is one of the differences between us and the Forest Service on how we do work.

We also need more funding for our programs. We are woefully funded compared to the Forest Service and to the BLM and in comparison, and that is in the written testimony, you will see that later. And we really need some help there to be able to do more of this good work that we are trying to do and complete, and trying to do more prescribed fire. But again, it is just really a lack of funding.

But we do manage all of our forest and try to maintain it as best we can. And this year has been a record year for wildland fire, and we have been lucky not to get so many fires on our forest. We have 444,000 acres in our forest land base. We were hit with a bunch of lightning, but perhaps because of our forest management we didn't get the large fires such as other places.

Ms. HOYLE. Thank you.

Mr. BENTZ. Do you yield back?

Ms. HOYLE. Sorry, I yield back.

Mr. BENTZ. Thank you. The Chair recognizes Congressman Newhouse for 5 minutes.

Mr. NEWHOUSE. Thank you, Chairman Bentz and Congresswoman Chavez-DeRemer. I would also like to thank our witnesses

today for sharing with us your perspectives on this very important topic.

As I said in my opening introduction, I am Chairman of the Congressional Western Caucus. And one of the goals of the caucus is to bring Members of Congress out to the real world throughout the country. So, I particularly appreciate being here in Oregon to talk firsthand to people and listen to what the concerns are, the challenges, and then, in turn, my hope is that we can bring what we learned today back to Washington, DC and help our colleagues there make better decisions as it relates to what is important to people out here.

As I said also, I am a farmer. I understand how critical water is to agriculture, certainly throughout the arid West. It is not without challenges to make sure people get the adequate water that they need, and one of those challenges surrounds the impact on our watersheds.

And Ms. Hoyle talked about forest fires. Those disastrous fires occur, it seems, with more intensity and more regularity every year, and we have to address it. If we don't properly manage our forests, then we are only hurting the species that we supposedly are aiming to recover, and certainly our water communities rely on us doing so.

I believe public and private partnerships are critical to species recovery, delivering water to farmers, and promoting that forest health to have a balanced ecosystem and productive agricultural communities. It is so important that we work together to face these issues, and that is why I want to truly applaud what is happening in the Deschutes River Basin. Someone used the term "model" for what is going on here, and I think that is absolutely true.

I live in the Yakima River Basin, and we see a similar kind of relationship that has been built between all of those people that are interested in the river. I see it in the Columbia River Basin, as well, people working together to achieve important goals. All of these projects are absolutely critical to the communities that they serve, and that is why this is such a great opportunity to hear from people, from these witnesses, so that we can understand better how to conserve water not just here, but in other areas throughout the West. So, thank you.

One of my priorities in Congress has been to advance reforms to the Endangered Species Act, something that for over 50 years, in my humble opinion, cannot show a track record of something that we can be proud of. If we truly want to save endangered species, then we need to get more serious about that. But recently, the Chairman of the Committee, Mr. Westerman, and I and others, I believe Mr. Bentz was part of this, we introduced legislation to reform the ESA.

So, around that, Mr. Larkin, if I could, I would like to hear more from you about the issues that you faced as it relates to water and conservation, and particularly this spotted frog that I keep hearing about. And plus now I guess there are other species. Maybe there is a mussel also that is included in some of the work that is being done. So, if you could, expound on some of the challenges you faced and what you are doing there.

Mr. LARKIN. Yes, thank you. Yes, we have these species. We have had the spotted frog for a lot of years. It is something in our real estate world that we have had to actually disclose, the impact that it does have on water and property to let the person or the investor kind of know some of those challenges and stuff. There are other species that are coming up that I don't know a whole lot about at this point and stuff.

But as far as what we do as operators, we work continuously to get more innovative with our irrigation programs and being able to stretch our water, become more efficient. We work on different forages and we plant different forages to kind of help offset that because the water is being affected by all of this. But I think that there is a harmony that we can reach with everything into consideration.

And doing the work that DBBC is doing and conserving this water and doing more piping and stuff, I think, is going to play a major role in helping us get through some of those challenges. But yes, it is an ongoing, everyday deal that we as ranchers and operators fight.

Mr. NEWHOUSE. Good, good. Well, thank you. Again, I appreciate you guys all being here and sharing with us. Unfortunately, 5 minutes goes by very, very quickly.

Mr. Chairman, I yield back.

Mr. BENTZ. The Chair recognizes Congresswoman Chavez-DeRemer for 5 minutes.

Mrs. CHAVEZ-DEREMER. Thank you, Chairman.

Dr. Backsen, thank you again for being here today. It is great to see you. I really appreciate you detailing the creative approaches you have taken as a small business owner and as a farmer to address the water shortages. My question for you is, from your perspective, is there anything else that the Federal Government could do to help other farms and small business owners like yourself mitigate those drought challenges?

Dr. BACKSEN. I think I would like to go back to a lot of this was caused by the Endangered Species Act. I think that needs to be addressed by the Federal Government. The rate that they have taken endangered species off the Endangered Species Act is 4 percent. If I had that kind of success rate in my practice treating animals, I wouldn't be practicing very long. So, it is something that needs to be reformed.

I agree with the collaboration that is going on with the Deschutes Basin stuff. We have sent multiple FOIA requests to Fish and Wildlife, who is supposed to manage the recovery plan for the Oregon spotted frog. What we have gotten back is they have done pretty much nothing. The water districts are giving them \$150,000 per year. They should be up to around \$600,000. At our last FOIA request at the end of 2023, they had only spent around \$50,000. The bullfrog eats the spotted frog, the bullfrog lays 20,000 eggs a year. The spotted frog lays 600. So, unless you remove the invasive species, the spotted frog, it doesn't matter how much water it has, it is not going to make any difference because you are increasing the habitat for the bullfrog that is this big and munches every life stage of the spotted frog.

So, I think the collaboration is wonderful, but it is not working. And, I mean, it is great to come out there, but we have Federal agencies that are not managing it, they won't tell us what the frog counts are. In 2022, they didn't even count the frog masses because there was snow up there, we are releasing water in the winter time, and that water should be stored in the reservoir.

And the other fact is a lot of the science—we have biologists that are working with us. A lot of the science I don't think is right. And hopefully, with the new Chevron Deference Act, that can be re-addressed. Our biologists are, like, maybe the irrigation that we have put since the 1940s has actually preserved that population of spotted frogs. It has disappeared along the rest of the state.

So, like I said, we need more efficiency of the Fish and Wildlife who aren't doing their job, or at least they are not giving any public information. We are just going along. North Unit is really heavily affected, which is where our farm ground is. Those farmers are devastated. There is enough water for everything, but their premise is if we don't get rid of the invasive species, the spotted frog is going to be gone.

Mrs. CHAVEZ-DEREMER. Thank you, Dr. Backsen.

Mr. Larkin, in your testimony you mentioned that the important indirect benefits of protecting irrigated agriculture in the basin, including the ability of homeowners to find affordable wildfire insurance, and we have heard that a lot across the West, which I know is becoming increasingly challenging. Can you expand just a little bit about the challenges you are seeing with the availability of insurance, and how the presence of irrigation plays in that issue?

Mr. LARKIN. Yes, thank you. One of the things that we have been seeing in the real estate world is, with the wildfires and the devastating losses that have been out there, there has been a lot of insurance companies that have just made insurance astronomical if they are going to cover it. Many insurances are denying coverage. You can have insurance as a property owner, and if you sell your property there is no guarantee that that same insurance company is going to carry it on with the new ownership.

So, we are actually making it a contingency right now on these lands. The sale is contingent upon the buyer being able to find suitable insurance that makes sense to them for that property. And if not, the sale does not go through.

I also think that, with the urban sprawl and stuff like that, we need to keep a buffer around our cities and areas there because that is where our fire protection is, is with that irrigated land. And if we let that go, between that and the insurance companies and stuff, the whole fire that is basically its own economy right now in some ways, it has just taken things over, and it is going to devastate and shut us all down completely and just run costs through the roof. And it is going to put the people that are growing food for the world and stuff like that out of business.

Mrs. CHAVEZ-DEREMER. Thank you, Mr. Larkin. Unfortunately, my time has expired for the rest of my questions, and I will yield back.

Mr. BENTZ. Just to let everybody know, we are going to have a second round of questions.

Mrs. CHAVEZ-DEREMER. OK.

Mr. BENTZ. So, not too much whining, please, about too little time.

Mrs. CHAVEZ-DEREMER. I am sorry.

[Laughter.]

Mr. BENTZ. Moving now to Congresswoman Maloy for 5 minutes.

Ms. MALOY. Thank you, Mr. Chairman. I will try to refrain from whining. And now I won't speak at double speed because I know I have a second round.

At the beginning of this hearing, Chairman Bentz said local control over water is a good idea, and I wrote that down because I agree. I represent a very dry district and a very dry state, and we can see instinctively that Mr. Brunoe is correct, that water is one of the best gifts our Creator has given us, and we have to make sure that we are using it as wisely as we possibly can. I know everybody in the West is feeling that.

To that end, I introduced the Water Rights Protection Act to make it clear that states have control over water rights, and Federal agencies can't require co-ownership of water rights as a condition of Federal permits, and that is something that we have had issues with in Utah with both livestock grazing and ski resorts. So, that is one of the things we are doing in Congress to help.

Commissioner DeBone, I spent the early part of my career at NRCS doing conservation projects, and then I had another career before this one as a deputy county attorney where I represented the county in natural resources matters. And I appreciate the work the counties do to manage natural resources while also protecting the health, safety, and welfare of their residents. You laid out five clear goals that your county has articulated, and I recognize, having worked at the state, county, and now Federal level, that a lot of times the Federal Government is an impediment to you being able to achieve those goals.

In a post-Chevron world, where the court has said that agencies are not due the deference they have had for the last 4 years, what impediments can we help remove so that you can achieve those goals?

Mr. DEBONE. Thank you for the question. This is the state of Oregon. We have a statewide land use planning system. It has been about 50 years now. We are working through this process. This is a clear delineation between the land use authority, the application process, the approvals that happen at our desk, and then water is managed by the state. So, I don't come to a specific ask as you answer that question, but just the domain we live in here.

The history of the partnership of the Deschutes River Conservancy from 1996, the Endangered Species Act was talked about all those years. It is very important to know that water comes and goes. We are in a dry spell right now. And, as I say, I was talking to Representative Hoyle, and I think someday there will be a wet spell and we will be floating, you know? But it is not right now, obviously.

So, empowering the state to really be clear and decisive and responsive to water needs and water collaboration efforts that we

do at our local level is probably the most valuable thing we can do right now.

Ms. MALOY. Thank you.

Dr. BACKSEN, I was listening to your testimony and what I heard you saying is that local businesses have been hit hard by inflation and regulation, and those are both things that we have some responsibility for.

The good news, Congresswoman Chavez-DeRemer and I co-led the FREE Act, which simplifies and streamlines Federal permitting to try to remove one of those impediments. I have been part of this, again, at multiple levels, where getting a permit from the Federal Government sometimes takes years, and years cost money, projects get more expensive, and you are paying for all of the process of getting the permit.

But again, same question: In a post-Chevron world, regulations need to be simplified and collaboration shouldn't be a detriment. What impediments would you like to see us removing to make it so that small businesses can thrive in Oregon?

Dr. BACKSEN. I think that is a great start, and I appreciate that you guys have introduced that Act. I think other regulations, there are a lot of state regulations, a lot of local regulations and stuff that is hard when you are a small business. But I applaud that you guys are introducing that.

We have a serious shortage of workers out there, of employees. It is very hard to find. Every business owner that I talk with has the same problem. People are kind of trading employees, and everyone is going out and head hunting and oh, you are great, you want to come to work. So, that is a really frustrating thing, and I don't know where we go with that. How do we get people back into the workforce that I think a lot of people have left?

So, those are a lot of our big challenges, other than yes, I think those are kind of the main challenges, regulations and labor, in my opinion.

Ms. MALOY. Thank you. I will just say quickly as my time expires, it has been my experience that when Federal regulation gets too onerous, local regulation starts to mimic it. So, if we can streamline the Federal regulation, even though we have no jurisdiction over state and local regulation, it will probably also help ease that burden.

And with that, Mr. Chairman, I yield back.

Mr. BENTZ. Thank you, Congressman Maloy. I recognize myself for 5 minutes.

I had occasion to travel four times now down to the Central Valley in California, who has not taken the type of steps they probably should have and probably regret not taking when it comes to accessing our groundwater. The valley is settling in some places 40 feet, and that is because the groundwater has been exhausted in those spaces. So, there is no doubt, though, that the local community has to stand up and try to do something. But when it means putting your livelihood at risk, it is very hard to do that.

Doctor, is it your thought, you mentioned collaboratives have a place where you try to get the local community together, but you then said it doesn't seem to be working, and you identified the U.S. Fish and Wildlife as the problem when it comes to the frog. Are

there other Federal agencies that you would want to call out while you have Congress sitting here, a portion of it, that you—

[Laughter.]

Mr. BENTZ. This is your chance. So, who else?

Dr. BACKSEN. Uh-oh, am I going to be on a hit list?

[Laughter.]

Dr. BACKSEN. Yes. Right now, I think our biggest frustration is with Fish and Wildlife, because they are the ones that are in control of managing the endangered species. And one frustrating thing that I am seeing about that too is we look back years ago, when the spotted frog was an issue and logging got decimated in this state. And now I just read where the Fish and Wildlife are putting out a hit on over a half a million barred owls because they found out that the barred owls were killing the spotted frog.

Mr. BENTZ. The spotted owl.

Dr. BACKSEN. Or spotted owl, sorry. And they are probably killing the spotted frog, too, because they get munched by everything.

[Laughter.]

Dr. BACKSEN. So, I really think right now the big impediment is that, and they don't seem like they are moving forward at all. To me, I would expect to find numbers every year of how many bullfrogs they have gone in there and got rid of, how many invasive species of grass like the reed grass, and what are the counts.

This is year four. It started in 2020. It is year four that the farmers, especially in Jefferson County, are not growing crops and are going out of business. And why aren't we seeing the results of that?

Mr. BENTZ. OK, because I have seen in the 4 years almost that I have been in Congress lots and lots of talk and very little action. What I try to do in situations like this is say, fine, we will write the letter.

Dr. BACKSEN. Good.

Mr. BENTZ. I am sure that this group will. More to the point, you write the letter, get it to us, and we will tinker with it a bit and then we will send it. So, there is an action item for you.

Dr. BACKSEN. I appreciate that.

Mr. BENTZ. I am going to move away from you now to Mr. Larkin.

Mr. Larkin, the land use laws that the Commissioner mentioned impose restrictions on what the land can be used for once you take the water away from it. There is no sudden thing that happens when your water disappears that suddenly you can subdivide, because the land use laws still apply. So, in a lot of ways, and I am not suggesting that subdivision is the answer at all, but what I am suggesting is that there doesn't seem to be a response at the state level that protects you guys either.

So, not that I am trying to avoid responsibility, but do you have suggestions that you would make right now, today to people at the state level to try to help address what you see happening in your real estate business? Because I am guessing that, as water is diminished, then these properties go up for sale at dramatically reduced values because they don't have water. So, what would you

ask be done to help people out, if anything, at the land use level statewide?

Mr. LARKIN. From the state side of things, I think that they are just going about it a lot more carefully, doing a lot more studying.

But I think density comes and plays a role in the expansion of the urban growth boundaries and the urban holding areas and stuff like that. As we bring that ground in, because we are growing leaps and bounds, we have a huge housing shortage not only in our area, but also across the nation and stuff. And I think they need to free up some more options with some of these rural properties because not everybody wants to live on a 4,000 square-foot lot in town.

So, they would start out with the tight densities, and then they would go out and make the bigger lots, and bigger lots, and stuff, and I think that there just needs to be a lot more thought and study on that to best represent all sectors of the population for that, and make sure that we don't lose our water that we have other places to go put that water for the land that we had to sacrifice for that.

Mr. BENTZ. Thank you. My time is up, so I recognize Congresswoman Hoyle for 5 minutes.

Ms. HOYLE. Thank you, Chair Bentz.

I have had the good fortune of working with Representative Bentz since 2009 in one capacity or another. And although we are in different parties and have different ideas many times on how to get somewhere, we both really want what is best for our districts. And again, we are really devastated by wildfires over the past few years. And in talking with him about how do we approach something that can be bipartisan, can get done, what he pointed out as a lawyer focused on water is how devastating these fires that are burning hotter and larger are affecting our aquifer and our water table because they are actually baking the ground. So, it really is all connected.

Dr. Backsen, when you talked about workforce, again, workforce is something I focused on for my entire career, one of the largest issues in getting workforce is that we don't have the housing. I know everywhere in my district it is mostly half a percent vacancy or less, right? Eugene has 1.6 percent. That is the most. I think you are similar right here in Deschutes County. But when we are building housing, we have to figure out how to build housing in places where there is enough water and where it is not going to burn.

And all of this is really connected, and we can no longer approach things in the sort of timber wars philosophy of cut, don't cut, initial attack, not initial attack, which brings me back to Mr. Brunoe again.

I want to ask you, how do you see the relationship between forest health and water quality, and how can Congress better support tribal involvement in forest and water management? Because, again, it is all connected and I really do think that our Tribal Nations are an important part of this path out of our issue.

Mr. BRUNOE. Thank you for the question. And listening to conversation here, it got me thinking about forest health and having functioning systems and healthy watersheds, and having

functioning meadow systems again that are capturing water, storing it, and beneficially releasing that water, healthy wetlands and having those functional to help capture waters. And that water being captured would not only be for surface water, but also for groundwater.

So, we have a lot of systems that are not real healthy right now, and we need to do a lot of restoration work to restore the functionality of those systems in our forests. And I always think about the upper watersheds, and we don't tend to focus there as much as we used to. And I think we need to do a lot more work there.

Ms. HOYLE. Thank you. And then very briefly, Mr. Brunoe, tribes have worked closely with various stakeholders on water management. What are some of the key lessons, really quickly, learned from this collaboration that could be applied to other basins?

Mr. BRUNOE. We have been at this for a while now since the 1990s. The collaborative has started after the water summit between the state and the tribes as co-managers on water and other resources, and having everybody at the table and listening to their views, and trying to understand those, and trying to move forward, and balancing these needs of all that you have heard today between the communities. The water in the rivers for fish for us is very important for the tribes, and having this open dialog with each other, we may not always agree but we always are still at the table with each other, working with each other, listening to each other, and trying to move forward with good solutions, and developing strategies that can help us into the future, and coming up with creative ideas and being able to move forward with that.

So, I really enjoy working with the collaborative and all the folks that are participating in it, and I think we are making some headway, maybe not as fast as we would like at times, but moving things forward in a good trend.

Ms. HOYLE. Thank you for your leadership.

I yield back.

Mr. BENTZ. Thank you. The Chair recognizes Congressman Newhouse for 5 minutes.

Mr. NEWHOUSE. Thank you, Mr. Bentz, Mr. Chairman.

Being in the state of Washington I am used to hearing a lot about minimum stream flows for fish. It is an important part of management. And now we are hearing more about minimum stream flows for frogs, as well. A little bit different twist there.

Mr. Bentz touched on this when he talked about the value of the land without water. I would just like to hear a little bit about what potentially the future of the river basin looks like without the proper management that is necessary to accomplish the goals that you have set out, and what the future looks like for the irrigators in the region. Would anybody would like to touch on that?

Dr. Backsen, Mr. Larkin, perhaps, or whoever would like to, or County Commissioner?

Dr. BACKSEN. I would love to touch on that. It is pretty sad. At least down in Jefferson County, we are also talking about regulations. Down there you cannot subdivide your farmland less than 80 acres. If you have a 300-acre thing, there is not a way to put houses on that or break it down and subdivide it if you can't use

it. Basically, you have empty ground that is just full of weeds, it is brown. It is not accomplishing anything.

One suggestion that I think funding should be done for is to reduce the junipers along the rivers and in lands. I know that they are doing this out in Prineville, Paulina, stuff like that. Junipers are kind of like weeds. If you ever look at pictures of Bend and the area from years ago, there are very few juniper trees.

Mr. NEWHOUSE. Oh, right.

Dr. BACKSEN. They are like weeds. And when they catch fire, they just explode. So, if those can be removed, they drink 40 to 50 gallons a day of water. By removing some of those, and considering those an invasive species, and keeping the other trees, the pines, the other trees and keeping them healthy would be really good.

I think the other thing is Oregon, and I don't know if this is Federal or state, when we have a fire they don't go in and clean out any of the debris. When you drive over the mountain, it is awful. It is just burnt stuff. Instead of allowing the loggers to come in, take that out so we can get a new ecosystem, so we can get new plants, we can get new trees growing there, it is just left to rot. And I don't think that is good for the environment, it is not good for the wildlife and good for the other species and the plants and stuff that are in that area.

Mr. NEWHOUSE. Or provide kindling for the next fire.

Dr. BACKSEN. You are right.

Mr. NEWHOUSE. Yes, certainly a lot of the conversation that we have heard celebrates the collaboration, and rightfully so, this area should be applauded for people working together of diverse interests. I wanted to hear a bit of a reaction to Mr. Bentz's point that he made about further Federal control. I am a proponent of local control is best, and I just would like to hear some reaction to Federal control over groundwater.

And for some reason, Mr. Brunoe, I am thinking of you, some of the comments you made were very, it meant a lot to me listening to some of the similar situations that we face in Washington. But if you would like to, react to that potential Federal control that could grow.

Mr. BRUNOE. Thank you. I have not thought about groundwater with Federal control that much. When you say that, it makes me think about our water settlement agreement. The tribes, we have a water settlement agreement that we have for all the water on our lands and bordering our lands, which includes groundwater. But it also makes me think about our trustee. And our trustee is the Federal Government to look out for these resources for us. And that being water, the fish, the wildlife, all these natural resources that are very important to us.

So, I would have to think about that some more on the groundwater and Federal, but that is where my mind went to when you asked that question, is it made me immediately think about our water settlement agreement. And part of our job is looking out for that water settlement agreement that is not affected by others using water in the basin that could create injury on our water.

And we are the oldest water rights holder in the Deschutes Basin. Time immemorial is our water right.

Mr. NEWHOUSE. OK, thank you. Those on the ground, those local, to me, always seem to have a better opportunity to make the better decisions than somebody that has not even been here before. So, that would be my reaction to that kind of a potential future.

But thank you very much, Mr. Bentz, I yield back.

Mr. BENTZ. Thank you.

Congresswoman Chavez-DeRemer, you are recognized for 5 minutes.

Mrs. CHAVEZ-DEREMER. Thank you, Mr. Chairman.

Mr. Gaylord, in your testimony you share the science behind the geomatic data that you collect in your practice. Can you tell us a little bit more what happens with the data when you compile it? Who analyzes it? Who is primarily receiving it and interpreting it? And then how does your work fit into what these concerns are? And do all that in just a few minutes.

[Laughter.]

Mr. GAYLORD. No problem. The programs that I mentioned, 3DEP and the 3DHP and such, are housed with U.S. Geological Survey, so that data is collected.

The purpose of 3DEP was to get all of the data sets in the United States through the different Federal agencies onto one standard and one measurement standard, so that it was consistent and could be shared between the different Federal agencies. So, currently that is housed there.

As we discuss who manages it, who analyzes it, Chairman Bentz mentioned the use of AI. As we look at the watersheds and using these tools that are available with that data, analyzing it with the reduced snowfall to know if our systems are in the right place for the future and where that water is going and things like that is important. Surveyors have a role in that to continue to collect the data and help manage that, but the scientists, of course, will be the ones to analyze the water aspect of it.

Mrs. CHAVEZ-DEREMER. Thank you.

Mr. Brunoe, you highlighted many different collaborative projects that the tribes engaged in, whether it is with PGE, the Deschutes Basin Water Collaborative, or the DRC. It was kind of asked what you see as your next opportunity for the tribe to be innovative in its water and infrastructure space. But even going further than that, who are you missing in the mix, and who do you wish was at the table?

Mr. BRUNOE. Good question. We have been working very closely, as you have heard, with all our neighbors here in the basin.

One of the groups that we work with is the state of Oregon, because they are a co-manager, and we have been talking to them regularly about their strategic plan that we support and moving forward on what that may look like into the future.

The other side right now that we would like to engage more in is on the Federal side with their water policy folks to work with us, and we have not quite completely identified who that might be. It would probably be somewhere in Interior and working with the water policy folks there, and engaging them more than we have in the past.

Mrs. CHAVEZ-DEREMER. To follow up with that, is anybody missing at the local level?

Mr. BRUNOE. I think we have a lot of folks in that local level. I think we are pretty good. I am looking out here in the crowd, and I actually know most of the folks that are in the audience here.

Mrs. CHAVEZ-DEREMER. Well, that is good to know for us when we go back that we know that we have the right people at the table.

Dr. Backsen, you kind of mentioned, and it was talked about, the fuel load that is left on the ground once there is a wildfire, and we see that and we can't get in to remove that. I have spent a lot of time on the Conservative Climate Caucus Climate Solutions Fund talking about investment in resources for energy. And we talk about what wood product energy, and the biomass, and the biochar, and what we can do with that fuel load that is there, and how we can put it into the life cycle and not let it go to waste.

So, I am glad you brought that up. It is not often talked about. We often talk about energy from all sectors, but we don't talk about it in the fuel load. And we can use that and have different ancillary businesses who are right here that we can start to focus on that. So, it is something that is always on my mind, how we can use that, but we have to be able to get in there. And that is one of the agencies that we will be focusing on and paying attention to. Let us have access to the roads, to the forests once those fires hit, so that we can remove that fuel load and continue down the road.

I don't have any further questions. I am going to stop whining and, look at that, I am going to give you back 51 seconds. I yield back my time, Mr. Chairman.

Mr. BENTZ. It is appreciated. Congresswoman Maloy, you are recognized for 5 minutes.

Ms. MALOY. Thank you.

Mr. Larkin, I didn't get to you during the last round, but I do have questions for you. You are here partially representing the local livestock industry, and I represent a lot of cattle ranchers and sheep producers who use Federal resources as an integral part of their small businesses and to provide a commodity that there is a demand for.

I also have experience with habitat conservation plans and water scarcity plans and the collaboration that happens around those. We have threatened desert tortoises in my district, and specifically in the county where I was a deputy county attorney. And a lot of times when we are talking water or endangered species or other resources, agriculture gets overlooked in these conversations and doesn't always get the credit it deserves for having been part of the solutions for a couple hundred years in the West with getting more efficient and learning to use resources that are not usable for other things to produce food, feed, fiber.

And right now a lot of the livestock industry that has been so important in shaping the West is struggling to survive. So, I have two questions for you, the same one I have asked everybody else, and then an additional one: What impediments do we need to remove at the Federal level to keep livestock production alive, and what Federal programs are working to help your industry?

Mr. LARKIN. That is a tough one because, as a rancher, producer, and stuff like that, I don't rely a whole lot on the Federal Government to make ends meet for me. So, I feel a lot of times we are

alone in this battle. And I think that we talked earlier about the endangered species and things like that. We are an endangered species, and we need to be made known that without us, it is not going to happen.

With the wildfires, they are burning up our grazing land, they are burning up our pastures. The devastation on the cattle inventory in Oregon alone, at one point during the summer there were 1,600 head of cattle lost because of the fires, and we don't see any of that relief. I think that there are programs in place for that, but we were raised that if something happens, you go get it taken care of and get back on the horse and do it yourself.

Ms. MALOY. Yes.

Mr. LARKIN. So, I would like to be more supported, I guess, as a producer. I think all the farmers in this basin would like to be more supported, as well. But it is tough, and I think that a lot of people that make their living off the land that we have in here feel alone a lot of the time.

Ms. MALOY. I can see that. And I think one of the reasons it is so important that we do things like this, and I appreciate Chairman Bentz bringing us here, is that I can see in my district, I can hear in your voice that you do feel alone. And representative government should be here, hearing from you and responding to you. So, thank you for being willing to sit here and talk to us about what you are up against.

We have kind of gotten used to the fact that the Federal Government regulates the water we drink, the air we breathe, the food we eat, the cars we drive, the roads we drive on, and we need to wield that very lightly and make sure that we are actually serving the people we represent. So, thank you for being willing to share.

And for all of you, that question stays open. If you wake up at 3 in the morning and think, oh, I should have said this, you can reach out to me. I have a website, I am easy to find.

You look like you have something to say. Go ahead.

Mr. DEBONE. One thing that comes to mind is meat processing, protein processing. The state of Oregon has some USDA-certified processors for retail sale, but it hasn't scaled up. And obviously, this may not even be in your domain at this Committee, but national and international conglomerates doing meat processing, and Oregon would just be an opportunity to add to the capacity, either USDA processing, and I know the state of Oregon is working on a state processing also, so this is for retail sale because we have custom also.

When I talk to farmers, they talk about that.

Ms. MALOY. Thank you.

And Mr. Brunoe, I am almost out of time, so this isn't going to be a question, I am just going to really quickly say I also believe that those who live closest to the systems and understand them best should have a voice in these conversations. And that is one of the things that I am always fighting for my constituents. So, thank you for sharing that perspective.

I am out of time, but any of you who think of something you wish I would have asked can reach out when this hearing is over.

And with that, I yield back.

Mr. BENTZ. Thank you. The Chair recognizes himself for 5 minutes.

Thomas, can you put up that slide? There it is. OK.

[Laughter.]

Mr. BENTZ. There is a river. That is the Deschutes, filled with water and a whole bunch of people floating on it. I have driven by that I don't know how many times over the years, and marveled at the fact that it seems that that amount of water has been increasing. And, in fact, it has, thanks to a lot of sacrifice and work by a lot of people in this valley.

Commissioner, in your opinion, or perhaps to your knowledge, how are those folks that are floating down the river paying for the stored water that they might be floating upon?

And when I say this I don't want the answer to be, well, they are paying income tax, because ranchers and farmers are paying the same thing, OK? So, that doesn't absolve suddenly them as a responsibility because those who have water rights are actually paying O&M fees. Are those folks paying O&M fees? And if they are not, should they?

Mr. DEBONE. I don't know offhand that there is any direct benefit financially for all that recreational activity.

One thing that comes to mind is the Wickiup Reservoir. Wickiup was built in, I think, the 1950s. And that Federal project, they put this whole system in place that allows the winter storage for that summertime flow. Deschutes River has historical average flow before that also, but yes, it is utilized to its maximum. Other than transient room tax fees or transportation or rental fees, there is no kind of feedback to the state or the Federal at that point.

Mr. BENTZ. Yes. What I am getting at is that there is definitely a cost that the ranchers and farmers are paying by virtue of not having water that you thought they had. That water is now, we are looking at it, it is right there, people are floating on it. Are those who are using the water now helping pay for the infrastructure it takes to provide it? That is really my question, because I guarantee you the O&M I pay as a patron of the Owyhee Irrigation District, I would be irked if suddenly the water was taken away and left in the stream and other people were using it without paying for it. So, that is what I am getting at. Should they?

And if so, are you asking or suggesting that we up here do something about it?

Well, no, actually, I would rather have you, at the county level, raise their fees.

Mr. DEBONE. Yes. Raise their fees.

[Laughter.]

Mr. BENTZ. But feel free to answer it in 10 seconds. Go ahead.

[Laughter.]

Mr. DEBONE. As I say, that is an amenity that is just natural here. People utilize it all the time. Diversions are happening just north of that, probably. So, it is amazing. That is a high flow area, and then the diversions to the irrigation districts are right after that also. So, it is an interesting topic. I don't have an answer right now.

Mr. BENTZ. Yes. No, that is an experienced answer. Let me move to Mr. Brunoe.

Mr. Brunoe, I understand your concern when it comes to how the Federal level control comes into play. But we heard from the doctor that it is not working particularly well when it comes to U.S. Fish and Wildlife's failure to report what they are actually doing and, in fact, whether they are actually doing anything. That is our fear about Federal control from people who are removed from the situation and not paying attention, and not particularly accountable. That is why Federal control, as opposed to local control, is bad. Because local control means I can run down to Commissioner DeBone's office. I can yell at him. He is there, there he is. It is more difficult with Federal agencies.

So, my question to you is, are you are you thinking, which I am going to guess that you are, that there has to be some balance? You can't be all Federal all the time. That is not going to work. There has to be some balance with local being involved and listen to. And that is, I think, missing from the current situation. What is your thought on that?

Mr. BRUNOE. Yes, place-based is important, that everybody be heard, and what each of our groups think that, from the local level, what needs to be done. And that is something I know in the collaborative we talk about, it is also something that the state advocates that place-based is part of their policy, and understanding that the locals have control of what they want to see happen with their resources.

Mr. BENTZ. Forgive me for cutting you off, we are down to a few seconds. I would just say I am extraordinarily familiar with place-based planning, and it is one thing to do the planning, it is quite another to be in control of it. So, to me, we probably need to do a little more work in that space.

My last question, I am not sure which of you to ask it, but Abraham Lincoln said that all political change is driven by public opinion. Doctor, I am going to pick on you. What, in your opinion, is the most meaningful, weighty message that we could share with our constituents regarding needs of this basin?

What is the thing that is going to grab their attention and say, hey, we need to be watching what is going on with water?

Dr. BACKSEN. That is a tough one. But I think mainly the shortage that the farmers are having. Because like I said before, there is enough water there. It is a great plan, and it is great to put things locally, but I don't really think anything has been done from that. So, if we don't get stuff actually done and it has been 4 years in.

And one question that Tony mentioned too is Wickiup Reservoir. Well, by the time that this HCP is going to end, there isn't going to be water at Wickiup Reservoir. It is usually used to store water through the winter and to provide that to Jefferson County in the summer and fall. That is going to also decimate the population of frogs up around Wickiup, and it is not going to be there any longer. So, we are increasingly going to have to let more water out of that reservoir to go into the river, and it is not going to be utilized by the farmers.

Mr. BENTZ. And we can see that coming.

I want to thank the witnesses for their testimony and the Members for their questions.

Members of the Committee may have some additional questions for witnesses, and we will ask you to respond to these in writing. Under Committee Rule 3, members of the Committee must submit questions to the Subcommittee Clerk by 5 p.m. Eastern Time on Friday, October 11.

The hearing record will be held open for 10 business days for these responses.

If there is no further business, without objection, the Subcommittee stands adjourned.

[Whereupon, at 11:45 a.m., the Subcommittee was adjourned.]

