

STATEMENT  
OF JAY CHAMBERLIN  
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BEFORE THE NATURAL RESOURCES SUBCOMMITTEE ON WATER AND POWER  
REGARDING  
H.R. 5293

March 13, 2008

Good morning Ms. Chairwoman and members of the Subcommittee. I appreciate the opportunity to appear before this Subcommittee today to discuss H.R. 5293, a bill titled the "Shoshone-Paiute Tribes of Duck Valley Water Rights Settlement Act." I am here representing the Joint Committee of the Owyhee Project which operates a dam and hydroelectric facility on the Owyhee River in eastern Oregon approximately 150 miles downstream from the Duck Valley Indian Reservation. The Owyhee River is a tributary of the Snake River which then flows into the Columbia River.

The Joint Committee of the Owyhee Project is made up of elected officials from three different irrigation districts which pull water from the Owyhee River. We are opposed to this bill as it is currently written. The balance of my statement today will begin with a brief history of the Owyhee Project and conclude with specific concerns which we have with the proposed bill.

History: The Owyhee Dam was built by an Act of Congress in the late 1920's. Known as the Bureau of Reclamation's Owyhee Project, the dam and associated works provide irrigation for more than 100,000 acres of land in eastern Oregon and western Idaho. The agricultural communities of Ontario, Oregon; Nyssa, Oregon; and Homedale, Idaho depend upon the irrigation water provided from this project to support their economies. In the 1980's hydroelectric facilities were constructed at the Owyhee Dam. These facilities generate non-polluting energy.

Specific Concerns:

Lack of Release for Lost Fish Runs: The proposed bill includes waivers from the Tribes for certain claims the Tribes may have against the United States. The bill does not include a release for claims relating to the lost fish runs which were allegedly caused by the construction of the Owyhee Dam. This leaves the door open to future litigation. The bill should include a release of Tribal claims against the United States for any lost fish runs relating to construction and operation of the Owyhee Dam.

Out of Basin Transfers: The proposed bill includes some language limiting off-reservation marketing of Owyhee River water. The language in the bill is not broad enough. Our interpretation of the proposed bill is that it would allow Owyhee River water to be used on off-reservation tribal lands. There is the possibility that the Tribes may acquire lands outside of the Owyhee River basin and transfer the water to such lands. This would prevent return flows from entering the Columbia River watershed. We are opposed to waters leaving the basin.

Lack of Concern for Downstream Users: Ten percent of the water supply for the Owyhee Project passes through the Duck Valley Indian Reservation. A portion of the Owyhee River in Oregon is designated a Wild and Scenic River. The proposed bill does not take into consideration the potential impact to water users in the states of Idaho and Oregon. The recent droughts in the western United States and the increasing demands for water for flows for fish have had a direct impact on the amount of water available to Idaho and Oregon farmers and ranchers. Any decrease in Owyhee River flows will have a negative impact on Idaho and Oregon water users. We request that the bill provide some type of mitigation for downstream water users who may be impacted by any expansion of the Duck Valley Indian Irrigation Project.

Conclusion: We have other concerns with the bill including pending federal lawsuits which may have a direct impact on the operations of federal facilities on the Owyhee River. Third party lawsuits brought under the Endangered Species Act continue to hamper operation of federal facilities. The time, money and resources required in defending such lawsuits could be better spent on improving the aging infrastructure of older federal facilities such as the Owyhee Dam. Time constraints do not allow me to fully address all of our concerns. The Joint Committee of the Owyhee Project opposes the proposed bill as it is currently written. Ms. Chairwoman, this completes my statement. I am happy to answer any questions members of the Subcommittee may have.