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**U.S. Senate
Committee on Energy and Natural Resources
Subcommittee on Water and Power**

**Hearing to Receive Testimony on Pending Legislation
July 19, 2023**

Chairman Wyden, Ranking Member Risch, and Members of the Subcommittee:

My name is Dan Keppen, and I am executive director of the Family Farm Alliance (Alliance). I thank you for this opportunity to share this testimony on the important bills that are before you today. The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts, and allied industries in 16 Western states. The Alliance is focused on one mission: To ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers. We are also committed to the fundamental proposition that Western irrigated agriculture must be preserved and protected for a host of economic, sociological, environmental, and national security reasons – many of which are often overlooked in the context of other national policy decisions. The American food consumer nationwide has access to fruits, vegetables, nuts, grains and beef throughout the year largely because of Western irrigated agriculture and the projects that provide water to these farmers and ranchers.

LEGISLATION PENDING BEFORE THE SUBCOMMITTEE

The federal government has begun to make historic investments in new water infrastructure projects, which can help mitigate the impacts of climate-driven hydrologic changes on the environment. At the same time, these investments support Western farms, ranches, and rural communities.

We have actively advocated for and contributed to the development of several of the West-wide bills on the hearing docket today. Some of the bills before you today contain provisions that work well for both producers and the NGO community. Others, in our view, appear to put the needs of fish, wildlife and ecosystems above the interests of our farmer-rancher membership.

This concern is especially relevant today. We cannot continue long-term hypothetical processes that focus primarily on continued conservation and downsizing of Western agriculture. The U.S. needs a stable domestic food supply, just as it needs a stable energy supply. In these troubled times, the stability of domestic food supply becomes even more pressing. Our irrigated system of agriculture in the West can provide the most stable food supply in the world - if we let it.

Open ET Act (S. 1118)

Senator Catherine Cortez Masto (D-NEVADA) and Senator John Hickenlooper (D-COLORADO) earlier this year reintroduced *The Open Access Evapotranspiration (OpenET) Act*, legislation intended to get water use data in the hands of farmers, ranchers, and decision-makers for improved water management across the Western U.S. The bill would establish a program to use publicly available data from satellites and weather stations to provide estimates of evapotranspiration (ET), a measure of actual water use. We share the concerns expressed by other agricultural producers in the West regarding this OpenET bill, which would inject major federal funding into the OpenET program. We have proposed alternative language that would scale down the scope, remove the linkage to federal conservation program compliance programs, and address privacy and data quality concerns raised by farm groups through the use of pilot projects. We believe that this new language would also reduce the risk that other ET measurement tools and products currently in use are not impacted.

Agricultural representatives from the Alliance and other state and Western organizations have had multiple discussions with the technical / agency proponents of the OpenET Program in an effort to try to come to some agreement on federal legislation regarding OpenET. These meetings have been constructive and have demonstrated good examples of how OpenET can be practically employed by agency decision makers and water managers, although we still have not made meaningful progress in addressing our concerns.

1. Areas of Agreement

The producers and water managers we represent are interested in how this technology might be used to enhance water use efficiency on farms, and some are doing so now through a variety of data providers. Most agree that it serves no purpose for OpenET to be perceived as or turned into a weapon against Western agriculture (see below). In fact, many of our members are utilizing ET data and analysis from various sources to understand and improve water management.

In our initial discussions, the OpenET proponents appeared to be agreeable that there may be some way (or ways) for OpenET proponents to “blur out” sensitive material or protect privacy and

proprietary concerns through the portal. They also appeared to be receptive to our recommendation that a process and related disclaimers might be developed when disputes arise and need resolution and/or technical reconciliation. This could apply for growers affected on the ground, or private service providers to dispute and clarify discrepancies between what OpenET estimates and what their own independently generated data indicate. This could provide recourse in those unfortunate instances where OpenET information is actually used against a grower or used as a basis for potentially intrusive regulation of water use or crops grown.

Our initial concerns about integrating this program into federal decision-making were heeded. The new legislation is no longer connected to crop insurance, WaterSMART or other federal conservation program compliance. Still – this change is not consistent with language on the OpenET website. But many of our other concerns remain unresolved.

2. Key Concerns

The issue of “open” versus confidential information, including data sharing, is a concern. Some agricultural producers have also been concerned about how this technology might be used by third parties to limit or even challenge their water allocations and rights. Your June 2022 hearing on the Western drought featured discussion that specifically linked the use of this technology with reducing agricultural water allocations in the Colorado River Basin. This only reinforced some of the well-founded fears producers have had about the use or potential misuse of this technology.

In a recent meeting with OpenET proponents, we highlighted our concern regarding potential misuse by third parties, and we heard – something to the effect of, “If you have a specific example of OpenET abuse by a third party, please let us know.” We tried to explain that it will happen; just look at what’s going on already with the attacks on raising cattle and growing alfalfa in the Colorado River Basin, and attacks on water rights in California (see [“Who’s really using the water in the American West” \(Vox\)](#), [“Water scarcity and fish imperilment driven by beef production”\(2022 “Nature Sustainability Journal”\)](#), [“Are the feds risking endangered salmon for fries and potato chips?” \(High Country News\)](#), [“How California’s Water Rights System Gouges You and Me” \(NRDC\)](#)).

The Open ET website says: “At a minimum, any visitor to the OpenET site will be able to view field-scale estimates of monthly ET data across the Western U.S., for the last five years. Users will also be able to download limited quantities of data directly from the site at no cost.” What if the owner of that Western field has no idea that information from his operations is being shared with the public? If proponents want to fund this with federal dollars, the program should adhere to existing federal requirements regarding information disclosure / confidentiality that are defined in existing law: 1) [Section 1619 of the 2008 Farm Bill](#); and 2) [44 U.S. Code § 3572](#) - Confidential information.

Some are concerned that the legislation could give proponents a unique advantage over other private technical providers in the field. There are questions about whether growers, in general, look at OpenET as a trusted data source versus some other private provider that gives them more personalized service specific to their individual operation. (See: <https://www.farmprogress.com/technology/ag-tech-companies-merge-irrigation-management-solutions>).

Is the “need” for federal legislation on OpenET being driven by water users? We’ve had conversations with a few, truly “outside the box” thinking farmers and ranchers, who have a documented track record of working constructively with conservation groups, including the Environmental Defense Fund (EDF), one of the proponents of this legislation. No one we have talked to believes the “need” for OpenET is being driven by farmers, ranchers or water managers. They believe it’s being driven by NGOs and officials within state and federal agencies. When you look at the website and assess the various ways in which data derived from OpenET could be applied, we believe there is an implied bias towards applications employed by “policy makers and regulators”.

Along these lines, existing OpenET work is already underway, some of which underscores punctuates certain concerns of ours, also and raising questions about why federal legislation is needed now and what it is intended to accomplish. As noted throughout this testimony, the OpenET website is published and includes field level data, often without any knowledge of the landowner. It is important to note that only agricultural lands are included. Cities, golf courses, overgrown federal forests, grassed urban parks and yards – all of which have a known and significant water consumption component – are completely excluded from the provided data.

Will elevating OpenET data provided through a new federally run program place too much emphasis on ET and not recognize other variables in farming? Evapotranspiration is an important component in evaluating inputs to crop production, but that variable by itself may not be an accurate portrayal of efficient water management. Other factors of variations in ET could include soil health and rotational cropping patterns, changing varieties or types of crops, and weather patterns.

3. A More Modest Proposal

In May 2022, our group of agriculture organizations sent a letter to your committee staff, expressing our general concern and willingness to continue to work on more scaled-back, pilot-focused legislation that complies with existing federal privacy standards. Later in the year, we proposed possible amendments to the bill introduced in the last Congress to make it acceptable to the agricultural organizations we represent. In general, our concern was with the very significant leap forward this program could take through the enactment of the legislation without interim steps to continue refining and improving the data and its use.

Proponents of the OpenET legislation are proposing a West-wide multimillion-dollar federally run program. However, since significant federal funding is being called for with this legislation, we believe it is appropriate to modify the bill to first authorize a pilot program scaled somewhere in between what is currently being done on the ground and what is proposed in the legislation. Here are some other possible points we suggest towards that end that could be authorized in the OpenET legislation:

- The technology should first be applied in a focused way, with plenty of public education incorporated into its implementation;
- The current legislation is too broad and there are many unanswered questions that we – and many of our members – still have;
- Prevent the effort from being siloed within the U.S. Geological Survey. For example, in the case of using the technology in the Upper Colorado River Basin, the Bureau of Reclamation (Reclamation), USDA, the states, and the Upper Colorado River Commission should all be involved;
- The amended legislation should require that each individual state where the technology will be utilized be involved as a partner, and be in agreement with how the data will be collected, analyzed and used;
- Peer review should be required early on, so that as technology improves, we can ensure that the best available information and technology is applied to the area being studied;
- Require a disclaimer be used to define what OpenET data can and cannot be used for in depicting evapotranspiration at the field level, recognizing that the use of one technology does not necessarily take into account all factors in determining consumptive use of water at the field or crop level; and,
- With appropriate stakeholder involvement, properly structured pilot projects may resolve the uncertainty and concerns we continue to have. A peer-reviewed post-project report prepared for Congress could also include refined recommendations that provide the basis for an improved, larger-scale approach.

The bottom line is that many of our members are worried about this tool being inappropriately used by bad actors in competing water sectors and/or critics of irrigated agriculture to demonize agricultural water use and drive public opinion or policy development that is ultimately harmful to our members.

Many of us question why the federal government needs to fund this. OpenET is already up and running and we are confused as to why the legislation is even necessary, other than to get the federal government to take over the program. Unfortunately, this simply underscores our concerns about using the tool for purposes other than improving water management and crop production.

Again, we have proposed alternative language that would scale down the scope and address privacy and data quality concerns raised by farm groups through the use of pilot projects. We stand ready to work with the bill sponsors to ensure this bill does not have unintended consequences for Western agriculture and water management.

The Voluntary Agricultural Land Repurposing Act (S. 2166)

Senator Alex Padilla (D-CALIFORNIA) has introduced the *Voluntary Agricultural Land Repurposing Act*, legislation that is intended to build drought resiliency and reduce water use by providing federal funding to states and tribes that work to voluntarily “repurpose” certain agricultural lands. In California, it is estimated that at least 750,000 to 1 million acres of farmland will need to come out of production due to groundwater scarcity. If this land transition is not proactively managed, it could result in increased dust, pests and weeds, and widespread economic impacts. In response, the California State Legislature established the Multibenefit Land Repurposing Program to help regions of the state “repurpose” agricultural lands. Specifically, the federal bill would modify Reclamation’s emergency drought authority and its WaterSMART program to authorize funding for states and tribes to run voluntary and multibenefit land repurposing programs.

Given the current backdrop of recent severe drought conditions in the Western U.S., significantly inflated food costs, global food supply challenges, and the potential for a looming global famine, the Alliance believes taking additional Western American agricultural land out of production must be carefully and thoughtfully evaluated. The Alliance has worked constructively with Senator Padilla’s office to raise this issue as draft legislation was being contemplated in the last Congress and has continued that engagement. We appreciate the willingness of Senator Padilla and the subcommittee to work with us on this proposal and will continue to advocate for a more narrowly focused, pilot approach, administered by USDA or funded through a state-run program, and intended to be implemented in a voluntary manner, as a last resort. In particular, the Alliance disagrees with the bill authorizing Reclamation to provide funding for this purpose through its WaterSMART program. WaterSMART is a currently oversubscribed program that was designed to assist irrigated agricultural producers and their water providers in becoming efficient in their management and use of water in the West and help to protect Western irrigated food production. The program was not intended to provide a pathway for federal funding to repurpose productive ag lands.

Amend the Klamath Basin Water Supply Enhancement Act of 2000 to provide the Secretary of the Interior with certain authorities with respect to projects affecting the Klamath Basin watershed (S. 482)

S. 482, the *Klamath Power and Facilities Agreement Support Act* from Sen. Ron Wyden (D-OREGON) would provide important tools and protections for farms and fish that are imminently needed in the Klamath River Basin, especially in light of the ongoing dam removal activities on the Klamath River. For irrigation water users, dam removal is a very difficult concept to fully embrace. But key leaders in the agricultural community have not gotten in the way of other parties’ objectives. They have long been assured that they will not be saddled with new cost obligations or regulatory burdens when salmon protected under the Endangered Species Act appear in the Upper Klamath Basin as a result of dam removal. This legislation is a step in the direction of realizing those protections.

The bill will also provide tools for agencies and irrigators to address ongoing challenges in the difficult circumstances of the Klamath Basin. For example, for nearly a century, there was a relationship between the Klamath Project and the dams now being removed that included bargained-for benefits for irrigators; no one could have foreseen the dramatic change in that situation that is represented by the monumental dam removal effort that is now occurring. As Chairman Wyden knows, electric power at reasonable rates has essentially been part of the infrastructure of the Klamath Project, and it is important to maintaining water use efficiencies and water deliveries for national wildlife refuges. Again, the bill provides tools emphasizing renewable energy opportunities that are extremely important.

We understand that these and other important provisions will be discussed in more detail in the written testimony of Klamath Water Users Association.

Amend the Federal Power Act to modernize and improve the licensing of non-Federal hydropower projects (S. 1521)

Hydropower is a critical source of affordable, clean, and emission-free electricity across the West. Frequently, it is also an important source of power for water pumping and other water management activities. We support efforts to improve the well documented challenges related to the lengthy and expensive Federal Energy Regulatory Commission (FERC) hydropower licensing process and appreciate Senators Cantwell and Daines for taking on this issue. While we believe reforms could go even further and still protect all of the resources impacted by hydro development, this bill will help bring more hydropower online and retain the facilities that already exist at a critical time.

Legislation introduced by Senator Feinstein

The three bills co-introduced by Senator Feinstein contain many provisions that could be helpful to our membership if enacted. The Alliance supports all three bills.

1. The STREAM Act (S. 2162)

The Alliance believes the federal government has historically been a productive partner with the Western states and local water purveyors in the West, and this legislation will help continue this partnership by creating opportunities for investment in new future surface and groundwater storage. The federal government should also continue its partnership by providing financial assistance to update and rehabilitate aging water delivery infrastructure in Senator Feinstein's home state of California and the entire West, including aging conveyance facilities negatively impacted by subsidence.

The Alliance believes that we must continue efforts to increase water storage and ensure that we have maximized the efficiency and the interconnectedness of intra- and inter-regional conveyance infrastructure. This will allow us to best take advantage of surplus snowpack during wet years, like

this past winter in many Western states, to help meet future water needs for agriculture and growing municipal and environmental demands. We need to build and restore this water storage and conveyance capacity to be able to store more water in wet years for use in future dry years. The Alliance does not believe we should advance policies that address unmet needs through reductions in agricultural water supplies so important to feeding this nation and the world, especially during this time of international geopolitical uncertainty. As the war in Ukraine has demonstrated, our ability to improve hunger conditions worldwide, as well as our own national security, rests on the foundation of effective American irrigated agriculture.

Importantly, S. 2162, the *Support to Rehydrate the Environment, Agriculture, and Municipalities Act* (also called the STREAM Act) would increase funding available and grandfather existing requirements for storage and conveyance infrastructure projects that receive construction funding in the bipartisan Infrastructure Investment and Jobs Act (IIJA) enacted last Congress to complete construction. Importantly, it would also set the stage for storage projects in the planning stage to have a path to completion.

Among other things, the legislation would also authorize limited cost-shared federal funding for new non-federal surface, groundwater storage, natural retention, and conveyance to/from storage. It would also authorize federal cost-shared funding for water recycling, desalination, and ecosystem restoration projects. The bill would further allow for the use of funding from water sales or rentals to be used to pay for drought resiliency investments or Safety of Dams (SOD) repayment obligations, helping to provide Reclamation project beneficiaries the flexibility with their repayment on SOD debt and to invest in water conservation projects using revenues from water transfers that currently must go back to the Treasury. Finally, the STREAM Act would authorize the Interior Department to provide funding to construct certain permanent features to implement emergency drought relief projects under the Reclamation States Emergency Drought Relief Act. Currently only temporary facilities (other than drilling groundwater wells) are authorized to be constructed by the Act.

2. Canal Conveyance Capacity Restoration Act (S. 2161)

S. 2161, the *Canal Conveyance Capacity Restoration Act* will help to address the impacts of groundwater subsidence on major portions of California's water delivery system – infrastructure millions of people depend on for water supply, groundwater recharge, flood control, and environmental protection. It would authorize Reclamation to partner with the Friant Water Authority, the San Luis Delta-Mendota Water Authority, and the State Water Project (SWP) to provide financial assistance for one-third the cost of repairing these important water lifelines within the State of California, with two-thirds of the funding provided by state and local sources. All told, millions of acres of highly productive and nationally important farms and ranches that produce the food the Nation sorely needs right now, as well as over 27 million people, depend on these water supply canals being restored as quickly and affordably as possible.

The legislation would also provide additional funding to help meet the restoration goals under Section 10004 of the San Joaquin River Restoration Act (P.L. 111-11), in addition to the funding provided under Section 10009 of that Act. This serves to provide the financial balance between investments in water supply reliability and ecosystem restoration required under the San Joaquin River Settlement. Finally, the legislation ensures that there are adequate non-federal matching funds (including in-kind contributions) available to meet the cost sharing requirements, and that the requirements of the California Sustainable Groundwater Management Act (SGMA) are met.

Land subsidence has been a persistent problem in the San Joaquin Valley and is exacerbated during drought periods, including during the 2012-2016 drought¹. As a result, at times regional groundwater pumping has increased significantly, particularly during 2014 and 2015 when Central Valley Project (CVP) South-of-Delta and Friant Division deliveries were consistently at zero. The increased reliance on groundwater contributed to rapid land subsidence in several areas of the San Joaquin Valley. Some areas experienced measured reductions in land elevation of one to two inches per month between May 2015 and September 2016.

Recent land subsidence in the San Joaquin Valley lowered the elevation of regional water conveyance facilities, including the CVP Friant-Kern Canal and Delta-Mendota Canal, and the SWP California Aqueduct, resulting in reduced conveyance capacity. In the case of the Friant-Kern Canal, the capacity of the canal through the most subsided area is estimated to be only about 40 percent of its design capacity. In the case of the Delta-Mendota Canal, capacity has been reduced by an estimated 10-15 percent of design capacity.

As drought conditions and hydrologic uncertainty continue, land subsidence has not ceased as ongoing over-reliance on groundwater continues. In addition, residual subsidence will continue for some time even after groundwater pressure has stabilized. Implementation of SGMA requirements will be strongly guided by concerns over the control and avoidance of future subsidence.

S. 2161 will help to address the severe subsidence impacts that have substantially reduced the carrying capacity of the water delivery system of the State of California to provide for a more resilient water supply, especially during the severe droughts of these past several years. For these reasons, the Alliance is in full support of the enactment of S. 2161.

3. The RAIN Act (S. 2022)

The *Restore Aging Infrastructure Now (RAIN) Act* (S. 2022) would provide some non-reimbursable funding for modifications to extraordinary maintenance on aging Reclamation

¹ Land subsidence is the surface manifestation of the soil compaction in clay layers within groundwater aquifers. Groundwater overpumping reduces pressure, resulting in the compaction of clay as water is squeezed from pore spaces. Compaction of clay layers is typically inelastic and results in permanent land subsidence and the loss of groundwater storage capacity.

“transferred work” projects² that would provide additional public benefits over and above the original purposes of the project when it was built, including providing drinking water to disadvantaged communities. The bill would incentivize these added public benefits through a 15% non-reimbursable component to financing provided through the Aging Infrastructure Account.

Again, the Alliance supports all three of these bills, and we thank Senator Feinstein for her decades of leadership on Western water.

Watershed Results Act (S. 2169)

The Alliance supports S. 2169, legislation from Sen. Wyden that was originally introduced in the last Congress, which would require the Secretary of the Interior to work in coordination with the Secretary of Agriculture and the Administrator of the EPA to establish two to five watershed restoration pilot programs across the country. Each pilot program must incorporate predictive data analysis to analyze millions of acres of a watershed to precisely locate the most effective acres for restoration that will make the largest impact. Outcomes of these pilots can include a quantifiable reduction in nutrient or sediment runoff or thermal load, quantifiable increases in dissolved oxygen and surface water or groundwater that functionally benefits fish and wildlife species, and any other quantifiable benefits identified to support watershed restoration.

Our farmers across the Nation provide not only the food on our tables, but they also create habitat for wildlife, protect the land through modern nutrient and soil management, and are many times enhancing our living environment through benefits such as maintaining open space. The federal government over the years has bolstered these efforts through conservation programs that cost share on-farm conservation improvements with willing farmers. But to participate in federal conservation programs that can assist with the added costs associated with improving water and soil conservation, farmers have had to survive a myriad of agency hurdles. These include funding program requirements, permits, and procedures to provide better conservation solutions for their farms, their communities and the natural environment. Unfortunately, such programs - while promoting good stewardship - are typically more siloed and not coordinated. They also do not monitor any direct and indirect results from such practices.

This legislation would create pilots in up to five Reclamation watersheds across the West in need of improved water conservation and water quality from irrigated agriculture. The difference from the federal status quo is that S. 2169 would require pilot watersheds to be assessed for priority projects using advanced analytics to maximize every dollar invested and promote a results-oriented approach. By prioritizing investments in conservation and measuring results, we believe we can create a market for farmers to grow “bushels of nature” alongside our food supply. This in turn would create incentives for projects that produce measurable outcomes and provide farms

² Transferred works projects are those where operation and maintenance responsibility has been transferred to a non-federal entity like a water or irrigation district.

with a higher cash margin. It would also help to actually solve problems associated with poor or unfocused resource management in a watershed at a fraction of the cost of the status quo.

S. 2169 would also address the financial and practical barriers that currently make it so difficult to combine siloed public funds into an integrated solution, direct funding toward the highest return projects, and eliminate bureaucratic complexity for farmers who participate in the pilot. As Reclamation increasingly manages through more severe drought and precipitation deluges, having a stronger, more integrated portfolio of watershed projects implemented on the landscape will add more resiliency to the overall water system. One facet of these pilots that we believe should be addressed in the legislation is data privacy concerns such as those we have with the OpenET legislation. We look forward to working with the bill's sponsor and proponents to address these concerns in the legislation prior to Committee markup.

Upper Colorado and San Juan River Basins Endangered Fish Recovery Programs

Senators John Hickenlooper (D-COLORADO) and Mitt Romney (R-UTAH) have re-introduced legislation to continue protecting four threatened and endangered native fish species in the Upper Colorado and San Juan River Basins. We understand that this legislation would extend current conservation programs by one year and allow Upper Basin communities the time to develop a long-term management plan. The Upper Colorado and San Juan River Basin Endangered Fish Recovery Programs work to recover the humpback chub, bonytail, Colorado pikeminnow, and razorback sucker. Partners of this program are tackling these challenges in the Colorado River and its tributaries in Colorado, Utah, and Wyoming. The program hit a milestone two years ago when the humpback chub was downlisted from endangered to threatened. Importantly, through this program, water uses and development and hydropower operations to meet human needs continue to be in compliance with interstate compacts and applicable federal and state laws.

The Alliance supports this legislation and in the 117th Congress and we worked with other Upper Basin interests and the Hickenlooper and Romney offices in support of putting a bipartisan stamp on S. 3693.

A bill to amend the Omnibus Public Land Management Act of 2009 to authorize certain extraordinary operation and maintenance work for urban canals of concern. (S. 2160)

The Alliance supports S.2160 from Sen. Jim Risch (R-IDAHO), which would create a new category of extraordinary maintenance on Reclamation-owned projects called “urban canals of concern”. These canals, typically delivering irrigation water to farms and ranches in Reclamation watersheds in the West, were originally built in the desert environment of a developing watershed. As time went on, communities sprang up and housing tracts were developed alongside these canals creating potential hazards that, if a failure occurred, could result in loss of life and property. To reduce this risk, agricultural transferred work operators who maintain and operate these federally owned facilities must upgrade these urbanized sections of their canals through expensive extraordinary maintenance projects on the backs of farmers and ranchers who pay O&M costs for

the facility. S.2160 would accelerate these investments improving urban canals of concern and assist in supporting the huge costs associated with this work, by recognizing the risks of potential failure in these segments and providing a 35% federal cost share for these important projects.

For example, the West Canal in Ephrata, Washington needs repairs, which if left unattended, could pose substantial danger to housing and related development that has been built around it. The repairs are estimated from \$4.2 to \$10 million for this section of canal. The West Canal in this section is designed to convey 4,850 cubic feet per second, which is one of the largest conveyance structures in America. Over 90% of the lands served by the West Canal are downstream of the City of Ephrata. This legislation would allow the Quincy-Columbia Basin Irrigation District to receive cost-share assistance for a portion of these increased expenses associated with the urban setting. Simply put, S. 2160 would provide additional tools for the District -and others like it - to provide safe, efficient delivery of water into the future.

Water for Conservation and Farming Act (S. 2102)

Sen. Wyden has introduced S. 2102, legislation aimed at helping communities in Oregon and other parts of the West experiencing high levels of drought. The bill touches on some important aspects of addressing the key water challenges occurring across the West that are of interest to our members. Importantly, the Alliance strongly supports the bill's provision for the Fisheries Restoration and Irrigation Mitigation Act ("FRIMA" - Public Law 106-502). Our members in California, Idaho, Oregon, Montana, and Washington are strong supporters and benefactors of FRIMA, which supports voluntary fish screen and passage projects. When funded, this has been a successful program to protect native and endangered fish and other aquatic species. These fish protection components are critical to many water delivery systems in the West, and they can be very expensive. The program was originally inspired to provide federal cost-share funding to improve fish passage by screening water withdrawals and building upstream fish passage devices, while maintaining a steady, reliable water supply for human uses.

We also support the Waterbird and Shorebird Habitat Creation Program. However, we believe it should be made clear that the program should be overseen by the Secretaries of Agriculture and the Interior. We look forward to working with this Subcommittee and Senator Wyden to find ways to make this new program compatible with existing programs at the agencies, particularly Farm Bill conservation programs and the Partners for Fish and Wildlife Program within the Interior Department (Fish and Wildlife Service).

The bill would authorize funds for important Reclamation SOD, water reuse, recycling, and conservation programs, including extending WaterSMART authorizations. The Alliance supports these programs but would recommend additional uses of the funding to be added including storage and conveyance projects. We also support provisions to extend the Reclamation Climate and Water Program which provides authority to conduct Basin Studies. However, we encourage the Subcommittee to strengthen the underlying law to ensure that projects identified in Basin Studies have a streamlined and abbreviated path to feasibility study and construction.

Other issues addressed in the bill include sustaining biodiversity during droughts, cooperative watershed management extension and expansion, watershed health, drought planning and preparedness for fisheries, and aquatic ecosystem restoration. This bill provides important tools to address water and natural resources challenges across the West that are important to our members. However, we raised concerns with certain provisions in the legislation in previous sessions of Congress that largely remain. I respectfully direct you to our July 22, 2020 and May 25, 2022 written testimony submitted to this Subcommittee for additional detail on our concerns with the version of this bill introduced in the 116th and 117th Congress.

We look forward to working with Senator Wyden's office and the Subcommittee to improve specific provisions to ensure the bill's effectiveness and purpose is achieved in a way that works for all water users.

Additional Bills

In addition to the regional and West-wide bills above, we appreciate that the Committee included a number of additional bills that address specific water issues and needs in Arizona, North Dakota, Utah and Wyoming. We have members in all of these states and are supportive of solutions that come from ground-level collaboration and help improve operations and infrastructure. We stand ready to work with the Committee on these bills.

CONCLUSION

The Alliance believes we must look to enhance management of water supplies and delivery and we must maximize the benefits from the water we have available to meet multiple needs for Western irrigated agriculture to exist into the future. Growers across the West are stepping up, at their own expense and in partnership with federal funding programs, to provide viable and practical solutions to vexing water issues for the viability of their basins and the rural communities those basins serve. In many cases, that means senior water rights holders are voluntarily making water supplies available to junior water users, preventing cuts otherwise required. There are other collaborative efforts underway to fund on-farm conservation projects that are helping reduce demand. Urban, agricultural, and environmental water users would all benefit from such efforts in the short and long term.

Agricultural production in the West is an irreplaceable, strategic national resource that is vital to U.S. food security. Fallowing Western farmland means increased reliance on food production in other countries with lower or non-existent production standards.

Fallowing any land during a time of crisis should be temporary, or we risk losing control of our ability to provide a reliable and safe U.S.-grown food supply.

The role of the federal government in the 21st Century should be to protect and enhance that resource by doing whatever it can to ensure that water remains on farms. At a time of unprecedented change, one certainty holds firm and true – one of our nation’s most valuable resources – Western irrigated agriculture - must be preserved.

The Alliance looks forward to working with this Committee to address the issues we have identified in this testimony and some that we have not.

Thank you for this opportunity to present this testimony for the hearing record and we would be happy to answer any questions the Committee may have.