



P.O. Box 216 Klamath Falls, Oregon 97601

Protecting Water for Western Irrigated Agriculture
March 12, 2015

The Honorable Scott Tipton
United States House of Representatives
218 Cannon House Office Building
Washington, D.C. 20515

Re: Support for “Water Rights Protection Act”

Dear Congressman Tipton:

On behalf of the Family Farm Alliance, this letter expresses our formal support for your “Water Rights Protection Act” (WRPA). This important legislation would prohibit the conditioning of any federal permit, lease, or other use agreement on the transfer, relinquishment, or other impairment of any water right to the United States by the Secretaries of the Interior and Agriculture.

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. The Alliance has long advocated that solutions to conflicts over the allocation and use of water resources must begin with recognition of the traditional deference to state water allocation systems. Federal agencies must recognize and respect state-based water rights and develop their management decisions according to state law and abide by state decrees defining both federal and non-federal rights. Federal agencies need to work within the framework of existing prior appropriation systems instead of attempting to fashion solutions which circumvent current water rights allocation and administration schemes.

Unfortunately, in recent years, some agencies within the federal government have repeatedly demonstrated they will not abide by this philosophy. These efforts constitute a federal overreach and a violation of private property rights.

For example, the U.S. Forest Service (USFS) has attempted to implement a permit condition that requires the transfer of privately held water rights to the federal government as a permit condition on National Forest System lands. There is no compensation for the transfer of these privately held rights despite the fact that many stakeholders have invested their own capital in developing the rights. Additionally, federal land management agencies are leveraging Western water users in an effort to acquire additional water supplies for the federal government by requiring water users to apply for their rights under state law in the name of the United States

rather than for themselves. USFS continues to take private water rights hostage through their permit conditions, despite objections from elected officials, business owners, private property advocates and a U.S. District Court ruling.

Our farmers and ranchers rely on their vested water rights to secure operating loans, as well as irrigate crops and water livestock. Federal agencies should not be able to leverage those water rights against farming and ranching families who have long depended upon federal permits and leases to support actions like grazing.

Furthermore, the USFS in 2014 proposed a new Groundwater Directive. The Alliance in 2014 was actively engaged on this matter, and worked with Western Governors Association, National Water Resources Association, and others in the regulated community to express concerns on possible infringement by the proposed directive with state water law. The proposed directive goes beyond the authority of USFS and could encroach into states' rights to manage groundwater.

The WRPA would protect communities, businesses, recreation opportunities, farmers and ranchers as well as other individuals that rely on privately held water rights for their livelihood from federal takings. It would do so by prohibiting federal agencies from extorting water rights through the use of permits, leases, and other land management arrangements, for which it would otherwise have to pay just compensation under the 5th Amendment of the Constitution. The WRPA protects privately held water rights, prohibits federal takings, and upholds state water law by:

- ☞ Prohibiting agencies from implementing a permit condition that requires the transfer of privately held water rights to the federal government in order to receive or renew a permit for the use of land;
- ☞ Prohibiting the Secretary of the Interior and the Secretary of Agriculture from requiring water users to acquire rights for the United States rather than for the water user themselves;
 - Recognize the State's long standing authority related to evaluating, protecting and allocating groundwater resources.

In the 113th Congress, we worked with you and Rep. Gosar to make slight changes to the original WRPA, which are reflected in the bill you have re-introduced. Thank you for your efforts to advance this legislation, which is very important to the family farmers and ranchers of our membership. If you have any questions about this letter, I encourage you or your staff to contact me at (541)-892-6244.

Sincerely,



Dan Keppen
Executive Director