Deschutes Basin Water Collaborative

Planning Team Meeting Draft Notes

Friday, February 2, 2024 | 10:30-12:30 | Hybrid

Tri-Chairs: Phil Chang, Deschutes County Commissioner

Members: Owen McMurtrey, COCO; Mike Britton, NUID; Kimberly Priestley, WaterWatch; Carolyn Sufit, OWRD.

Others in attendance: Joseph Kemper, OWRD; Jessi Talbott, COID; Jeremy Austin, Central Oregon LandWatch; Becky Powel, Oregon League of Women Voters; Jim Powel, citizen.

Staff: Lauren Street, COIC; Kate Fitzpatrick, Lisa Seales, Jim Bond, Gen Hubert, DRC; Alex Ehrens, Andrew Purkey, AMP Insights.

Action Items and Decisions:

Alex will work with Kimberly to provide some comments/edits to the Chapter 2 language on the state's surface water availability determination rules and the groundwater allocation rules to make sure it aligns with the existing statute/rule. Copy Owen on this and keep him involved.

Email to Working Group members letting them know that we are still working through Chapter 2 edits and it will not be going out for a vote yet.

A subset of the basin stakeholders will be exploring legislative concepts for a potential Deschutes Basin-focused effort for funding and policy support. This will be outside the umbrella of the DBWC, with regular updates to the group.

Updates:

The next Planning Team Meeting will be on Friday, March 1st from 10:30 – 12:30.

Draft Notes

1. **Welcome & January Meeting Recap** *Lauren Street, COIC*
   Attachment A January Meeting Notes

2. **Debrief Working Group Meeting** *Lauren Street, COIC & Staff, DRC*

   The Planning Team discussed the January Working Group meeting. Concerns came up regarding the groundwater sections and the pending, proposed state rule changes. The Planning Team addressed the OWRD state rulemaking process and

timeline, as well as past discussions around a local basin rule making subcommittee. The group discussed the option to enter into a Deschutes Basin rulemaking process that could serve as a solution-based process for the basin. Commissioner Chang suggested that the DBWC could do its best to lay out components of what the solutions are and set the stage by recommending local basin program rules. It was noted that rulemaking must go through the Water Resources Commission.

WaterWatch expressed support for the state OWRD rulemaking process. Phil Chang noted that the state's rule in groundwater is ascendent and has become the central focus regarding groundwater. He sees the need for intensive conversation at the basin level that will achieve the goals, objectives, and needs that the DBWC and stakeholders have within the basin. Kate addressed the importance of the DBWC having continuing conversations about groundwater and reminded the group that DBWC has not yet tried to reach agreement on any position regarding the state rule-making or potential basin program rulemaking.

3. **<u>Groundwater Quantity Discussion for Chapter 2</u>** *DBWC Staff and Partners*
Attachment B Updated Groundwater Quantity Section 2.3.1
Attachment C Chapter 2 for Reference (Clean Copy)

Alex shared an update on the groundwater quantity section 2.3.1 of Chapter 2. Alex added language into this section to address the comments that came in during reviews and added placeholders in the pumping section for the OWRD language/data to go into. Kimberly stated that she/WaterWatch provided high-level comments and asked if there would be an additional opportunity for further review comments on smaller details. Kimberly had concerns about the description of the water allocation process for groundwater rules stating that the language in Chapter 2 does not align with the state's current rules. Jessi expressed concern about Chapter 2 overstating piping's impact on GW declines, and in addition would like to see the chapter include language about on-farm conservation efforts in the basin. Owen proposed that the Plan and Chapter 2 go into more detail about artificial recharge and the importance of looking at historically elevated groundwater levels and the impacts of artificial recharge on these levels. It was agreed that groundwater-level language in the Plan needs to be based in records and studies, which provide solid numbers, not assumptions. Joe OWRD stated that, as he is aware of, there are no groundwater-level records between Bend and Redmond before the 1960s. Without these records and hard numbers, we don't know the increased groundwater levels due to artificial recharge from conveyance leakage and on farm water use. Kimberly stated that WaterWatch will not support any presumptive language in the Plan and that all language needs to be based on studies. Phil Chang, Deschutes County Commissioner, discussed the importance of discussion and data on domestic wells within the Plan. It was stated that domestic wells are discussed in Chapter 3 of the Plan. Commissioner Chang would like to see data added to show the

significance of the domestic wells within the Basin, stating that in Deschutes County alone there are 16,000 to 17,000 domestic wells. There are currently wells going dry in the basin and with groundwater levels dropping even 30 feet it could cause thousands of wells to go dry. OWRD will work with staff to increase domestic well language in Chapter 2 and Chapter 3 of the Plan.

4. <u>Voting Discussion for Chapter 2</u> *DBWC Staff*

a. What remains to be done for Chapter 2 to be ready for a Working Group vote?

Lisa shared the Chapter Review Flow Chart with the group, going through each step of the plan-build process and tasks. The Planning Team has gone through three different iterations of Chapter 2. In November, Chapter 2 did not go out to the Working Group for a vote. The Planning Team discussed the process and timeline. If Chapter 2 receives a red flag during the vote, it will have to come back to the Planning Team and then go back out for another vote. It was noted that agencies cannot issue a red card because they are not voting, so this language should be changed in the plan-build process. NOTES: Lisa misspoke, and some agencies are indeed voting agencies; therefore, this language does not necessarily need to be changed. COID requested more time to review Chapter 2 but could have comments to Staff within a week. The Planning Team discussed letting the Working Group know that they will not be receiving Chapter 2 within the next week. The Planning Team addressed interest in a "real time" google document where members can see other people's comments once the plan gets close to a final comment stage. Owen stated that the group does not fundamentally agree on the science in the plan regarding groundwater, which is why agreeing on the language in this chapter has been difficult. The Planning Team discussed ways to capture and state the different perspectives and disagreements on the science within the Plan.

5. <u>OWRD Pathway Memo</u> *Emelie McKain, OWRD*

Attachment D OWRD Memo

Carolyn Sufit reviewed the intentions of the "Water Conservation & Protection Pathways for Irrigation Modernization Projects in the Upper Deschutes Basin" memo – which is to address irrigation modernization projects in the Deschutes Basin that seek multi-benefit project outcomes through reducing canal transmission losses. The projects seek to provide environmental benefit by conserving water no longer needed for operations, increasing wintertime instream flows from Wickiup Reservoir in accordance with the conservation measures of the Habitat Conservation Plan and providing economic and social benefits by ensuring North Unit Irrigation District water rights are not unintentionally impacted by the protection of senior water rights instream. OWRD will keep an open dialogue around the memo and will

send out amendments. This pathway allows the proposed multi-benefit project outcomes to be realized, while also allowing OWRD to accurately account for and regulate the water in question.

6. **Legislative Working Group** *Kate Fitzpatrick, DRC*

Kate proposed a group get together to begin the discussion around the 2025 legislative session to talk about what that could look like for the Deschutes Basin in terms of funding and policy that supports conservation, agriculture, and municipal needs. LandWatch stated that they have significant interest in this discussion. Kate said this would not be a DBWC group but was soliciting interest from Planning Team members on being involved. The small group would keep DBWC updated on discussions, but would not claim to be speaking for the DBWC. Kimberly expressed concern about this being under the DBWC. She reminded the group that agencies cannot usually take positions on bills. The Planning Team agreed that this would best fit outside of the DBWC umbrella and proposed that this smaller group update the DBWC on discussions and action items around the upcoming legislative efforts.

Members interested in being involved: Owen McMurtrey, Phil Chang, Mike Britton, Kimberly Priestley. Group members expressed support for Emelie McKain to attend meetings, understanding that the state cannot take official stances on proposed policy.

7. Roundtable Updates and Sharing