Working Group Meeting Draft Notes

January 26, 2024 | 10:30-12:30 PM | Hybrid
followed by OWRD meeting as per below from 12:45-2:00

Attendees: Yancy Lind, Tom Shuman, Jim Powell, Resident; Jessi Talbot, COID; Becky Powell, League of Women Voters of Deschutes County; Jermey Austin, Tod Heisler, Central Oregon Land Watch; Karen Lewotsky, Oregon Environmental Council; Kris Knight, Upper Deschutes Watershed Council; Mark Reinecke, Avion Water Company; Nancy Gilbert, Sierra Club – Juniper Group; Mike Trip, Trout Unlimited – Deschutes Redband Chapter; Gregg Garnett, US Bureau of Reclamation; Mike Britton, NUID; Ellen Hammond, Jefferson County Soil & Water Conservation District; Janna Stevens, ODFW; Doug Riggs, Owen McMurtrey, COCO; Bruce Scanlon, OID; Jason Gritzner, USFS; Ray Judah, Wild River Owners Association; Tommy Cianciolo, Trout Unlimited – State Chapter; Zavier Borja, Regional Solutions; Carolyn Sufit, OWRD; Paul Lipscomb, Oregon Land and Water Alliance; Mike Buettner, City of Bend; Steve Goldberg, Trout Unlimited – Local Chapter

Tri-Chairs: Commissioner Phil Chang, Deschutes County Board of County Commissioners

Staff: Scott Aycock, Lauren Street, Jenn Greco, COIC; Lisa Seales, Kate Fitzpatrick, Jim Bond, DRC; Alex Ehrens, Andrew Purkey, AMP Insights; Emelie McKain, OWRD

Action Items:

Updates/Outcomes: DBWC Staff has created a Google Drive to house comments that individuals make on chapters.

DRAFT NOTES

10:30-10:40 **1. Welcome & Introductions** *Scott Aycock, COIC*
Commissioner Chang opened the meeting up. Members in person and online introduced themselves.

10:40-10:45 **2. Public Comment**
There were no public comments.

10:45-10:50 **3. November Meeting Recap & Agenda Overview** *Scott Aycock, COIC*

- Recap and Overview
- COIC Staff Changes ***Attachment A_November Meeting Notes***

Scott reviewed the November meeting notes and provided an overview of the agenda for today's meeting.

10:50-11:05 **4. DBWC Plan and Plan Build Process Recap** *Scott Aycock, COIC*

- Recap of Plan Framing/Intent and Plan Build Process
- Draft Access and Editing

Scott shared a PowerPoint - The DBWC builds off the Upper Deschutes Basin Study and all other related studies and previous collaborative processes up to this point. The DBWC is a move from study to implementation to meet the Basin's needs. The focus for now is on the Upper Deschutes portion because we have rich data and immediate implementation opportunities, and the intention is for the DBWC process and the Plan to be expanded geographically in the future. The first version of the Plan will be a snapshot of a moment in time. This will shift and evolve regularly as we monitor results/pilots/tests, new science/research, and shifting values.

The Plan will use OWRD's Place Based Planning guidelines to build shared goals and implementation actions to achieve those goals. The Plan is not regulatory and cannot make anyone do anything. The Plan is collaborative, and the DBWC is a space to identify ways for diverse stakeholders to come to some agreements. The Plan will be the statement of those agreements. The Plan is also envisioned as a living plan: the Plan, either the implementation actions or some of the other pieces of information in earlier chapters, will continue to evolve. Staff expects that the Plan will be regularly reviewed and updated as it moves forward in time. The Plan will also be iterative within the context of building it. DBWC staff is currently building Chapters 2 and 3, however all chapters will be reviewed again in context with each other as a part of the final Plan review. For now, Staff will keep the Working Group informed as they move forward with the process, moving to approve each chapter with sufficiency, which will allow them to build later chapters. To date we've built and developed a work plan; adopted the scope of the Plan; been building and reviewing Plan content; and ultimately you will be adopting it. During the Working Group meeting we will touch on the Planning Team's review of Chapter 3 regarding both agricultural needs and municipal needs and how to characterize those.

Scott invited the Working Group members to contact him offline if anyone had any questions regarding the review process.

Scott opened the floor up for any questions: no questions were asked.

Yancy Lind, Citizen - I'm just happy to see that the comments from the Planning Team and subcommittee reviews of Chapter 3 are on the DBWC Google Drive. I'm glad to hear that.

Scott Aycock, COIC – This is the most intensive, multi-organizational review process I've seen. You've got a lot of information that folks can consult and look at to see what other individuals are saying as well as the technical team responses.

Mike Buettner, City of Bend – Question: do you have a timeline of when the project or plan is supposed to be done?

Kate Fitzpatrick, DRC - we would like to be done by June 30, 2024.

Scott Aycock, COIC - There are one or two key drivers to get the Plan done by this date. The State will be finalizing the guidelines for the Place Based Planning process at some point, and we would like to get this done before the State finalizes this. We are good right now

because we are using the state's draft guidelines. If they update guidelines and we are not done, we might have new processes that we are supposed to be using that could come with big changes. It would be ideal to get our Plan done before this.

Emelie McKain, OWRD - The drivers from the State are there, but there is an acknowledgement that this planning process is in progress. I don't anticipate us coming in and making changes at the 23rd hour and say that you must do this over again. We are going to work with this planning group to make sure that the Plan gets over the finish line and can get into implementation. The other thing I want to note on the timeline that Kate mentioned; Scott did a really nice job reminding us how much work has gone into the Plan development so far. I feel like now we're in the phase of writing and reviewing, and I don't want to understate the amount of work that it takes to get us through the writing and reviewing phase. However, a lot of the discussions to develop strategies to understand the conditions in the basin have already happened. I think the optimistic timeline is feasible given the stage that this group is currently in, compared to other planning efforts around the state.

Scott Aycock, COIC - I put my cellphone number in the chat, feel free to reach out anytime regarding DBWC with questions and concerns.

Kimberly Priestly, WaterWatch of Oregon - I had a question as a follow-up to both process and what Emilie said. I recognize there has been a lot of work thus far, but as I recall, there were several parking lot issues associated with some of the pathways. My question is, is there a process for addressing those or what is the plan there because it seems to me that will take some time.

Kate Fitzpatrick, DRC – There are some parking lot issues still to be resolved. There's also a dynamic environment where the State has recently provided some guidance on some of those issues, which means that in a way some of those issues have been resolved outside the DBWC. The way that we are approaching that is as we put the implementation plan together and integrate strategies, it will be obvious which issues we will need to resolve, and this can be through a small group discussion of whichever parties are not in agreement, and resolution. We do acknowledge that this will take time and effort, and we also acknowledge that the June 30th timeline is optimistic but we're still going to aspire to get there.

Scott Aycock, COIC – Are there any other questions or comments before moving forward? Scott moved the meeting on to the next agenda item: OWRD Groundwater Allocation Rulemaking with Laura Hartt from the Oregon Water Resources Department.

11:05-11:35 **5. OWRD Groundwater Allocation Rulemaking Update** *Laura Hartt, OWRD*

- Rulemaking Update

Laura Hartt, OWRD – Shared Oregon Water Resources Department Groundwater Allocation Rulemaking Update PowerPoint. Laura thanked Emilie and the Working Group for the

invitation to talk to the group. Laura introduced Ben Schandella, the Groundwater Data Chief from the Oregon Water Resources Department.

Presentation: (slides can be found on the DBWC site)
Laura Hartt, OWRD, walked through the water cycle and how groundwater and surface water interacts with each other. *Further details are available on the PowerPoint and the meeting recording, which can be found here: www.coic.org/dbwc (please scroll down to the Working Group section of that page)*
Presentation slides showed an example of groundwater discharging and drew the connection that if we're pumping groundwater that otherwise would be making its way to the surface water that we would be having some sort of impact on the availability of surface water.

The presentation covered rulemaking rationale and the approach that OWRD is taking. The objective of the rulemaking process is to update groundwater allocation rules to be more sustainable and protective of existing water right holders, both in stream and out of stream. Existing water rights holders won't be impacted by the proposed rules if they are adopted. Also exempt water uses will remain exempt from the proposed rules.

The statutory framework under the OWRD statute includes a four-part test for reviewing groundwater applications. When OWRD gets a new groundwater application, the department has to satisfy the four-part criteria which includes that the proposed use is allowed within the basin, water is available, existing rights will not be injured, and the proposed use complies with rules of the Water Resources Commission which includes basin program rules. The rulemaking effort focuses on the second item which is, is water available? In addition to the four-part test, there are also public interest criteria which need to be considered, including that reasonably stable groundwater levels must be determined and maintained. Under current water availability rules, OWRD defines water availability in terms of water that has not yet been overallocated. In practice this means that the department has issued new water rights and allocated groundwater up to the point that a problem is detected, up to the full annual recharge volume. Once OWRD has already detected an issue, in many cases it is too late to reverse. OWRD wants to get away from this practice and be more proactive with how they manage the resource. Under the proposed rules, new water allocation would be based on reasonably stable groundwater levels, as well as determining that there is no substantial interference with existing surface water and groundwater rights. Both proposed rule changes are defined by Division 8 and Division 9. There are new definitions for reasonably stable groundwater levels under the new proposed rulemaking. Determining reasonably stable groundwater levels looks at data from existing wells and characterizes what OWRD would consider a reasonably stable well, making some assumptions about what that might entail. This focused on wells with long periods of record. The OWRD looked at wells that had less than half a foot of change over their period of record. Wells that had 25 or longer periods of record, OWRD focused on wells that the rate of change was less than 0.6 feet per year or less averaged over 5 to 20 years. This methodology was reviewed by USGS, and through this OWRD determined that 0.6 feet per year was the maximum allowable rate of change and that 25 feet is the

maximum allowable relative decline from an annual high-water mark. This definition does not apply to critical groundwater areas designated through the Division 10 process.

The second component of the updated definitions is the potential for substantial interference. Laura Hartt gave the example of Eagle Creek in late August where we see stream flow that is essentially sustained by groundwater discharge. Existing surface water users are relying on what is essentially groundwater discharge. In this example surface water is fully allocated five months out of the year, July through November, in some cases. This means that the system is over allocated. Under the current rules and policy, OWRD continues to issue new groundwater rights that impact surface water in Eagle Creek. Under the proposed rules OWRD would base future groundwater availability, in part, on the availability of the hydraulically connected surface water in Eagle Creek. Under the current rules OWRD evaluates the potential for substantial interference - they consider whether the groundwater source is hydraulically connected to a surface water source. The OWRD generally limits that evaluation to surface waters and other groundwater sources that are within a mile and considers impacts within a year. As a result, the OWRD often ignores the long-term cumulative impacts, particularly to surface waters. Under the proposed rules, we consider whether the groundwater source is connected to a surface water source, but they will not limit it by the timing, the distance, or the magnitude of the impact. Laura opened the floor for questions:

Phil Chang, Deschutes County Commissioner - When you were talking about water available criteria and the 0.6 feet or less over five to twenty years or a total decline of 25 feet or less. When will OWRD start checking? In the Deschutes Basin we have an extensive record of groundwater levels in various locations, but for the purpose of the application of these rules, does that mean that we will start looking 20 years ago, 40 years ago, or we won't start checking until this is passed. What is the start date?

Laura Hartt, OWRD – The start date will be when the rules are effective. I have a little more information about the timeline and when we expect that to occur.

Ben Schandella, OWRD – Laura is correct that we will start evaluating the status of groundwater reservoirs in terms of their reasonable stability only after the rules are passed if they are adopted as proposed. If that happens, then the evaluation of reasonable stability in a given well will look back at different portions of that well or a collection of wells' period of record, the rate test will look back up to 20 years when evaluating the rate in a given year and the total decline test can look back over the entire period of record, not just within the well but within a groundwater reservoir that is found to include multiple wells that are observing the water level trend in that aquifer. Is that addressing your question Commissioner?

Phil Chang, Deschutes County Commissioner – That is what I was asking about. For OWRD staff that are familiar with our Basin, how far back does our record go that we have confidence in?

Ben Schandella, OWRD – It varies quite a bit across the Basin. I'm not the expert in the Deschutes Basin, but there are places where we have reliable water level records going back to the 50s and 60s but in much of the Basin, we have a lot better spatial resolution going back 30 and 40 years into the 80s and 90s.

Rex Barber, Water for Life – One thing we have going on in the Deschutes Basin is that we have over 100 years of artificial recharge through canal leakage, and now we've started piping and eliminating artificial groundwater recharge. As a natural consequence, the groundwater levels are going to decline. This is not attributable to pumping, but to canal piping. Somehow in the Deschutes we need to take that into account as we are looking at the groundwater level declines because the aquifer has been estimated to be over 1,000 feet deep.

Ben Schandella, OWRD – The type of conditions that you are describing are accounted for in the proposed definition of reasonably stable in terms of considering the reference level against which the future water level declines are judged, that is the total water level decline. In response to the feedback from the rules advisory committee, we actually added some language specifying that in areas where the water levels have been measurably increased by anthropogenically enhanced recharge such as canal leakage.

Emelie McKain, OWRD – I just wanted to make a few notes for this group in terms of the presentation by Laura and Ben on the statewide rulemaking and intersections with the Deschutes Basin. Laura went over the potential for substantial interference. In this Basin we have the groundwater mitigation program which we will be talking about later today, but that program specifically has language in it to address the potential for substantial interference, acknowledging that groundwater and surface water are connected in this Basin. That program helps to mitigate that interference. One of the things that the department did in the process of the proposed rules was evaluating the impacts on existing Basin program rules and programs that we have in the department. One of those programs is the groundwater mitigation program in the Deschutes. We did make sure that these rules don't unintentionally impact the existing groundwater mitigation program in the Deschutes. Existing, meaning modify the rules of the program or the ongoing operations of the program. These rules do not modify the Deschutes Basin groundwater mitigation program. However, when these rules are adopted they will dictate how the department evaluates new groundwater applications and those definitions of "if water is available" will be used in the evaluation. This is not to say that the Deschutes Basin is exempt from these rules, but the mitigation program exists to address some of the things that will be looked at but new applications will still have to meet the definitions of "if water is available" before entering the mitigation program. I'm happy to answer any questions about the mitigation program later.

Owen McMurtrey, COCO – There are a lot of references in the slides about the rules and what they are changing that reference Division 9 and that's interference with surface water. That's the "water is available" component of the proposed rules which affects both the determination of groundwater being available and surface water being available and

the surface water piece is not pertinent to this Basin because of the mitigation program's requirement to mitigate the impact to surface water.

Doug Riggs, COCO – One of the concerns that we have in the Basin is that by enacting a single one size fits all statewide rule, you are negatively impacting the ability of entities within the Basin to meet needs inside the UGB or at least significantly delaying that ability to meet growth needs inside the UGB. This perversely incentivizes growth outside the UGB. These rules do not address exempt wells in any way. There are 17,000 or more exempt wells in our Basin and that number is growing on a weekly basis. If the cities are not allowed to stick to their water conservation management programs, using things like xeri- or zero-scaping in the desert, and continuing to reduce per capita consumption. Essentially what these rules have the capability of doing is disincentivizing careful, regulated, monitored, compensated, and mitigated growth inside a UGB. Instead encouraging growth outside the UGB, which none of us want in the Basin. The second point is the approach fails to recognize the great work and the collaborative efforts that have been undertaken in the Basin, which includes this group. Going back many years, we have done things such as quadrupling the flows in the middle Deschutes, the restoration of Whychus Creek, and creating the habitat conservation plan. So, we are incentivizing growth outside the UGB and we are preventing a Basin which has been responsible and been at the table and stepped up over the last 25 years, and are saying that the basin can't be trusted by implementing this rigid regulatory framework.

Kimberly Priestly, WaterWatch of Oregon - I just want to point out that around the collaborative efforts in this space, discussions have not centered on groundwater declines. We've got the groundwater mitigation program that addresses impacts to surface water, but this Basin has not coalesced as a group on groundwater declines.

Phil Chang, Deschutes County Commissioner - I want to echo what Kimberly said as well as build on what Doug was saying. We have a great history of collaboration that has helped us to do a lot to restore surface flow in the Basin in the last couple of decades and now it is time for us to apply that collaborative experience and those relationships to start addressing groundwater level declines. I do hope that within this discussion of what we need to do with the groundwater mitigation program, we can start to move in a direction that we need to respond to the new policy imperative that groundwater levels are declining and recognize that letting existing users to continue to consume the volumes of water that they have been consuming isn't helping with the groundwater level decline. I'm concerned that the groundwater allocation rulemaking is only picking at pieces of the whole groundwater situation, and we need a holistic approach to address the bottom-line issue which is groundwater level decline.

Kate Fitzpatrick, DRC – I agree with Commissioner Chang, and a lot of what many of you have said; it's an issue we need to take seriously. Groundwater and surface water are in the state-based plan framework, and we care about both of those. It's been challenging because we're writing up characterization of resources as the rules are changing. We have to remember the iterative nature of the Plan. Depending on how the rulemaking lands, there is interest and some basin partners that want to pursue Basin-specific rules, which is a way

to come up with a Basin-based approach that would still be driven by science and could also involve some deeper thinking about how these things interrelate and how the basin wants to move forward. This is something the DRC would be interested in supporting, however it is no small lift. The DRC will continue to suggest to the State that guidance in the process would be greatly appreciated. This is an invitation to stay engaged and we just had the last rulemaking advisory committee so there will be draft rules out.

Laura Hartt, OWRD – OWRD is planning to notice on March 1st and have approximately a 90-day public comment period, running through the end of May. We've got four public hearings scheduled. OWRD plans on reviewing that public input and taking everything back to the commission in September for their consideration. All of this information is on the OWRD website.

Scott closed this agenda segment and moved us into the Chapter Three Overview.

11:35-12:20 **6. Chapter Three Overview** *Alex Ehrens, AMP*

- High Level Review with Municipal and Agriculture Demands
- Next Steps

All slides can be found on the DBWC website: www.coic.org/dbwc

Alex Ehrens, AMP, did a brief introduction of the presentation which will cover the Chapter 3 plan build process, quantifying and characterizing existing and future needs and demands for water in the Upper Deschutes Basin, and discussion about the current and proposed updated methods for determining the agricultural and municipal demands for water. Chapter 3 has been reviewed by the Planning Team and those edits were incorporated and sent out for a second round of review by the Agencies which staff has received comments from. The Agency edits are currently being applied to Chapter 3. Alex did a quick overview of what is in Chapter 3 which can be seen in the presentation slides.

The introduction of Chapter 3 has a high-level overview of what the needs for each of the legs of the stool look like in the Upper Deschutes Basin. The three legs of the stool are instream/ecological, agricultural, and municipal needs.

The first section is regarding the needs for instream water and ecological functions. Staff do not have one set of numbers that are used to characterize the instream or ecological demands. It's different than characterizing agricultural or municipal demands in that way. Alex used a combination of existing protections, modeled results, regulatory mechanisms, and non-regulatory targets. There are other considerations such as habitat needs for things such as frogs that will need to be characterized in the full suite of potential needs. The implementation will get as close as possible to addressing what all those needs are. The Plan doesn't have all that much in the groundwater section for the instream or ecological demands; there are placeholders for more information at this point. Alex covered the summary of the analysis from the Basin Study comparing regulated flow conditions to existing water rights as a way of understanding how far we are from meeting the existing instream water rights.

Alex covered the outline of agricultural needs in Chapter 3 and the breakout of existing and future needs for surface water and groundwater as seen below in the presentation slide.

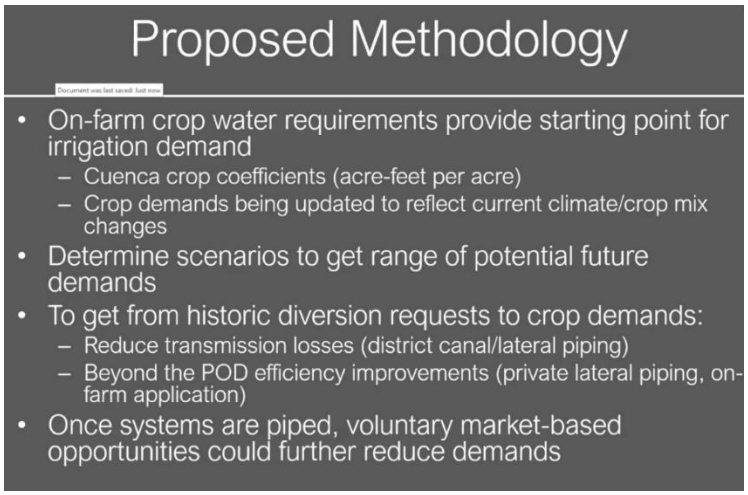
Alex showed a table in the presentation that summarized the water rights and annual diversions and the operations and delivery of water to the six irrigation districts that are using water from the Upper Deschutes Basin. This table is in the order of seniority of their district's water rights. The certificate of duty after losses was assumed out and those losses are in the second to right column.

- 6 irrigation districts use water from Upper Deschutes Basin

Irrigation District	Acres	Patrons	Surface Water Right(s)		Avg. Annual Diversion, 2006-14 (AF/year)	Transmission Loss (Duffy Decree, %)	On-Farm Efficiency (%)
			Priority Date(s)	Certificated Duty (after losses, AF/acre)			
Swalley	4,333	668	9/1/1899	5.46	25,900	43%	51%
Tumalo	7,417	667	8/5/1900; 8/5/1905; 10/29/1913	5.35	37,300	46%	60%
Lone Pine	2,369	19	10/31/1900	4.20	12,096	35%	89%
Arnold	4,384	663	2/1/1905	5.40	30,200	65%	52%
Central Oregon	42,666	Over 4,000	10/31/1900 - 12/2/1907	5.45	295,200	45%	43%
North Unit	58,887	961	2/28/1913 - 9/18/1968	5.25	116,109*	21%**	86%

There is discussion around adding in a column for the certificate of duty would be at the diversion before those losses are assumed out. Staff are working on refining these numbers because they may have changed because of water conservation projects. Another thing that was noted is that the average annual diversion time period is older. These are from the Basin Study 2006 – 2014 which does not capture the drought years that the Basin has experienced in the past decade. Staff have requested updated data from OWRD and from the districts. The on-farm efficiency numbers in this slide came from the irrigation districts' on-farm study documents. Most of the demand for irrigation water comes from surface water, but there is still some demand from agricultural groundwater outside of districts. This was assessed by GSI as a part of the Basin Study. This is not a part of what is being proposed to be updated in the methodology. Currently, what we have in the Plan for future needs for surface water is a more qualitative description of those needs. We acknowledge that on-farm crop water needs are expected to increase with climate change, although the overall irrigation need for senior districts will decrease significantly with planned conservation opportunities. These efficiency improvements are required to meet the demands of the junior districts. Future needs for groundwater are not proposed to be changed.

Alex discussed the proposed methodology.. This is just acknowledging that supplemental groundwater use may increase. GSI put together a memo as part of the Basin Study to project the mitigation demand for irrigation groundwater use from 2016-2035 which also acknowledged that there might be more emergency drought permits issued in the future if drought conditions persist.



The numbers used are currently being updated by OWRD. The initial updated estimates are quite a bit higher than what we have seen with the Cuenca numbers. These numbers will provide us with a bookend for what current crop demand would be on-farm. Then we will also project future use scenarios where we suggest some hypothetical on farm duty amounts which will give us a range of potential future demands which could address some of the uncertainty around how climate will continue to change and how crop mix will continue to change for each of the districts. There are different pathways we've identified which are canal piping, private lateral piping, and acknowledging that once the systems are piped, then the voluntary market-based opportunities come in which further reduce agricultural demands. There are no numbers behind this yet, this is just the proposed methodology.

Scott Aycock, COIC – Opened the discussion for questions.

Yancy Lind, Citizen – In an earlier slide, future weather and climate projections were brought up and incorporating that in some way. I've been watching all the RAC meetings and how incredibly political this is. Some of the significant flaws in this entire process in my opinion, which is completely different from what other members of this group think the flaws are, is the complete avoidance of the discussion about future climate trends. I'm hoping that we are not going to do that here. Can you talk about how you will navigate this massively political topic in this document, I would like to hear that.

Alex Ehrens, AMP Insights – Later in Chapter 3 there is a discussion, a subsection for climate change and expected impacts. That came from the Basin Study modeling efforts of future projected climate change. In this chapter there is a detailed section on climate change and the results of the modeling efforts that were undertaken in the Basin Study. Specific to this section, we are updating the crop demand coefficients with the State's numbers, to reflect a warmer climate which will need more water to grow crops in Central Oregon. This is how it's being addressed here in the context of agricultural needs and the general discussion of projections are later in the chapter.

Andrew Purkey, AMP Insights – Just to clarify… My understanding of what the department is doing now is to estimate what current demand looks like based on satellite imagery. To

understand what future demand could look like is obviously very complicated and can be somewhat speculative, so we will have to use some proxies that are likely based on an assumption that once the Department updates current consumptive use demands per acre, in the future with a warmer climate, that per acre number is very unlikely to go down. If it is to go up because of a warmer climate, we can maybe use some incremental increases from what the OWRD comes up with in their use of open ET right now to give some ranges of what a per acre consumptive use could look like with irrigation in the future.

Kate Fitzpatrick, DRC – We want to try and do this as well as we can, but we know it's going to be harder to meet all the needs in the future in a climate change scenario. What we really want to do is make sure that we have an implementable plan so that we can do the projects that buffer resiliency for the system. We don't want to get too caught up around the details of perfection and we want to make sure that we know there's a lot of opportunities for generating water. In my mind, I want to fucus on making sure we can get those things implemented.

Yancy Lind, Citizen – So really limiting it to coefficients, which makes it a much more manageable Plan. I got it. Thank you.

Phil Chang, Deschutes County Commissioner – With projected climate change there's potential for whole scale switching of crops in the Basin. Would the farmers choose to grow completely different things?

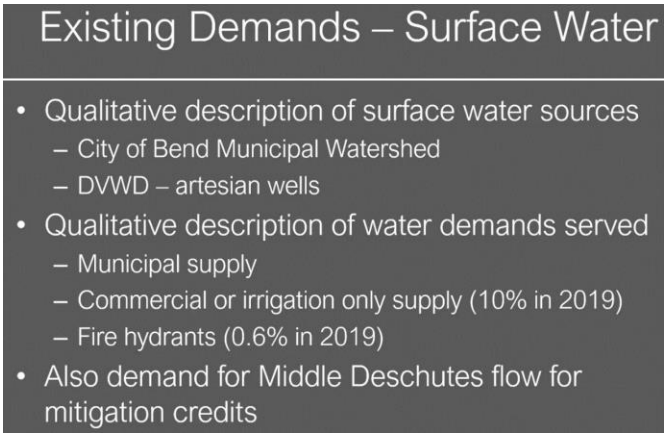
Kate Fitzpatrick, DRC – I'm not an ag expert, but I think farmers are making those decisions.

Mike Britton, NUID – Yes, farmers are already considering more drought resistant crops and different crop patterns. To add to what Andrew said, there are still a lot of unknowns out there. If we continue to be in a warm dry scenario for decades to come, what we are doing today will look very different in 10 to 20 years from now just based on cropping patterns in the Basin. We need to put a pin in that and try and figure out what that looks like. We can look at other places like Australia or South America and other places that have experienced decades of drought and see what they are growing and use that as background information for the work we are doing.

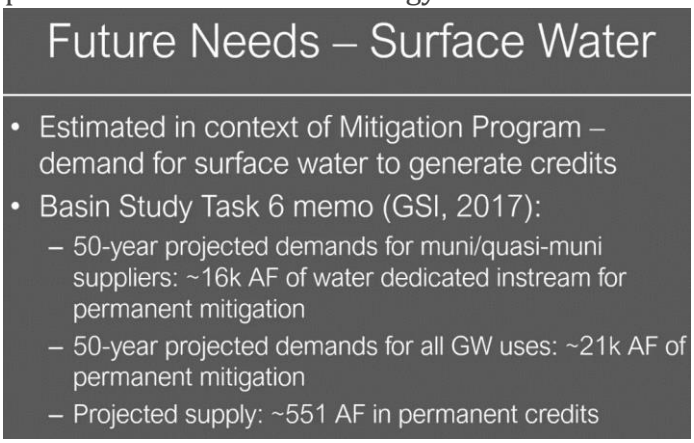
Jim Powell, Resident – This is a great approach in my perspective. Where you are looking at agricultural requests based on what's actually delivered to the crops as opposed to what we've traditionally done. The opportunity for this group is to decide how we are going to distribute the water that you save either through the piping and or conservation on-farm. The water that is being transmitted or diversion losses, right now, could help recharge your groundwater if it were left in reservoirs or left in the river. There was an article recently that was looking at the Amazon, and if it collapses, they project that the Central Valley will lose 50% of its precipitation and the Pacific Northwest will lose an additional 20% of its precipitation. So, you are right, it's up in the air and we just don't know.

Alex Ehrens, AMP Insights – Thank you for your comments, everyone. Hopefully we will get at that uncertainty with these scenarios that we work towards to project the future demands.

Alex moved on the municipal demands slides in the presentation.



Most of the demands in the Basin come from groundwater so we have a qualitative description of the surface water demands that currently exist in the Basin. Alex moved to the existing demands of groundwater in the Basin. This information on groundwater demands was pulled together by GSI's portion of the Basin Study. This section is not what is proposed to be updated in the new methodology.



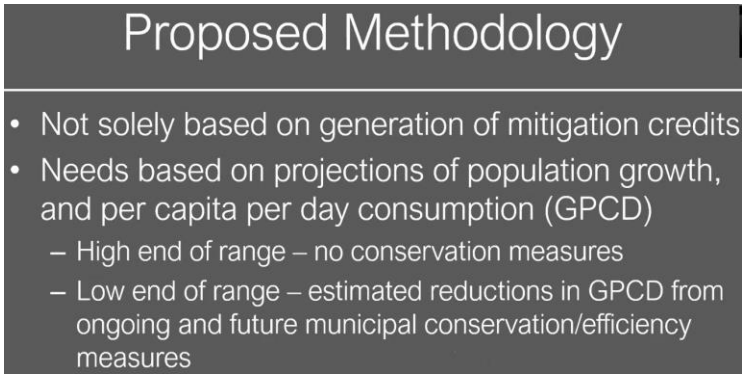
As a part of the Basin Study, GSI looked at 50-year projected demands for municipal and quasi municipal suppliers that bring about 16,000 acre feet of water that would be dedicated instream for permanent mitigation to offset future groundwater permits. For all uses of groundwater the 50-year projected demand would be roughly 21,000 acre feet of mitigation. The projected supply is much lower, around 550 acre feet in permanent credits. This analysis did not include the city of Redmond because they have enough credits to meet their supply. This analysis did include the cities of Prineville and Sisters, which are outside the current planning area. This might be updated in the new methodology.

Phil Chang, Deschutes County Commissioner – We are seeing the State start to drive us towards action strategies that will make people use less water, become more efficient, and

to conserve more. What kind of assumptions did you build into your anticipations of the future?

Alex Ehrens, AMP Insights – That's a great segue. We haven't built those in yet but they will be a part of the proposed new methodology. Updating the per capita consumptive use rates would be if different levels of conservation measures are implemented by the cities.

Alex went to the proposed methodology slide:



The proposed methodology wouldn't be solely based on the generation of mitigation credits anymore, but it would instead be based on projections of population growth and the projections per capita per day consumption rates of municipal water users and quasi municipal water users. The estimates of what could be reduced from conservation is still in the process of being developed.

Alex Ehrens, AMP Insights – Does anyone have any questions about the methodology?

Phil Chang, Deschutes County Commissioner – This whole section was built around the groundwater mitigation program. I have concerns about that being the way that we frame and meet our future needs. The groundwater mitigation program, it's net effect so far has been to really help us restore flows in surface water bodies and the groundwater mitigation program was not designed to address declining groundwater levels. If it's going to be a huge policy driver in the future from state regulators and building strategies around this framework of the groundwater mitigation program, I'm not sure if that's a good way to set up the chapter. There has to be an explanation that policy imperatives around groundwater are really shifting.

Alex Ehrens, AMP Insights – With this proposed methodology, we are going to move away from mitigation credits as being the way to determine municipal demands. The discussion will still be in there and then we can include what you've just said, but this methodology would be more based on population and per capita use and conservation measures that are implemented.

Owen McMurtrey, COCO – Response to Commissioner Chang: When we think about the new rules and the mitigation program, we must keep in mind that a lot of the demand for mitigation credits is for existing permits. The demand projection cited in the Basin Study

and the need for mitigation credits there is overwhelmingly for existing permits. The main reason that's relevant to this process is that when we talk about mitigation demands, that has an impact not only on city water supply but on instream flow in the Middle Deschutes. We have to be able to articulate not just what cities' demand is, but if cities meet their demand, and there is also an impact on the instream flow Middle Deschutes by way of protecting water past Bend. That is overwhelmingly how credits have been created.

12:20-12:30 **7. Roundtable Updates & Sharing**

Yancy Lind, Citizen – What is the timing on Chapter 2?

Alex Ehrens, AMP Insights – We are going to discuss comments and conflicting views on the groundwater section in our next Planning Team meeting. Once we have an agreement there, we can refine that section. I have already applied all the Working Group comments into Chapter 2. So once that is ironed out, we can send it back out. For final review, I don't have a timeline on that.

Yancey Lind, Citizen – Two weeks?
Alex Ehrens, AMP Insights – That is realistic, yes.
Scott Aycock, COIC – Hoping for some resolution at the next Planning Team meeting.

Kate Fitzpatrick, DRC – A quick piece of good news; we applied for $700,000 for Upper Deschutes habitat restoration projects so the Watershed Council will be taking the lead and getting four designs completed so we can then apply for funding to start implementing the complementary habitat restoration. In addition, we just submitted another $3 million plus grant to OWRD to complete the funding needed for another COID lateral piping project that will put another 3.4 CFS in stream. There's all sorts of on-farm projects and private lateral projects being hatched and going in COID as well. Thank you all for the quick letters of support from this group.

Mike Buettner, City of Bend – In response to Yancy's comment; you mentioned something about the RAC. The groundwater RAC and how it was political. I don't know if I would describe it as political, but one of the challenges with the RAC that I wanted to share was that there wasn't a lot of meaty discussion where people rolled up their sleeves and got into a room and had a constructive discussion about options and compromise. It was a large group so there were a lot of position statements. I attended three of the meetings, and Yancy you were probably at more of them than I was. I think what it could have really benefited from was some professional facilitation. The process suffered because of this.

Scott Aycock, COIC – I just want to say that you just outlined the difference between doing collaborative work like this and hearing-based regulatory process work. Thank you for bringing that up. Thanked everyone for their due diligence, engagement, and participation. Asked for final comments.

12:30 **ADJOURN**