Deschutes Basin Water Collaborative

Working Group Meeting Notes

April 5, 2024 | 10:30-12:30 PM | Hybrid

In-person: Bend Municipal Court Room inside of the City of Bend Police Department (555 NE 15th Street, Bend, OR 97701)

Attendees: Yancy Lind, Jim Powell, Resident; Craig Horrell, Jessi Talbot, COID; Becky Powell, Marilyn Koenitzer, League of Women Voters of Deschutes County; Jeremy Austin, Central Oregon Land Watch; Kris Knight, Upper Deschutes Watershed Council; Mark Reinecke, Avion Water Company; Nancy Gilbert, Sierra Club – Juniper Group; Mike Trip, Trout Unlimited – Deschutes Redband Chapter; Mike Britton, NUID; Owen McMurtrey, COCO; Bruce Scanlon, OID; Carolyn Sufit, OWRD; Paul Lipscomb, Oregon Land and Water Alliance; Mike Buettner, City of Bend; Kimberly Priestley, WaterWatch of Oregon; Jerry George, Oregon Department of Fish and Wildlife; Tim Deboodt, Crook County;

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

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

Draft Notes

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

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

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

- Recap and Overview ***Attachment A_January Meeting Notes***

Scott Aycock, COIC – We're going to do a quick recap of the last meeting. At each of the Working Group meetings we will go over the plan build process. What we're trying to achieve here, and then there is one change we've made to that process. The bulk of the meeting is the full chapter 3 Review. Last meeting we had some discussion on some elements of Chapter 3 a processed through it and got some concurrence on the approach. Today we are looking at the full chapter and digging deep into it. If time allows at the end, we will have a roundtable discussion. If we don't have any questions about the agenda, we will move onto a recap from the last meeting.

In our last meeting we did a review of the DBWC and the effort to build the Plan. We also had Laura and Bend from OWRD give a presentation and update on the State's

groundwater allocation rulemaking process. The Working Group had rich conversation around that presentation and update from the State. Some of that discussion was around the "water available" provision and how that interacts with things, and how to do that in the light of things like human caused recharge, climate change, etc. As well as what is the reference level that they're trying to manage to? Emilie with OWRD did make a note that the rulemaking process is intentionally avoiding impacting the existing groundwater mitigation program. There was also some discussion from members about statewide rulemaking and how that does or does not serve the needs of individual basins. The question was posed; could there be an unintended impact from that sort of rulemaking process, would it make it harder to accommodate development within Urban Growth Boundaries (UGB) or would it push it outside UGBs? There was also discussion about whether there would be an opportunity or an interest in doing a more place based or specific subcommittee to create more basin specific rules that do tier to the statewide rules. There's a lot more discussion to this issue as we keep moving forward and as the State continues its process. Discussion on some issues that Staff and the Planning Team have been wrestling with for Chapter 3, specifically, some proposals and methodology on how to characterize future agriculture and municipal needs for water.

Kimberley Priestley, WaterWatch of Oregon – I just want to make a clarifying point just in the way the groundwater information is being presented. I appreciate that you are presenting in, but basically the way it was just presented it's saying that there was a discussion, and my memory is more that people made points related to the groundwater allocation rulemaking, but it wasn't necessarily a discussion. So, I just wanted to say that so it's clear to everyone.

Scott Aycock, COIC – Yeah, really it was comments. There wasn't an attempt to drive towards resolution or anything like that. It can be referenced in the notes, if needed. The Working Group meeting notes are quite extensive, and we do that intentionally. We did have a discussion a long time ago about how extensive the notes should be. Some folks said no, and others said yes, so we went with keeping them extensive because it doesn't hurt to capture more. As an ongoing invitation, if you ever have concerns about the notes please let us know so we can fix them before they get to the website.

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

- Review & Changes ***Attachment B_Plan Build Process***

Scott Aycock, COIC - Scott shared the Plan build process PowerPoint. The DBWC builds off the Upper Deschutes Basin Study; shared information in the Basin Study is necessary for collaboration. The DBWC is a move from study to implementation to meet Basin needs. The focus for now is on the Upper Deschutes portion because there is rich data and immediate opportunities here. There may be opportunities for expanded geographic focus in later efforts. The DBWC Working Group agreed to build a Collaborative Plan using OWRD's Place-Based Planning Guidelines to build shared goals and implementation actions to achieve shared goals. The Plan is not regulatory or compulsory. Staff is currently building Chapters 3 – 5. All the Chapters will be reviewed again, in context with each other, as a part of a Final Plan review. Once the Plan is finalized, there will be a "summary version" for

easier consumption by residents, legislators, etc. Scott reviewed changes in the Plan writing process:

1. DBWC Staff writes draft chapters
2. First Draft sent to agencies for big-picture/high-level review
   - Staff incorporate comments
3. Updated Draft sent to Planning Team and relevant sub committees
   - Staff revises based on comments = Second Draft
4. Second Draft send to Working Group 3 weeks before the Working Group meeting
   - Request all substantial feedback from WG members one week before meeting (to prepare for WG discussion)
5. Working Group presentation and discussion on Second Draft
   - Gather more feedback and comments during WG meeting.
6. Additional time provided after the Working Group meeting to submit final comments.
   - As necessary, ad hoc meetings are held with commenters to resolve issues.
   - Staff incorporates comments = Final Draft
7. All Chapters will be reviewed again, in context with one another, as part of a Final Plan review: The Plan is iterative within the context of building it.
   - e.g., discussions/agreements made for chapters 4 & 5 may impact text in chapters.
   - There will also be opportunities to continue bringing in new information as we build the Plan, e.g., the State's Groundwater Rulemaking
8. Call for Vote to Approve the Plan in WG meeting or via email.
9. If there are red cards, per the DBWC Charter, the Plan is sent back to the Planning Team for refinement.
10. Planning Team recommends proposed edits to Working Group
    - Working Group reviews edits outside of WG meeting.
11. Call for Vote to Approve – in WG meeting or via email.
12. Once the Plan is finalized, there will be an executive summary version, a simplified document created for easier consumption by residents, legislators, etc.

Kimberley Priestley, WaterWatch of Oregon – I do appreciate that somewhere in your narrative you said that we might have to do multiple versions. It might be that we have to do multiple reviews when we get to the final, so I appreciate that. However, I am concerned about the structure as it is laid out. I think I've raised this before, especially between number 6 and 7 where the Working Group is given time after the meeting to submit comments and then it is incorporated into a final draft, and then we don't see that final draft until the end. My concern is that there might be issues where the person that was happy with the original language is left out of the conversation if there are more people that are unhappy with certain language. It just seems like we may be missing a step for review of the comments and/or an opportunity to comment on the incorporation of the Working Group comments. I'm less worried after hearing that in the final state we can have multiple reviews. However, it's not actually written out in the Plan build document.

Scott Aycock, COIC – I'll add that on this piece here. You will have an opportunity to see that final draft, because it's all going in that Google Drive folder that we've shared with everybody. This also includes all the comments and all the responses to the comments.

Maybe what we need to do is when we've gotten all the comments, and we think we've resolved things we can let people know that the "sufficient enough" version is now posted in Google Drive. Kimberly, there was another comment in there which had to do with the person who was in favor of the original language not being a part of the ad hoc group. This shouldn't happen. In other words, if we have folks on two sides with differing opinions, they should all be in the meeting discussing the language and any changes.

Kimberley Priestley, WaterWatch of Oregon – I appreciate that, but are we going to be aware when people are happy with existing language? They will not be commenting "I agree, I agree".

Scott Aycock, COIC – So if there's a change to language that you really liked, but you didn't comment that because you just left it in there. What do we do with that? That's a good point.

Lisa Seales, DRC – Hopefully that would get discussed, right? For example, if three people brought up an issue about a particular topic that would be something that would be discussed and then we would, as a group, come to an understanding about how we would alter that language. It wouldn't be something that would happen in a complete vacuum without the Working Group members knowing that there would be a change to the language. Does that make sense?

Kimberley Priestley, WaterWatch of Oregon – That does make sense. However, today we are supposed to be talking at a high level, but say when people are doing the more comprehensive writing comments after today, things pop to mind that are actually a big deal. I don't see a pathway aside from the people who comment to bring in others. It sounds like from your responses that you're open to that, so I just wanted to raise that concern that the written outline doesn't appear to leave openings to ensure that we really have as many opportunities to comment as is needed. Another concern that popped to mind when Scott was talking about if there is not consensus, we'll just put it in there and maybe have a note that there wasn't consensus or a minority report. I think it would be better to strive for consensus, because this document could live beyond this Basin. As we know, people take sections of plans to go to the legislature to advance policy or funding. I would just ask for a little more thought on that point. How do we really encourage consensus? So that this is a Plan that everyone who has signed on to it is behind.

Lisa Seales, DRC – I'll respond to both things. If we do convene an ad hoc meeting to discuss a particular issue, I feel like we could very easily let, and will let the whole Working Group know that an ad hoc meeting is being convened, so everyone will have an opportunity to participate. To your earlier point, Kimberly, no one who agreed is inadvertently left out of the discussion because they didn't write "I agree, I agree" in every sentence of the Plan. I think that we can get around that by just letting the entire Working Group know when we're having those discussions. On the second point, we are always going to be striving for consensus, but we just want everybody to acknowledge that despite that being our goal, there may be points throughout this process where we just can't reach that. At that point,

we either have to decide that we're going to strike the topic entirely, or we're going to not in the Plan that there isn't consensus. We can deal with those issues as they come up.

Kimberley Priestley, WaterWatch of Oregon – I think the striking makes sense. It might not be that we include non-consensus items in the Plan but then have a note at the end that there wasn't consensus or an addendum that states the issues discussed but not agreed to. There could be concern about the extent to which all our names are being attached to this report. If we can't reach consensus there should be a parking lot of the sorts. The State did that with the 2015 Drought Task Force report and it's super useful because we have the things that people agree to and then at the end people have the documentation of things that were discussed but not agreed to. Interested people can still use that list to advance specific things to their organization. It's just good to have it documented.

Scott Aycock, COIC – We'll add some more clarity to this list of steps. Another thing I would mention is that even if we set a Chapter as "sufficient" to move on, this doesn't mean you can't continue to add comments in the Google Drive folder for consideration. Even a placeholder for yourself for when we get to a final Plan review, just as a thought. The other thought is what you just proposed, Kimberly. We've gone all over the place on the consensus piece. It took a very long time to hammer this out. I would suggest that'd be a good topic to bring over to the Planning Team. We don't have to change the charter, but this might be int eh better interest of the Group to go that route. I think we should discuss it and see if that makes sense. Some of the in-stream folks that were really opposed to requiring full consensus, due to the fear of never getting there. It was a lot of discussion to get to this point.

Kimberley Priestley, WaterWatch of Oregon – I agree that there were conversations on full consensus, or that level of consensus. I'm happy to abide by the charter. I just need to go back and remind myself of what it says. I just think we need to try and get as close as we can and if we can't, then document it accordingly.

Scott Aycock, COIC – It does say that this is a full consensus seeking group. We are going to do everything we can to get there. We are including these ad hoc meetings and just drive it and drive it. I think what you're suggesting is an intriguing idea. It's better actually to kind of pre plan for that than to wait for it to happen. I would just suggest we bring it over to the next Planning Team meeting.

11:05-12:20 **5. Chapter Three Review** *Alex Ehrens, AMP Insights*

- Substantive Comment Discussion ***Attachment C_Clean Version 3.14***

Alex shared the Planning Step 3 PowerPoint which can be found on the DBWC website.

Alex Ehrens, AMP Insights – I will be presenting today on Planning Step 3 of the issues facing the collaborative Plan. I did go over some pieces of Chapter 3 specific to some proposed updates to methodology that we use to estimate agricultural demands and municipal demands. There was a little bit of discussion around that, and we'll revisit what we have applied those updates. This presentation is about the whole Chapter and diving into the

comments that we received from all of your feedback. Thank you to everyone who provided their comments. We're at the third step in the plan build process where we're characterizing current demands and future needs for water in the Upper Deschutes Basin. We are in the review status. These are the substantive comments that we will be discussing today. We'll have another opportunity to review this Chapter and get more into the specific details and word smithing.

The introduction to the Chapter starts with the three legs of the stool that describe what the types of needs are for each of those legs which are in stream ecological demands, agricultural demands, and municipal demands. This was pulled from the objectives identified as part of the Basin Study. A comment made about the in-steam needs was about which species we should specifically call out when we're discussing in steam needs for water. The Plan right now just includes Red Band trout and the Oregon Spotted frog. We have had some comments that we should maybe expand that to include other ESA listed species. In Chapter 2 we do already have a pretty detailed discussion of what those species are and what their needs are. We do not need to get that specific here in Chapter 3.

Becky Powell, League of Women Voters – My problem with agriculture is about irrigation districts, not about on farm. Sometimes the comment will be too specific and unless you can include on-farm needs.

Alex Ehrens, AMP Insights – Within districts or outside districts?

Becky Powell, League of Women Voters – Within districts.

Alex Ehrens, AMP Insights – I think that is included in discussion of agricultural needs, and that there's district actions that can be taken, and then also on-farm actions or patron actions that can be taken as well. In Chapter 4 we'll discuss the pathways as well in a lot of detail.

Alex went over the instream/ecological demands on surface water:

Comments from this section included a need for expanded flow data coverage, and relation/discrepancy between flow protections/targets and actual ecological water needs. A few things pointed out by reviewers, first is just nothing that there are some reaches in the Basin that aren't covered by either Riverware or OWRD stream gauge date and some of these reaches might provide some critical habitat for fish species. We should acknowledge that these data gaps exist in some of these reaches. We had a suggestion to potentially calculate what those flow estimates might be. The Oregon Department of Fish & Wildlife provided guidance documents to help recommend methods to determine flow estimates where there isn't data. In the timeframe that we have for this Plan, we do not have the time or staff capacity to be able to do that for every reach that does not have data. There can be acknowledgement that there's a need to expand the flow data and that there's already a section in the draft of Chapter 4 where the Plan talks about measurement and monitoring, and we can prioritize reaches in that section that we may want to expand flow data coverage.

Scott Aycock, COIC – Are we still planning in Chapter 5 to have actions, not just because Chapter 5 is the implementation plan, but also having areas where we want to get more data?

Alex Ehrens, AMP Insights – I think there could be a section in Chapter 5 where we could point out areas in need for future work.

Alex Ehrens, AMP Insights – Does anyone have comments on the surface water aspect of the instream demands before we move on?

Tim Deboodt, Crook County – I apologize for being absent for a while. The seasonality of these requirements, are they addressed anywhere? And then through the discussion of all these needs in the ecological, agricultural, and municipality, we use different measurements of water to express those needs. Cubic feet per second for instream, acre feet for agriculture, and million gallons for municipalities. Are there any attempts in the future to come up with a common measurement? If not, we need to explain what each measurement means. We need to reflect how one million gallons sounds like a lot, but when compared to acre feet that's only three acres. Particularly thinking of who's going to use this in the future, maybe we need to be thinking about the reader and using a common measurement across.

Alex Ehrens, AMP Insights – That is a good point, on the first point on seasonality. We do include tables in there of instream water right flow amounts, and the modified presenter standard modeled flow amounts that have it by month. So, you have a measure of seasonality of those protections and modeling efforts. For the second point, we had some comments on that as well on this section. Basically, the Basin Study results were all in acre feet. For the instream demands, I converted those to CFS. I can do that for all other demands as well. They're currently in acre feet, but I can also say acre feet but then in parentheses include what that is in CFS and then in one million gallons.

Tim Deboodt, Crook County – The problem with using CFS is the old adage, "well I can dump it all in one month or I can spread it out over 6 months", and it's the same acre feet, but the flow rate will be different.

Kate Fitzpatrick, DRC – There are times where for flow needs, CFS is important. Obviously by month. I think we can make an effort to, when possible, equate CFS to acre feet, and I think we use acre feet for cities instead of one million gallons.
That's a great point that we should consider throughout as much as we can.

Scott Aycock, COIC – We've also talked about a glossary of terms to things like that. We should start building it out sooner than later so that we can refer to it. Including conversions.

Kimberley Priestley, WaterWatch of Oregon – This is maybe a different point than the conversion conversation, but I thought that the initial convening of the ecological flow group was going to try and come up with a recommended number. Maybe that's too hard to do, but I'm wondering whether it would be helpful to query that group to see if they think coming together to try and come up with a recommended flow number is doable. I think the group did a good job at populating all the different buckets of flow needs. Curious what others on that committee think.

Alex Ehrens, AMP Insights – In the ecological needs committee, we attempted to do that. I think the consistent conclusion we kept coming back to was that we can't really get that one set of numbers.

Lisa Seales, DRC – I guess that is something we should talk about. When you say that, it's not just one number. It reaches across a very large geographic area. Again, with the seasonality of streams. My question would be, would the charge be that we would have one number for every single stream reach in the Basin for every month of the year? I'm asking this because that seems like a large undertaking.

Kimberley Priestley, WaterWatch of Oregon – I can check with my colleague who's a part of the Army place-based planning effort. I know they've done a lot of work on determining flow. I'll see to what scale they're doing that and get back to the group. Again, I was not at the last ecological flow meeting so apologies if conclusions were made that I don't know about.

Jim Powell, Citizen – I think it's important that whatever numbers you come up with, they get labeled as to what their derivation is because the asks have been very different from 20% to 80% of what biologists thought a particular species or flow rate should be in each segment. I thought that you all have done a nice job of trying to point that out in this chapter, but if we come up with flow rates it's going to have to have some sort of parameter around it to say, "this is only 50% of the flow and this will only give you this percentage of a robust population of this particular species".

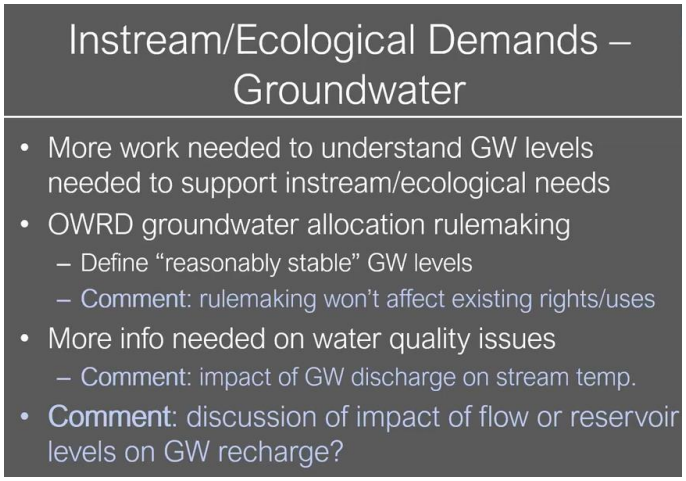
Alex Ehrens, AMP Insights – That's a good point. I believe we can add that if we do come back to actual numbers later in this Plan process, we'll also describe the methods that we use to get to that as well.

Lisa Seales, DRC – I'll also point out that in the ecological needs committee's discussions, especially regarding the Oregon Spotted frog. There wasn't a number that we could hang our hat on, and so much of the future of the frog relies on restoration activities to meet the flow that exists. The other caveat that makes it challenging for us to hang our hat on specific numbers for specific reaches is because it's not just about a number. It's about other activities, such as restoration and flood plain habitat, wetlands, etc.

Jeremy Austin, Central Oregon LandWatch – Just looking at the conclusion, I have two thoughts. One is, it does use acre feet throughout in the conclusion bullet, it would be easy to just pull those forward. The other piece that it does again, and there's a note here in it but provided the shortages for instream and it says what those calculations don't include. We might just say "here's the calculation, here's what this does include" and that might be the basis for having a discussion at least about a basic wide metric for instream need would address the stream by stream.

Kate Fitzpatrick, DRC – It's been a tricky issue forever. It was really easy when we just use the State instream water rights because they were clear, but they're not sufficient. To some extent it's an optimization exercise, since we don't have abundant water to meet 100% for honestly proficient wildlife, 100% would be ideal. We're not going to get there. So, I think Jim, one of the ways we can address that is when we do have our Chapter 5 implementation plan and we can address how far do we get? And what does that mean based on the suite of information we have on instream flows and articulate that really clearly and try to get as much as we can when optimizing against the other needs.

Alex discussed the instream/ecological demands for groundwater and the comments that were made about this section.



Phil Chang, Deschutes County Commissioner – It's really difficult to connect groundwater levels to a discharge to a stream. I was just looking at the maps that are in this chapter. We do have maps that show the direction of groundwater movement in the Basin which could

be helpful for people to understand. If there's a significant new large groundwater extraction here, where might that have consequences or impacts for discharge to surface water? I'm wondering if that would be a useful thing to add to this chapter, at least to give people a sense of the spatial dynamics of that question.

Alex Ehrens, AMP Insights – I think that would be useful to add and we have those maps already.

Jeremy Austin, Central Oregon LandWatch – This comment is going to be out of order because I do have to leave, unfortunately. Apologies for that. One thing I was noticing was the geographic scope map at the beginning of this section. One of the tensions there is that it shows all the districts, but not all the districts are included within that redline. Only two districts are fully within the redline and that figure, but six of eight districts are included in the Basin withing the planning area, and then same with the cities. I don't have a great recommendation other than maybe just turning on the layers for irrigation districts that are part of this, and sort of noting that within it.

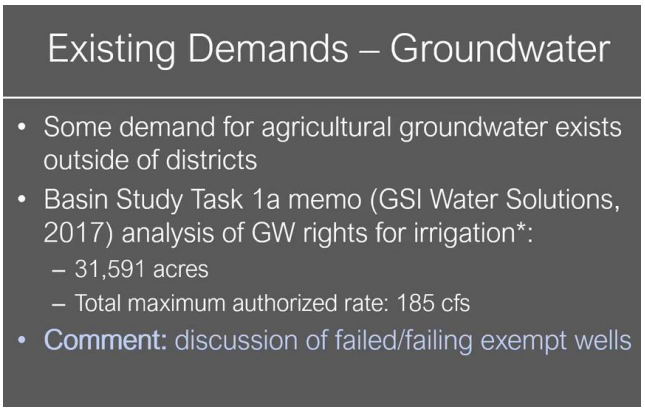
Alex Ehrens, AMP Insights – In the agriculture section I do mention that the other districts that aren't within the actual bounds of the Basin use water from this Planning area.

Jeremy Austin, Central Oregon LandWatch – And maybe that suffices. I'm just flagging it as a clarification of what's included in the Plan at the very beginning description. All the districts are not necessarily withing that red boundary.

Scott Aycock, COIC – What if instead of changing the map, we just annotated it?

Jeremy Austin, Central Oregon LandWatch – You could absolutely put that in the description too. Just a small flag.

Kate Fitzpatrick, DRC – I just wanted to make one reminder that there is a parallel process that Chris Knight from the Upper Deschutes Watershed Council, who is on this call, is meeting to create a strategic action plan around the habitat work in the Upper Deschutes in partnership with the DRC and the Deschutes Land Trust and Jen with Fish & Wildlife with additional services is very involved, and it helping to input the recovery plan information. Let's not forget to cross lock that and there might be a time where we could pull in some information that's going into that report or at least reference it.



Owen McMurty, COCO – I just wanted to point out your instincts are good on commercial irrigation. You are not allowed to use an exempt well for commercial irrigation.

Phil Chang, Deschutes County Commissioner – I've seen data that shows at least 200 wells that have gone dry in the last three years in Deschutes County.

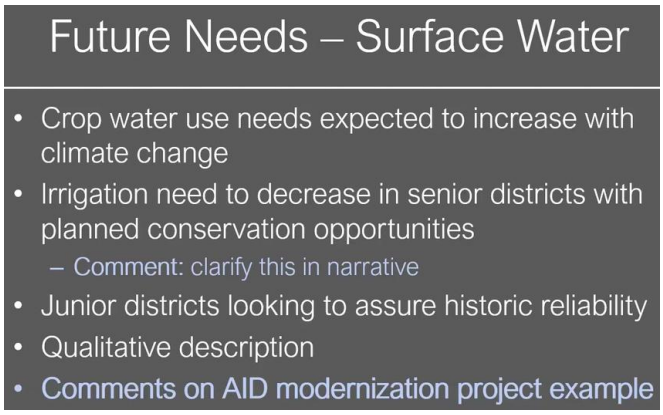
Tim Deboodt, Crook County – Theres some recent press where OWRD is actually now enforcing the exempt well, non-commercial agriculture issue or farm stands people selling farmers markets, growing vegetables, utilizing their well for irrigating those "commercial", I call them commercial, but OWRD did not like me using the word commercial for those kinds of enterprises. It's selling agricultural products that's commercial from an exempt well. They are not taking enforcement action against some of that.

Lisa Seales, DRC – I think our point was just because of that, legally, they're not allowed to sell things commercially from those exempt wells.

Kate Fitzpatrick, DRC – I would just be careful because exempt wells are outside of UGB's, I think if we want to make sure we put it in the municipal section we explain why they are different.

Alex Ehrens, AMP Insights – There is a separate section in section 3.4 that talks about other sector needs, and that has a domestic wells section. That would be where it goes.

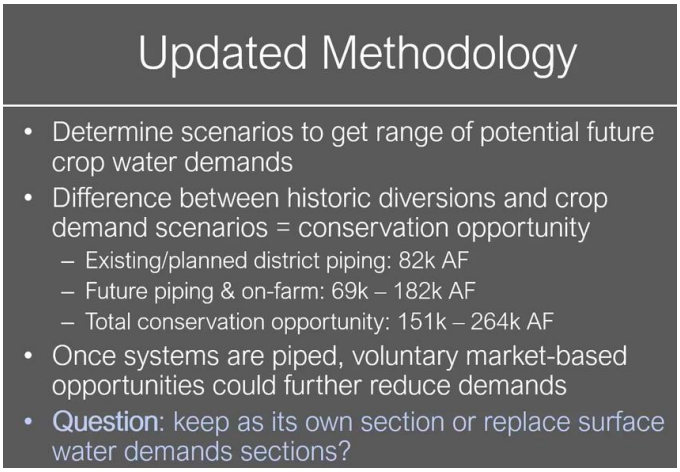
Phil Chang, Deschutes County Commissioner – Using the label municipal to talk about exempt wells is problematic.



Tim Deboodt, Crook County – I'm curious about your crop water use model. In thinking of some of the predictions of climate change, it's an actual shift in precipitation and not just forms of precipitation. If we're moving to a warmer summer, think that crop needs are going to go up, which they probably will. If we're shifting to springs and earlier summer precipitation, then the implied crop water use need from an external source is going to be maybe equal or less than current. Where we rely on stored water for summer use. How do you balance if you are really looking at climate shift and how that's affecting crop water use needs, then you also have to think about that climate shift and how water is coming.

Alex Ehrens, AMP Insights – In a couple of slides you will see the updated methodology and in that analysis where we look at crop demands, we use a few different scenarios of what potential crop water demands might be in the future. There's uncertainty around that, and we just don't know. The best we could do is provide a range there.

Tim Deboodt, Crook County – Our water needs are always just based on heat, wind. They are never based on what is coming in. Alfalfa takes 36 inches of water, but we never say "in that summertime, if you have one inch rain in June now you only need 35 inches", you know? It's kind of thinking of what the demand is. In the case of this we are also talking about the supply side. To imply more crop water use need without talking about how supply might change because of mother nature.



Alex discussed the updated methodology. This is the result of what the Working Group proposed in the last Working Group meeting, the analysis that would change how we

estimate agricultural demands for water and using that scenario analysis to get a range of what potential future crop water demands might be.

Alex Ehrens, AMP Insights – I misunderstood how the allocation conserve water statue works. Any water conserved through that program is taken off district certificates. I just went ahead and removed that sentence. I think it's just inaccurate and didn't need to be in there.

Tim Deboodt, Crook County – (audio not clear)

Lisa Seales, DRC – I feel like that's well acknowledged in sections as we go through Chapter 4 discussing all the different ways in which conserved water makes its way to other users and a lot of that is temporary. So yes, your point is correct, but the sentence that Alex struck may cause more confusion in this discussion.

Alex outlined the municipal and quasi-municipal needs, reviewing the introduction, existing surface water demands, existing groundwater demands, future surface water needs, and future groundwater needs. Alex asked for clarification on destination resorts from Owen.

Owen McMurty, COCO – The demand projections from the Basin Study included both municipal and quasi-municipal water suppliers and the destination resorts that I'm aware of generally are supplying at least their potable water via quasi-municipal water rights, so they would be included in those numbers.

Scott Aycock, COIC – Is there a way to come up with a forecast of potential possibles given how hard they are for future destinations or needs?

Phil Chang, Deschutes County Commissioner – There are a whole lot of attorneys who are deeply invested in keeping that an ambiguous question. I did want to say, this weird term quasi-municipal, it occurs to me that another way of explaining different residential settings as water users might be… We have exempt well properties, and we have a variety of rural subdivisions often served by a community water system. For example, halfway out to the Badlands, I would rather call that a rural subdivision, then quasi-municipal. A rural subdivision is a category that could include destination resorts. I want to make sure everyone understands that that includes destination resorts and to not fixate on destination resorts. Then there are cities and quasi-municipal water suppliers who are supplying cities. Then there are destination resorts like Tetherow that are on city water. Theres a large mix of things, but a rural subdivision is a community water system, it's not people on exempt wells. There are different ways to categorize and compartmentalize things.

Alex Ehrens, AMP Insights – In a later slide I do point this out. In other sector needs we have exempt wells, but we can potentially add that subcategory as well if we want to separate it from municipal. Is that what you're getting at?

Phil Chang, Deschutes County Commissioner – We shouldn't just be concerned about more destination resorts, you know? People are concerned, well are there going to be more destination resorts? Are there going to be more rural subdivisions? And how much water does that take? It's all these complicated factors that we are dealing with like South County. There are places where we have septic systems contaminating shallow groundwater. If we can get a goal 11 exception for some dense pockets of that then we can put those people on a sewer system, and suddenly it looks a lot different than a whole bunch of rural residents.

Yancy Lind, Citizen – Phil, as you know, I've been a person beating the drum on exempt wells for many years now. I really appreciate the need to examine this. I live in a rural subdivision which has a quasi-municipal water supply which I'm not on because I have my own exempt well, so the whole thing gets really complicated, really fast. I want to point out, though, that we could spend a lot of time diving into these details and it's not going to really amount to any difference. We have spent an inordinate amount of time working on this document that at some point needs to see the light of day. I really hope we focus on the high priority things that are really going to make a difference. I appreciate everything you said Phil. I've written many columns about exempt wells and how we need to look at this stuff. However, at the end of the day it's a rounding error. We need to really focus it on getting something done here.

Lisa Seales, DRC – I really appreciate that comment, Yancy. I think we all need to keep that in mind, especially as we start to dive into Chapter 4, which I know that we are not there yet. This plan cannot do everything for everyone and be everything. We really need to fucus in on where we are going to have impacts and focus on that, so thank you.

Phil Chang, Deschutes County Commissioner – Another way of getting at this is we do have PSU population estimates of projected growth inside and outside of the cities. I you use some kind of simple multiplier on that population you at least get some sense of the growth of groundwater demand. Groundwater is important to talk about. Where I will push back a little bit is when we are talking about surface water, and we are talking about restoring rivers and creeks we are talking about hundreds of thousands and tens of thousands of acre feet. That's how sensitive that system is. When we are talking about groundwater, the total municipal, domestic, and residential use in the Basin right now is maybe 45,000-acre feet. We are seeing with changing climate how much groundwater levels are declining. The sensitivity to even a small amount of additional groundwater use is something we really do need to think of.

Jim Powell, Citizen – One thing that Owen touched on and Phil alluded to is there's a difference between, using a destination resort, between potable water and landscape water. The water that's being used for golf coursed or lakes or ski events, those are different than the higher cost water of either a quasi-municipal or even a private well system that's trying to produce potable water. You can't just try to stick this into quasi-municipal as far as destination resorts are concerned. If you take Tetherow, and Owen can correct me, but I think that they have potable water supplied by the city of Bend, but their golf course is not irrigated by the city of Bend water. So, there's a difference there and the scope of the extremes between those two amounts of water can be considerable depending

upon the number of amenities that these resorts offer. They are just a surrogate to get around the urban growth boundary. So, they are rural residential developments, and the big problem with land use is that they want to sell all the individual lots, but they don't want the rental units that allegedly were the economic motive to make the destination resorts in the first place. There are several disconnects, but one of the big ones is the water and where that water comes from. That's one of the big problems with the Thornburg proposition, is that they want to use groundwater for amenities and that groundwater may or may not be available.

Owen McMurty, COCO – I would just echo what Phil said about the complexity of defining different uses. Quasi-municipal spans water providers operating withing UGBs that have an obligation just as cities do. As an extension of the cities to meet municipal growth and municipal needs. There are water suppliers like Deschutes Valley Water District which potentially is eligible to hold a municipal water right, but actually hold some quasi-municipal water rights. They are supplying water both within and outside of UGBs. All of that is to say, we don't have to define what quasi-municipal is in the same terms that OWRD does for the purposes of identifying what the use of a water right is. We might need to have a more nuanced discussion. At the same time, I agree with Yancy that there's not that much value in addressing the scale of these water uses. A minor point, Thornburg and another destination resort that have not broken ground yet, already had water right permits at the time the analysis was conducted for the Basin Study. They already had incremental mitigation plans so I believe that the actual water demands would already be embedded in the demand projections that were completed for that purpose. So, whether the destination resort exists or not wasn't necessarily considered as much as what the plan was for how they would develop their water use over time. One last point, Phil, I want to push back again on the idea that observed groundwater declines reflect only the sensitivity of the aquifer to pumping. We've spent a lot of time and really beaten that subject to death in Chapter 2 and it's overwhelmingly not groundwater pumping. The scale of groundwater use we need to consider is the scale of total groundwater use in the basin.

Phil Chang, Deschutes County Commissioner – I prefaced my comments by saying with the climate change that we have seen and then the usage that we have. I don't know if you watched the allocation rule making hearing yesterday, but the major cause of groundwater declines is climatic. I'm not arguing with you, I just don't think you're hearing what I'm saying.

Kimberley Priestley, WaterWatch of Oregon – Just to add on to the point that Phil made about exempt wells and effect on surface water. I recognize the comment about the small piece of the puzzle, but one point to remember is that under the Scenic Waterway Acti mitigation requirements, exempt wells are exempt from that program. Exempt wells are not exempt from regulation by the State. The State has determined PSI between groundwater and surface water. Exempt wells are affecting surface water flows so at some point in the future the State might, in fact, regulate. I'm not saying that they will, but there is a little bit of a risk there. That plays into the discussion on mitigation. I just wanted to flag that.

Alex posed the question to the group: Do we include Sisters and Prineville in the discussion?

Tim Deboodt, Crook County – Phil talked about an underground flow map. For Sisters, depending on where the arrows flow, I would be yay or nay on including it in the discussion. For Prineville, while it was a very interesting read, I don't think it's pertinent to this deal. It gets me back to an agriculture thought, sometimes you talk about the Basin Plan which includes the Crooked River Basin and sometimes we talk about the Basin Study. I have to take a moment sometimes and think about what we are referring to. We should only use numbers for inside the Plan area.

Alex Ehrens, AMP Insights – I'll try to make sure every time it's mentioned that it's extremely clear. I try to distinguish between the Basin Study Plan area and this DBWC Plan.

Mike Buettner, City of Bend – I do agree, it makes a lot of sense to include Sisters in here. Owen, on behalf of COCO, has been asked to include some of these other Central Oregon Cities. I agree that they are outside the Basin area, and they may not be appropriate, but if there was a way to at least mention them or describe that they are either included or not included, I think that those communities will benefit from this Plan. They will use this Plan or interact with their leaderships with this Plan if their name is in it. It's helpful to clearly separate what's really in the focus area and the study area.

Scott Aycock, COIC - The consideration of what the actions that are supported in this Plan could be implications of those further down the Lower Deschutes. The efforts happening on the Crooked River. There needs to be some crosswalk or discussion of that.

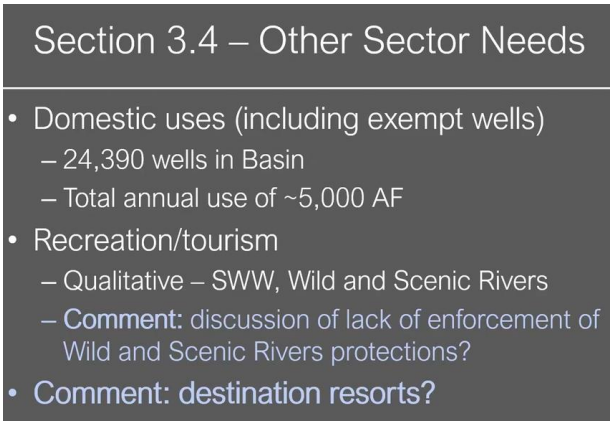
Alex Ehrens, AMP Insights – That is planned for Chapter 4.

Owen McMurtrey, COCO – The only thing I would say about the map of where the groundwater impacts are that show where water is flowing is that the map a is two-dimensional bird's-eye view map. I would also note that the impacts from pumping are really a more function of depth of wells and the depth of well casings. It's really a three-dimensional system. I would just keep that in mind when attempting to define where those impacts are going to occur even in places like Sisters. It's going to be 80% of the impacts are downstream and into Whychus Creek.

Becky Powell, Legue of Women Voters – If you want to get consensus, you're going to have to have a really broad overview. The municipal uses are very detailed, which is useful for a group like ours. I'm not sure that you need to include all that in the Plan because most people are more focused on the bigger user, the irrigation district use. It's very valuable, I think it's an important thing we need to do is educate the public, but it's going to be lost here because the Plan is so closely focused on a few major users and a few major interests. It don't include the community necessarily and we are going to have to do that at some point. It might be a different document, and I do think the cities and their uses are important. To say that they have been successful in implementing conservation, they have

had some success. These quasi-municipals, some of them don't even include how much water is used on their bill. There are just a lot of things that should be done. It's complicated.

Alex Ehrens, AMP Insights – The summary document that we will put together at the end might be more useful for this.



Alex Ehrens, AMP Insights – Once comment we got on this section was the lack of enforcement around protections offered by Wild and Scenic Rivers and this might fall into that category of something that this Plan can't quite get into depth on.

Yancy Lind, Citizen - I made that comment and the reason I made it is, if we are going to talk about the protections of instream water by the scenic waterways, then it seems to me disingenuous to do that when there are no protections or actual enforcements of those protections. I think that's where the rub is. If you include it, then we need to talk about that.

Tim Deboodt, Crook County – This is ultimately why we have the Groundwater Mitigation Plan in Central Oregon. Whether the regulatory agencies are doing their job, then that's all together another issue. There is regulatory oversight, supposedly of those wild and scenic corridors.

Kate Fitzpatrick, DRC – Are those state scenic waterway regulations? I'm thinking of the Upper Deschutes Wild & Scenic and the recommendation for 500 but it's meaningless as far as protecting water.

Tim Deboodt, Crook County – The Diack decision, and I'm not a lawyer, and it was in the 90's, but it basically said that you couldn't get a water right within a quarter mile of any stream that had a potential impact on Wild & Scenic floats whether it was state or federal, I don't think it mattered.

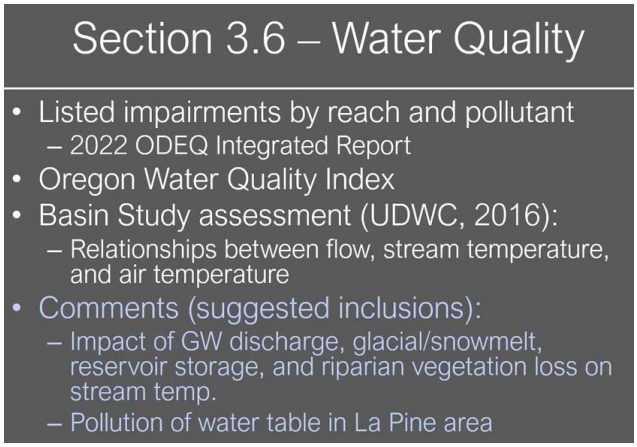
Kate Fitzpatrick, DRC – We can clarify whenever we talk about a layer of protection, whether it's a protection or what the implications are or not. I think that would be good to clarify.

Tim Deboodt, Crook County – The question I have in relationship to recreation is, why don't we talk about recreation of our lakes and reservoirs? Particularly those that are impoundments manmade lakes and reservoirs. Theres a huge public demand on that water from the standpoint of recreational use, not drinking or irrigation or something else. When folks don't have water in the Prineville reservoir to boat, ski, and do all those fun things, they are yelling and screaming at the district and BOR. It's a use that we ought not to be silent about. It's an important use. That is a part of the water allocation concern. Right?

Becky Powell, Legue of Women Voters – Can I just say on the Diack Decision, I think that was only the flows in the Lower Deschutes River.

Kimberley Priestley, WaterWatch of Oregon – There's a difference between state and federal. Diack goes to state wild & scenic waterways. A quick synopsis is in the end the effect of that decision was to require the state to designate flows for state scenic waterways. Initially they were just designated State Scenic Waterways, but after the Diack, the Oregon Water Resources Commission adopted flows for all State Scenic Waterways in the state. Then those flows do have to be considered in an allocation decision. They're unfortunately equivalent to water rights. The State can't enforce water rights in favor of them, but the State does.

Phil Chang, Deschutes County Commissioner – Off of Tim's comment, the difference between reservoirs in the Upper Deschutes area and out in the Crooked River watershed is there's a bunch of other natural lakes in addition to Wickiup that are present. So if Wickiup is going up and down like a yo-yo, there are a lot of other places for people to go.



Tim Deboodt, Crook County – The 1990's is full of publications on water temperature, flows, water quality studies. That's the era when DEQ came up with the water quality standards that most of our steams in the eastern side of the State are listed because of temperature. There's all the relationships of the depth and width and all of that. You'll find a ton of it.

Alex added his email at the end of the slideshow alex@ampinsights.com. The latest versions of Chapters are located in the Google Drive folder as well as the comment logs.

12:20-12:30 **6. Roundtable Updates & Sharing**

12:30 **ADJOURN**