Deschutes Basin Water Collaborative

Working Group Meeting Notes

November 22, 2024 | 10:30-12:30 PM | Hybrid

All meeting materials can be found on the DBWC website, under Working Group.

Tri-Chairs: Phil Chang, Deschutes County Commissioner; Craig Horrell, COID and DBBC

Members: Mark Reinecke, Avion Water Company; Gary Young, Blue Mountain Ranch; Owen McMurtrey, COCO; Jessi Talbott, COID; Jon Skidmore, COID; Tod Heisler, Central Oregon LandWatch; Jeremy Austin, Central Oregon LandWatch; Fiona Noonan, Central Oregon LandWatch; Mike Buettner, City of Bend; Kate Fitzpatrick, DRC; Jim Bond, DRC; Andrea Smith, High Desert Food & Farm Alliance; Ellen Hammond, Jefferson County SWCD; Becky Powell, League of Women Voters of Deschutes County; Josh Bailey, NUID; Megan Hill, PGE; Yancy Lind, Citizen; Nancy Gilbert, Sierra Club – Juniper Group; Kris Knight, Upper Deschutes, Watershed Council; Peter Lickwar, US Fish & Wildlife Service; Jason Gritzner, US Forest Service; Rex Barber, Water for Life; Jim Powell, Citizen.

Other Attendees: Skuyler Herzog, OSU-Cascades; Larry Albert, Citizen; Shane Cossel, DEQ; Ryan Krabill, Oregon Farm Bureau; Kyle Gorman, Citizen; Janna Guzman, ODFW; Nathan Cutler, EKI; Ken Light, Hydro Geologist; Joe Kemper, OWRD; Nina Caldwell, ODA; David Weidinger, BOR; Hayley Siltanen, Private Citizen; Alison Toivola, Confederated Tribe of Warm Springs legal counsel; Rick Parson, Parsons Water Consulting.

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

Draft Notes

10:30-10:40 **1. Welcome & Introductions** ***Scott Aycock, COIC***

Scott Aycock opened the meeting with introductions.

10:40-10:45 **2. Public Comment**

There were no public comments.

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

- Recap and Overview ***Attachment A: Sept Meeting Notes***

Scott Aycock reviewed the notes from the September Meeting. He reminded the group if there are comments or edits, to alert staff and they will make those edits before posting them. In September, Emelie McCain with OWRD presented updates on the Place Based Plan Rules, with the expectation that final rules will be available in March. The Working Group also voted to add

Craig Horrell as the remaining Tri-Chair of the group. Finally, Alex Ehrens presented Chapter Four's draft, which was followed up by a three-week comment period, as well as a survey.

10:50-11:00 **4. <u>DBWC Business: Petition to Join</u>** ***Gary Young, UCRC***

- Action: Vote on Petition to Join

Attachment B: UCRC Petition to Join

Scott Aycock reviewed the process for the petition to join.

Gary Young explained that the UCRC was formed three years ago. The group decided to be involved with the water in the Deschutes Basin to keep them apprised of what might affect their water rights in the Upper Crooked River. Scott told the group that he and Gary had a conversation earlier in the week about the plan being focused on the Upper Deschutes, and not the Crooked River at this time, but understands there can be implications.

Scott asked the group for any questions they have for Gary.

Ellen Hammond, JCSWCD – I am wondering, looking at Attachment B, wanting to protect water use, ecosystems, and common farming practices – what are those common farming practices?

Gary Young, UCRC – Not in detail, but we thought that phrase would explain what they have done historically. In general, it uses water for growing crops and feeding livestock.

Yancy Lind, Citizen – I have a comment. We've had an open-door policy, which is good, we've been doing this for years and years and years and there have been a lot of voices here. As you have pointed out, we are not talking about the Crooked River. It's not in the remote plan; it's an aspirational goal. After all these years of being in the room, reading documents, and coming up with a plan for the Upper Deschutes, it's time to get down and make real decisions. To provide a voting membership to a group with a specific focus that isn't related is a concern. We have got a real problem ahead of us.

Tod Heisler, COLW – Along those lines, I think the concern would be around voting, what are the rules?

Scott Aycock, COIC – We do not have a quorum rule. If it's green and yellow, it passes, if there are any red cards, it goes back to the Planning Team. After that, there's a threshold for red cards in the second vote. You also must have participated in 2 of the last 4 meetings to vote. That way you're informed.

Commissioner Chang, Deschutes County – I have a question along these lines for Gary. I will say off the bat, I'm not concerned about adding the UCRC to the DBWC. Based on the background so far, is the UCRC interested in engaging in the discussion and decisions regarding the Upper Deschutes, or are you interested in joining now in anticipation of discussions of the Crooked River in the future?

Gary Young, UCRC – I think both. In sharing ideas, thoughts, questioning strategies, and trying to have some input into the Upper Deschutes decisions on water strategies because they will spill over into the Crooked River.

Commissioner Chang, Deschutes County – I will say, hydro-geologically, the Upper Deschutes Basin is very different from the Upper Crooked, including land use and water use. There will be connections, but it is a really different system with different challenges to solve for.

Rex Barber, Water for Life – If we are going to limit the membership to those with a vested interest in the Upper Deschutes Basin, then we'll be a committee of the irrigation districts and irrigation users. There are many on this committee you could argue don't have a vested interest. The things developed here for the basin will have a statewide influence. I think it's totally reasonable to have a group from the Upper Crooked represented here.

Jim Powell, Citizen – I would agree with Rex, except that we all have a vested interest here because the people of Oregon own the water.

Rex Barber – I would agree with that.

Scott Aycock – Jenn brought up the Charter and the threshold for the second vote is 90%. What you see on the screen is who is eligible to vote today. Online, please put your vote in the chat, and in-person we will go around the room.

Online:
Green: Craig Horrell, Josh Bailey, Kate Fitzpatrick, Owen McMurtrey, Nancy Gilbert
Yellow: Commissioner Chang, Ellen Hammond, Mark Reinecke
Red: None

In Person:
Green: Mike Buettner, Becky Powell, Rex Young, Tod Heisler, Kris Knight
Yellow: Yancy Lind
Red: None

The Working Group voted to approve UCRC's Petition to Join the Working Group.

11:00-11:20 **5. <u>Chapter 4 Tool List Update</u>** ***Alex Ehrens, DRC***

- Google Drive Link ***Attachment C: Clean Version of Chapter 4***

Alex Ehrens and Lisa Seales provided an update on Chapter Four. We received feedback from Working Group Members on Chapter Four. Much of this will look familiar to those at the previous meeting.

In the Plan Build Process, the group is on Step 4: Develop Integrated Solutions. The next step is to read Chapters 2, 3, and 4 together, located in the Google Drive. This will help provide context

and inform Chapter Five. If people have any comments, please email to alex@deschutesriver.org.

Yancy Lind, Citizen – If I take the time to go back through Chapters 2-4, will there be changes before the final review?

Alex Ehrens, DRC – I think so.

Scott Aycock, COIC – I thought this is for the group's own benefit for working on Chapter Five.

Alex Ehrens – It's both for comments and informing the group for Chapter Five.

Scott Aycock – Maybe just have comments on the document.

Alex went back to the presentation. As a reminder, there is no consensus on these tools or strategies yet. A new category, Domestic Water Supply and Land Use, was added to the structure.

Yancy Lind – Domestic is another name for exempt wells?

Alex Ehrens – Yes, and it includes other strategies as well. We struggled with a name for it. Later, I will show the tools.

Alex continued with the updated Menu. The Tools in Red are changed in some way. Please see the presentation for all details.

Gary Young, UCRC – So this isn't considered existing storage?

Alex Ehrens – Not necessarily. Groundwater is existing storage, but taking water off the river to put it in the aquafer for the purpose of using for storage, isn't feasible in the Deschutes Basin.

Gary Young – So taking water before it gets to the river and putting into the ground, how do you look at that?

Alex Ehrens – There are other tools in the environmental section that can include that, but here that's not what we're talking about.

Gary Young – That early spring thaw does so much damage, so diverting that, it would be addressed.

Lisa Seales, DRC – This is more of an issue on the Crooked River Watershed, rather than the Deschutes.

Owen McMurtrey, COCO – We suggested splitting Groundwater Rights and Mitigation Credits because there's a discomfort in saying people can get new Groundwater Rights. There are new rule changes, but access to new Mitigation Credits has to do with existing credits.

Alex Ehrens – I will make it clearer in the chapter to highlight this.

Commissioner Chang – If we are only talking about community water systems that are supplying water within cities, and that's quasi-municipal, we are missing out on a substantial group who need groundwater permits. They are not exempt domestic well systems, they are community water systems, they had to get a groundwater permit from the State of Oregon and they are required to report to DEQ.

Owen McMurtrey – They were included in Section 2 and they were included in the Basin Study. It does include Sunriver, as well as those like Avion.

Commissioner Chang – Important to include them to encourage conservation. Rural districts might be behind in that area.

Alex Ehrens – I will update the sections to reflect this.

Alex continued to the Environmental Section with an overview of the new tools added.

Jim Powell, Citizen – I have two questions – one is logistics – would you share this slide pack? Do you have anything in here that will show or discuss flows that are required under the HCP and what will be reflected as progress in the environmental section? What happens as it ramps up and suddenly drops off?

Alex Ehrens – We will share the slides. I think the goal of a lot of instream flow tools is to have permanent protection of the water.

Lisa Seales – We can get into the details in Chapter 5. I second what Alex said.

Scott Aycock – In terms of laying out flow requirements we would lay out water saved or created from each tool. But I don't remember us comparing that to the HCP.

Alex Ehrens – I think we're considering Chapter 5 as implementation of tools as it aligns with HCP, so it aligns in timing. Chapter 2 also speaks to this. It can reference back to that to tie it together.

Becky Powell, League of Women Voters Deschutes County – I admire what you've done here.

Alex went back to the Menu presentation and discussed Domestic Water Supply and Land Use.

Commissioner Chang – Taking another look at this now, for the exempt wells I've articulated the hope that we can develop technical assistance and incentives for conservation for exempt well households and I think that this would be an appropriate place to put that. Whether today or for a future version, I'd love to see that added.

Alex Ehrens – Yes, definitely. If there are specifics, please send our way.

Scott Aycock – Jumping in, we need to move on and review the survey results.

11:20-11:40 **6. <u>Plan Strategies/Tools Survey Results Review</u>** ***Alex Ehrens, DRC***
Scott Aycock, COIC

- Discussion ***Attachment D: Summary Survey Report***
- Next Steps

Alex Ehrens presented on the survey previously sent out. This was meant to be a jumping off point to kick off conversations that need to happen in Chapter 5. This was a helpful way to see where stakeholders are currently at and where future conversations will be needed to reach higher levels of agreement.

Staff received 11 responses. **This won't be the end-all-be-all.** Attachment D shows responses and percentages for those responses. Anything above 70% is green, anything above 50% is yellow, below 50% is red. High level findings show a good level of agreement in agricultural strategies and tools. This is a good starting point, and the group will work towards higher levels of agreement.

Scott Aycock – Quick question, Alex. Is this organized the way the chapter is currently organized?

Alex Ehrens – It's organized by the previous Chapter layout. It does not include the new tools.

Alex explained the goal is that these tools conserve and/or improve water volumes.

Scott wrapped up the results and acknowledged that there will be more conversation about areas of disagreement and that the group is moving towards Chapter 5, which is what people have been waiting for. Staff has done work on how the structure could look, and short-term has the most detail, leaving medium and long-term a little more vague, which is where areas that need more discussion and research could land.

Yancy Lind – The amount of responses is terrible. There's not enough data here to draw much of any conclusion. Something has to be done about that. I'm concerned with the color coding as well. You're creating a bias with your color coding. Maybe, look at the "No"s versus the rest.

Scott Aycock – That's a great point. I was worried about the color coding as well. Maybe we resurvey the group now that we have more tools.

Alex Ehrens – I agree, the color coding can be misleading.

Mike Buettner, City of Bend – Additional vote for more information. We can't dive deep on 11 responses. Getting into red items will take time and experts, and I like that idea.

Alex Ehrens – Need more information column will tell us where we need experts. Sounds like we need to send this out again with the updated tools.

Jim Powell – I was wondering about this – the themes are the same. There are fears and concerns within the districts, so I'm wondering whether or not we should put the questions to the districts: what is it that you want from this group that would either be enabling or distracting from what you need to keep your operation healthy and functioning. There are these issues as we pull water out, make recommendations, or conserve. These are monetary issues for the districts. What would that look like? What help would they need to convince their patronage that this is a good idea? Maybe this is just done at the Planning Team level. This is about sharing.

Scott Aycock – Some of this has started at the Planning Team level. Not about the patrons, but the boards.

11:40-12:00 **7. <u>OWRD Work to Estimate Groundwater Level Changes Caused by Historic Canal Leakage in the Deschutes Basin</u>** ***Emelie McKain and Joe Kemper, OWRD***

- Overview & Opportunity to Engage in the Process

Emelie McKain and Joe Kemper presented the new groundwater rules and how this will affect the Deschutes Basin. OWRD is at the beginning of the project. The goals are to estimate how much groundwater levels in the center of the Upper Deschutes basin have risen in response to historic canal leakage and to provide context to applying new groundwater allocation rules in the Deschutes basin. OWRD is continuing to work on the full scope and timeline, so there are data sources and methods being discussed as this is done.

Craig Horrell, COID, DBBC – I don't see two pretty big things I've been asking for – over time, taking water off of lands should affect this, i.e. urbanization; the other one, COID has been diverting less water to be a good steward. I think you have to include how districts affect groundwater.

Joe Kemper, OWRD – I know you'd mentioned the on-farm losses on this, and I'm sorry for not making that more clear on this slide.

Craig Horrell – In the 11 years I've been at COID we divert on average 20,000 acre feet less than we have, just by the way we use the water. I think you're in a bubble here on some things.

Emelie McKain, OWRD – The department has data that shows the volume of diversions in the basin, coupled with these datasets to tease out this as part of the technical work.

Josh Bailey, NUID – Have you taken samplings in multiple seasons? Or is it one measurement a year during irrigation season?

Joe Kemper – The primary data source is once a year. We do have some quarterly measurements, as well as continuous water level monitoring sites.

Rex Barber – Have you taken into account the drought?

Joe Kemper – Yes, that's certainly something we're looking into.

Rick Parsons, Parson Water Consulting – Joe, at the beginning you showed four graphs that didn't have data before 1950 or 1970, and you'd like to go back further, to water levels prior to irrigation, and I'm wondering why you need to go back further.

Joe Kemper – The way the new allocation rule is worded, we're trying to assess total declines in an aquifer, and whether there's been 25 feet of total decline. To do that, you need a reference point. You can only adjust that if human activity has changed those levels. Because we know recharge from canals has impacted water levels, we want to know what the impacts were before that.

Rick Parsons – Is it a fair inference if that green one was 300 feet of depth in 1900, would that possibly be your highest known water level, instead of the canal leakage water level in 1968?

Emelie McKain – I think that is what we'll be teasing out as we go through this exercise. Certainly open to ideas on how we approach this.

Gary Young – You're looking for a reference number as a basis, looking historical, beavers were decimated in the 1860s or 70s, when there were some of your highest water levels. Why wouldn't you use an ideal for a healthy, functioning watershed?

Joe Kemper – These rules were adopted statewide, so the healthiest water table is open to interpretation, and the goal is to have them be as applicable as possible across the state. It's a way to put a number on something that can be translated across the state.

Gary Young – Of course it would vary by watershed, I would think you'd be able to come up with a water table level for each watershed as easy as you can go back into the history. Erosion has caused water tables to be depleted in flood plains and obviously isn't the healthiest functioning watershed. What is it we're after here?

Emelie McKain – The department is always open to more comments about this at a statewide level. But this specific instance is related to canal leakage.

Owen McMurtrey – It doesn't seem like the purpose is to try to understand groundwater level decline now. It's vital that we as a collaborative understand where groundwater levels were 100 years ago compared to now. We've invested a lot in surface water over the last 20 years, so this is part of improving our knowledge base, so when we develop this plan, we have information on how the investments will work.

Joe Kemper – That's a very fair point about the work. We look at groundwater declines in the basin and this is looking at one piece of this puzzle.

12:00-12:15 8. <u>Water Bank Bill Update</u> ***Kate Fitzpatrick, DRC***

Kate Fitzpatrick provided an overview on the Water Bank Bill, which looks at how to free up water from senior irrigation districts to junior irrigation districts. A loose group of stakeholders got together last year to discuss legislative concepts. At the end of the day, the group settled on a legislative concept for a Deschutes Basin Pilot Project.

Three things this does:

1. Makes the administrative side through the state a little easier and more efficient.
2. Allows for water rights that enter into the water bank to receive beneficial use.
3. Makes sure we don't go backwards on instream leasing in the Middle Deschutes.

Happy to share out the bill and dive deeper later. Reach out to Kate for more information.

12:15-12:30 9. <u>Steelhead Return Data</u> ***Megan Hill, PGE***

Megan Hill provided an update on the steelhead return for the fish that passed through their facilities. They just broke 400 fish today from reintroduction returns and excess broodstock. 400 fish doesn't sound like a lot, but the previous high was 160 fish. The run is ongoing, so fish will return through March of 2025. These fish will be monitored with radio tags.

12:30 10. <u>Adjourn</u>

Scott ended the meeting by letting people know that if they are new, to please reach out to Scott for a DBWC chat.