Deschutes Basin Water Collaborative

Working Group Meeting Notes

April 25, 2025 | 10:30-12:30 PM | Hybrid

Tri-Chairs: Commissioner Phil Chang, Deschutes County

Members: Mike Buettner, City of Bend; Gary Young, UCRC; Becky Powell, League of Women Voters – Deschutes County; Rex Barber, Water for Life; Andrea Smith, High Desert Food & Farm Alliance; Josh Bailey, NUID; Fiona Noonan, Central Oregon LandWatch; Kris Knight, Upper Deschutes Watershed Council; Jon Skidmore, COID; Jessi Talbott, COID; Janna Guzman, ODFW; Tommy Cianciolo, Trout Unlimited; Bruce Scanlon, OID; Nancy Gilbert, Sierra Club – Juniper Group; Kimberley Priestley, WaterWatch; Shane Cossel, DEQ; Tod Heisler, Central Oregon LandWatch; Mike Britton, NUID; Yancy Lind, Citizen; Jeremy Griffin, Deschutes Basin Water Master; Lori Faha, City of Bend; James Faughnan, High Desert Food & Farm Alliance; Carolyn Sufit, OWRD; Mike Tripp, Trout Unlimited – Deschutes Redband Chapter; Owen McMurtrey, COCO; Ellen Hammond, JCSWCD

Other Attendees: Jim Powell, Citizen; Gordon Jones, OSU Cascades; Erin Kilcullen, Deschutes Soil and Water Conservation District; Hayley Siltanen, Stoel Rives LLP On Behalf of DBBC; Paul Lipscomb, Oregon Land and Water Alliance; Larry Albert, Citizen; Doug Riggs, NW Policy Advocates

Staff: Jenn Greco and Scott Aycock, COIC; Alex Ehrens, Maggie Anderson, Lisa Seales DRC; Andrew Purkey, AMP Insights

Draft Notes

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

Scott Aycock opened the meeting with welcome and introductions.

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

Ellen Hammond with Jefferson County Soil and Water Conservation District provided a statement to the group, included below:

I, Ellen Hammond, represent the Jefferson County SWCD on the DBWC and am concerned about the length of time and resources expended on developing the Upper Basin Plan. So far it has cost almost 1 million dollars to get the plan to its current state.

As a former ODA employee and participant in the Deschutes BSWG, I am aware of the diverse opinions held about water quantity in the Deschutes Basin and the challenges in addressing them.

As a taxpayer, I am appalled that it cost over $900,000 of taxpayer and other funding so far to develop a BSWG Plan for the Upper Deschutes. Significant money and staff resources have been spent rehashing many of the same themes and concerns already raised in the BSWG process. It also appears that most of the tools outlined in Chapter 5 could have been anticipated at the beginning of the DBWC process—without spending nearly a million dollars to arrive at that point; money that could have been spent instead on implementing the tools instead of discussing them.

As an employee of the Jefferson County SWCD, I understand that funding sources come with specific purposes. So I know I'm mixing apples and oranges—but still, it's hard not to make the comparison. For that same amount of money, Jefferson County farmers could have installed five or more pivots to replace flood irrigation on at least 800 acres, or purchased 10 miles of pipe to replace inefficient open ditches—resulting in real, measurable water savings. Irrigators are literally begging me to find funding to help pipe open ditches to attach to a new pressurized lateral, buy used wheellines to replace flood irrigation, bring electricity to a new pivot, and implement other actions to conserve water.

As a member of the DBWC, I was pleased to see a schedule in the next agenda for finishing up the plan. And, I may oppose seeking any additional funds after 2025 to finish the plan. It's time for less talk and more action!

10:45-10:55 **3. <u>November Meeting Recap & Agenda Overview</u>** *Scott Aycock*

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

Scott reviewed the notes from the Working Group Meeting in November as well as the agenda for the day's meeting. There were no edits to the November Meeting Notes.

10:55-11:10 **4. <u>DBWC Business</u>** *Scott Aycock & Tri-Chair Phil Chang*

- Staff Change Announcement & Discussion
- ACTION: OSU Ag Extension Petition ***Attach. B: Petition to Join***

With Scott leaving COIC, the group needs to create a solution for facilitation going forward. Commissioner Chang submitted a recommendation from the Planning Team and Tri-Chairs to not start over with a new facilitator and instead have Lisa Seales with DRC as the facilitator moving forward. Lisa has significant experience in facilitation. After the Plan-Build Process is complete, the group can revisit facilitation in future meetings. DRC assured the group that Lisa can facilitate and complete her other work. Jenn Greco with COIC will continue to work in an administrative capacity. Tod Heisler endorses Lisa wholeheartedly and Nancy Gilbert thanked Scott for all he's done for this effort and how he approached these difficult conversations.

Next, the group heard from Gordon Jones who petitioned to join on behalf of OSU Extension and the College of Agricultural Sciences. He saw Scott present at the DBBC Town Hall and wanted to join the group in an official capacity.

Questions & Answers from the Group:

Commissioner Chang: You interact with a lot of farmers in this region; how much is water brought up in your day-to-day?
Gordon Jones: It's definitely on farmer's minds. In some cases, it's solely in conserving water, or ancillary for power to pump the water, or how to use water most efficiently and how water shortage will affect their crops.

Mike Buettner, City of Bend: City of Bend has a long history of working with OSU Extension, what active research projects do you have going on in Central Oregon today?
Gordon Jones: The research is crop management related; lower water use hay or forage species; in the process of designing an experiment on perennial grass hay crop – how to ramp down water on this crop without causing effects on yields. Recently hired folks who operate regionally (water management specialists with OSU) to calibrate moisture sensors, develop crop water use models, and look at satellite data.

Becky Powell, League of Women Voters: I really look forward to working with you. This plan almost exclusively focuses on Upper Deschutes Watershed. Do you know much about it?
Gordon Jones: I know about it broadly, and I suspect I'll learn and be able to provide insight.

Jim Powell, Citizen: Going to put you on the spot. The first question is, why now? Second, OSU got involved with the land use process and became a big advocate for the timber industry. It was heavily subsidized and influenced by the industry itself and proved to be invalid. What is your agenda and how is your research funded?
Gordon Jones: Why now – because I am here and interested. I wasn't told to do this by OSU. I'm directed to be impactful, but I find and decide ways to do that. My agenda is to see if I can usefully translate science done locally or broadly in the west, or irrigated parts of the world, to help identify creative pathways/solutions. My research is funded through USDA, OSU Ag Foundation, and Central Oregon Hay Growers Association.

Vote: Unanimously Green

11:10-11:20 **5. <u>Plan-Build Process: December Timeline</u>** *DRC Staff*

- Overview ***Attachment C: Plan Completion Work Plan***

Alex Ehrens and Lisa Seales presented on where we're at thus far. This included a Plan Build Process Update, Timeline, Planning Step 5: Purpose/Approach, the Water Bank Bill, and the Groundwater Subcommittee.

The group is in the final stage of the process with Plan Implementation Strategy. Staff will go back to Chapter 1 at the end and write it. Chapters 2-4 build to Chapter 5. Alex reviewed the Work Plan Timeline, available in the presentation linked online. The Planning Team is working on Big Issues and Tools that will come back to the Working Group. As these meetings happen, sections of Chapter 5 will be written as well. There is a chance that ad hoc meetings

will be necessary as well. Hoping to share how this resolves with the Working Group later this summer. The current goal is to vote on the plan in December.

ACTION ITEM: Need to work with Lisa on June and July meetings due to holidays and other scheduling conflicts.

Questions & Answers from the Group:

Jessi Talbott, COID: There's still a lot of work to do to catch the Boards up, this is added to the monthly COID Board Meeting Agenda. It is a lot of information to get the boards up to speed by December.
Scott Aycock, COIC: On that topic, didn't we discuss creating something shorter to help?
Alex Ehrens, DRC: One pager and a prettier, shorter version of the plan. Whether this gets done by the end of the year is to be determined. One pager in the next week. We can help with outreach, and you can also help.

Mike Buettner, City of Bend: Good to see an end date. Similarly to Jessi, I'm worried about the presentation to Bend City Council. I'd be concerned about bringing this to them before more of the plan is finalized, unless you think the progress conversations are helpful. I'll connect with you offline.
ACTION ITEM: Follow up with Mike re: City Council Presentation.
Lisa Seales, DRC: This is ambitious.

Yancy Lind, Citizen: Can you speak to identified risks for achieving this timeline, because they seem to be significant?
Alex Ehrens: Risks related to not getting approval on time?
Yancy Lind: There's been a lot that's happened in the last few months, but not a lot of dissemination to this group. This timeline has dependencies. Have you started focusing on those topics?
ACTION ITEM: Take this offline.
Lisa Seales: We don't want to lose credibility, we are driving to get to the finish line.

Scott Aycock: There is a classic dynamic at play here. One is completeness and a degree of specificity that will make everyone happy versus getting something done. That's a constant tension in this work. One thing that we've discussed at various levels is that in December we had an opportunity to Helm and Owens and we couldn't respond to their request because we don't have a plan in place. We had a sit-down with Tri-Chairs to ask if we should target the next session in case we get another request like this. This is an iterative plan, and this group will need to make a decision to call it done. This is the trade-off to figure out. What's good enough now? Staff understand that this is what you're facing.

Jon Skidmore, COID: It might make sense to create a detailed outreach plan in terms of the credibility of the plan. Coming up with something this group agrees to.
Scott Aycock: It would be helpful to hear from the group where/how it would help.

Tod Heisler, Central Oregon LandWatch: We should also think about that it is ongoing and will never have an end, so maybe as an aside, we should talk about what that looks like – the update process. There will continue to be changes in the world from science to economy. That might help with some of the fears that we're "trying to be done."
Alex Ehrens: One more consideration of that is the piece of getting it approved by the Commission to open funding sources to continue the conversation.

Becky Powell: I see this as a business plan for the stakeholders. It's not really a place-based plan in general. It would help to focus on what it actually is. Look at some of the places where there isn't enough information on how the stakeholders are doing the process.
Alex Ehrens: We have been following the Place Based Planning guidelines to put this together. The plan is to get approval from the state.
Lisa Seales: It is not the full basin, we decided to focus on the Upper Deschutes.
Scott Aycock: One resolution could be to identify the on-going work.

Jim Powell: Yancy made the right comment – very little dissemination to this group. The work done on the Planning Team is extraordinary. It stripped away the specifics and controversy. I think some anxiety with Boards were the vested interests related to water. If they can understand that people are trying to respect other people's viewpoints, to the greatest extent, that will make a huge difference.
Lisa Seales: If there are ideas on how to do this, we are open. We are having important conversations with the Planning Team but it's hard to have that level of conversation at the Working Group.
Scott Aycock: One issue is length of time between meetings and there hasn't been a lot of communication since Planning Team was digging into the conversations.

Commissioner Chang: There is a lot of anxiety about how comprehensive this is going to be and how long we will be using it for. Laying out for people that this is a product, with revisions at a certain point in time, and identifying the things we don't have enough information on to lay out clear plan elements for with timelines and updates.
Lisa Seales: We may want to have this discussion at the next Planning Team Meeting.
ACTION ITEM: Discuss revision timeline at next PT Meeting.
Jon Skidmore: This brings it back to publicly approved documents that these are living documents, but that updates and approvals do take time.
Scott Aycock: That's a really good point. I'd also add a reminder to everybody: What does it mean to have this plan or not? It means that it's a representation of what this group was willing to agree to. Could open funds from the state. It's not regulatory, it's a collaborative plan.

11:20-12:20 **6. Chapter Five: Big Issues/Tools** *DRC Staff*

- Approach
- Progress to Date
- Water Bank – Review and Legislative Update

Alex Ehrens and Lisa Seales presented the implementation strategy of the plan. This is where the group will "order" tools from the "menu" listed in Chapter 4. There isn't a draft of Chapter 5 yet, just a rough structure with near, medium, and long-term timelines: Integration of Tools, Plan Outcomes, Implementation Strategy, Data Gaps/Research Questions (Groundwater), and Outreach Strategy.

Tod Heisler: The plan outcomes, they are desired outcomes that the plan will propose how to meet them, or they're desirable but we don't know how to meet them?
Alex Ehrens: The former. The idea is to quantify some of these as well. Groundwater stability is an area where we won't get a lot of detail.

Alex reviewed that the Planning Team has been using the idea of positions and interests to discuss big issues and tools. Each leg of the stool was able to provide their positions and interests. Alex reviewed the big issues and outcomes that the Planning Team was able to address to date, which include: the Alternative Pathway and Private Laterals and On-Farm Conservation.

From there, the group moved from Big Issues to Tools. The Pilot Water Bank Program highlights the initial tools the group looked at. Split Rate/Split Duty, Pool Fallowing Acres, Instream Leasing and Temporary Transfers, and Permanent Water Transfers. Moving forward, there will be a series of ad hoc meetings to address these issues and tools.

Lisa Seales provided an update on the Water Bank Legislation, which now sits with Ways and Means. There are five goals of the legislation which include: firm up NUID's water supply, restore instream flows in the Middle and Upper Deschutes, create water supply for cities, support COID operations, and support voluntary patron choices (fallowing, efficiency). A few things it is NOT – a fix or change to the mitigation program, a way to protect or move district carry water, an alternative to the allocation of conserved water program, an alternative to the alternative pathway, a way for outside investors to buy up water.

The legislation is a pilot to test some new tools to make it easier to move water from willing participants to solve known water supply problems.

Questions & Answers from the Group:

Yancy Lind: Can you talk about the permanence of any of this and middle Deschutes flows?
Lisa Seales: It's not permanent, it's temporary. It's an 8 year pilot.
Yancy Lind: There could be dramatic variability in middle Deschutes flows from year to year based on fallowed acres?
Lisa Seales: Potentially. There is an established sideboard in this to have a minimum amount of leasing.
Yancy Lind: There's been a static amount of leasing for decades. So we're trying to marginally improve some of that. I'm worried about dramatic fluctuations year to year on riparian areas.

Is there any kind of thought process around maintaining a consistent level that would provide aquatic benefits.
Lisa Seales: It's only an eight-year pilot and we're not sure how much water will be moved through the Bank right out of the gate. But there are sideboards.
Scott Aycock: Is there a basement or a ceiling?
Lisa Seales: No ceiling.
Commissioner Chang: To get at Yancy's concern about predictability, do farmers get more money or kudos for fallowing? Are you actually changing the benefits for the fallowing farmer?
Alex Ehrens: I believe they do get compensated more through the water bank, which is why there are the minimum leasing amounts.
Commissioner Chang: So the payment will be bigger, so there's more push for people to put more acres in.
Lisa Seales: I don't anticipate a huge surge of interest out of the gate.

Yancy Lind: This is great, but clearly the concrete benefit is for ag, there's marginal and indeterminate benefit for habitat, even with the 25%. That's what I'm trying to get at. Yes, instream leasing has been set for decades, so I'm not concerned about that going down. If we get a marginal increase over that floor to provide benefit, and then it goes back to the floor, we haven't gained anything for habitat. I'm not excited from a habitat perspective. How excited should I get?
Lisa Seales: I think because it's a pilot and brand new, maybe not super excited. The real benefit is simplifying movement of water from folks who don't need or use their water to people who do really need the water.
Scott Aycock: It's a pilot, so you monitor and see how it goes. Part of this would be how it works as a program, is there enough incentive, and then what are the outcomes? Is there something in the bill that hardwires resources?
Lisa Seales: There is an Annual Operating Report. You have to have a charter approved to be considered. The State will monitor aspects of it. There will be a lot of monitoring throughout the process.
Commissioner Chang: I'm trying to get a complete understanding of instream benefit. I see the 25% to the Middle Deschutes. The 75% that goes to NUID, does that tie to winter releases from Wickiup?
Lisa Seales: My understanding is under the pooled fallowed acres authority, it does not. So this would be water that's used on COID lands and then one year they decide not to, North Unit can use 75% of it with 25% going to the Middle Deschutes. This will not impact flows of the Upper Deschutes.
Commissioner Chang: When you pull up to the higher level and HCP flow targets and what it does for North Unit, this provides some stability for North Unit and HCP breaks North Unit less.
Kimberley Priestley: I think Lisa addressed it, but quickly, Yancy raises a good point. To the extent that there are annual fluctuations in that 8-year period, there are various checkpoints. The operating plan states that if concerns are raised, the bank would have to address it or couldn't go forward with the plan, as submitted.

Tod Heisler: I think we have to look at this tool for the future, not for the present. Leasing is the same it has always been because district infrastructure only allows it to do so much leasing, so by adding this new program you'll see a little bit, but it will be a long-term shift as we see canals being piped and more infrastructure improvement. Important tool to have on the books in legislation. Flexibility will help.
Lisa Seales: We can continue to have this item on the next Working Group agenda, as we'll know if it passes. ACTION ITEM: Add to July's WG Agenda.

Lisa continued the presentation by address split rate/split duty. This allows farmers to conserve water, allows NUID to use it, and adds winter flows to the Upper Deschutes. This would be piloted in the Annual Operating Plan.

Jim Powell: HCP time sensitive, time limited. You're using water based on a temporary alternate pathway created by OWRD, that water does not belong to the districts. Put a placeholder here to revisit offline. ACTION ITEM: Discuss this offline.

Lisa Seales: Should we pick this agenda item back up at the next Working Group Meeting?
Yancy Lind: This is not a DBWC activity. We have not participated in the creation of this, we have not voted on it, we have not endorsed it. Personally, I think it's great, I have concerns about it. We should be thinking about how we use our time to accomplish our goal, knowing that this is going on on the sidelines.
Lisa Seales: This helps put meat on the bones and sideboards on what a water bank might look like. Helps us understand what it is and if we want to adopt this as a tool in the plan.

Next steps include discussions with the Planning Team, Groundwater Subcommittee Meeting on Monday, May 19. If you'd like to read Chapters 2-4, read and send comments to Alex.

12:20-12:30 **7. Roundtable**

- As Time Allows

The group ran out of time for Roundtable.

12:30 **8. Adjourn**