Central Oregon Delegation

Governor, Chairs and Vice Chairs,

We are asking that you take immediate action to protect the tremendous progress and collaborative system of decision making on water issues in the Deschutes Basin.

Over the past nine months, the Oregon Water Resources Department has proceeded with a one size fits all set of proposals for management of groundwater that will up-end 25 years of collaboration and positive results here in the Deschutes Basin. There are many reasons to slow down this process, but four of the most important include:

- The proposed rules appear to be based partly on a study completed in a different basin more than three decades ago. The Deschutes Basin aquifer has a saturated depth of at least 1,000, and is many times larger than the basin used to underpin this proposal. The draft rules appear to ignore or sweep aside the data and science underpinning last year's report: *Understanding Upper Deschutes Basin Groundwater Levels*, *Kenneth E. Lite, etc.*

- Many of the meetings for public engagement on this precedent changing recommendation came during the 2023 Legislative Session, making it difficult, if not impossible, for our constituents and advocacy groups to fully participate in the process.

- The recommendations do not seem to have considered the other statutory requirements for our local government partners, including the requirement that local governments plan for a 20-year supply of land to address growth concerns. This could have a devastating impact on our local communities' ability to meet the Governor's goal of 36,000 units of housing in order to address the state's housing crisis.

- The recommendations also would disincentivize thoughtful planning for housing <u>inside</u> of Urban Growth Boundaries (with the required Water Conservation Management Plans, mitigation

requirements in our basin, landscaping standards, water use monitoring and water billing, etc.) and perversely incentivize - - or leave as the only alternative - - excessive growth outside of UGBs on unmonitored, unmitigated, unregulated exempt wells. This runs counter to clear direction that the legislature has provided to the Department over the past 25+ years.

For these reasons, we urge you to insist that the Department extend the deadline, commit to sitting down with regions to have meaningful and two-way dialogue, and come up with solutions that are science based and fit the hydrological and pragmatic circumstances on a basin by basin approach.

Sincerely,

Central Oregon Delegation

Sen. Tim Knopp

Rep. Emerson Levy

Sen. Lynn Findley

Rep. Vikki Breese-Iverson

Sen. Dennis Linthicum

Rep. E. Werner Reschke

CENTRAL OREGON CITIES ORGANIZATION

Bend, Culver, La Pine, Madras, Maupin
Metolius, Prineville, Redmond, Sisters & Central Oregon Counties

October 6, 2023

Chair Ken Helm
Vice Chair Mark Owens
Vice Chair Annessa Hartman
House Committee on Agriculture, Land Use, Natural Resources and Water
Salem, Oregon 97301

Dear Chair Helm and Vice Chairs Owens and Hartman,

On behalf of our City Councils and County Boards of Commissioners, we are urging the Oregon Legislature to take action to preserve and support the collaborative progress that has occurred over the last three decades regarding the preservation and conservation of the Deschutes Basin.

The proposed Oregon Water Resources Commission "Groundwater Allocation Rules" ignores that basins are unique by proposing a one size fits all approach across all of Oregon.

Specifically:

- The rules will, in effect, result in significant harm to our existing water conservation, allocation and restoration efforts in the Deschutes Basin.

- They would impose a fixed calculation of "reasonably stable groundwater levels" on all basins. The proposed definitions of "reasonably stable groundwater levels" apparently relies on water level changes defined by the Water Resources Commission in 1988 from a basin whose hydrogeology bears no resemblance to our basin.

The rules also fail to consider five key factors:

- ✓ Our basin has an existing and productive collaborative regional approach to identify new conservation tools for water use taking into consideration the unique characteristics of our large basin and exceedingly deep aquifer. All stakeholders are at the table, and this rulemaking would up-end that effort.

- ✓ Groundwater levels in our basin are largely driven by precipitation, in addition, certain areas through recent and thoughtful actions—such as canal piping and lining—have led to an expected reduction in groundwater levels near these projects. That should come as no surprise as we are eliminating wasteful and unnatural aquifer recharge. We can expect groundwater levels near these projects to eventually adjust to more

Chair Michael Preedin
Central Oregon Cities Organization
Email: mpreedin@sisters.or.us

Doug Riggs, Lobbyist
NW Policy
(503) 702-5120 doug@nwpolicy.com

natural levels. The Department however, has based its justification for the application of the proposed rules to the Deschutes Basin on only one measurement in an area which experienced a substantial amount of piping the open irrigation canal. This is misleading and ignores the detailed studies and information outlining the interaction between agriculture, irrigation and municipal water use in our basin.

- ✓ The Oregon Legislature has – on five separate occasions – passed legislation to create, codify and renew the Deschutes Basin Mitigation and Conservation statutes. On a bi-partisan basis, the Oregon Legislature has repeatedly recognized the unique nature of the Deschutes Basin. Those actions have led to a dramatic increase in flow of water in the middle Deschutes as well as the restoration of critical areas including Whychus Creek, an ability to respond to federal ESA listings, and a twenty-five year collaborative effort to manage the water in our basin in a responsible manner. The proposed groundwater rule essentially reverses that long standing precedent.

- ✓ The water users in our basin are not standing still. The Deschutes Basin Water Collaborative is working to identify issues (including groundwater concerns), reviewing the scientific data, and preparing a game plan for the basin as we move forward.

- ✓ Our region has and will take responsible action to ensure population growth also comes with water conservation efforts. Every city in the region has a Water Management and Conservation Plan. Cities have adopted responsible landscape standards, alternative watering days, and are pursuing aquifer storage projects. Bend for example, grew by 26,169 people (34%) over the past 18 years, but has only increased its annual surface and groundwater by 98.5% over that time frame. Cities are required by state statute to maintain a 20-year supply of buildable land, but as drafted, these rules will make it nearly impossible for cities to do that. This will perversely push housing and population growth onto rural lands and exempt wells, which are not addressed by the proposed rules. At the very least, the rules should not penalize local governments which have complied with existing statutes, and are required to comply with other state and federal statutes regarding housing and economic mandates.

Stakeholders, including those in our basin are almost universally concerned with the Department's unwillingness to engage in a meaningful two-way discussion about these rules. Much of the rulemaking was completed during the prior 2023 Legislative Session, while we were heavily engaged in supporting your comprehensive drought package and ensuring passage of the promising Stream Restoration and Juniper Management Program (which is already underway in our region).

These are clearly complicated issues, which vary greatly from basin to basin. We would strongly urge your Committee and the Legislature to work with the Governor to direct the Department to extend the process, sit down with our basin in a meaningful way, and protect the collaborative, visionary and successful multi-decade track record that the Deschutes Basin has established.

Chair Michael Preedin
Central Oregon Cities Organization
Email: mpreedin@sisters.or.us

Doug Riggs, Lobbyist
NW Policy
(503) 702-5120 doug@nwpolicy.com

Sincerely,

Oregon Mayors and County Commissioners

Michael Preedin
Sisters Mayor

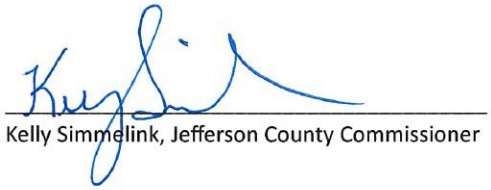
Ed Fitch
Redmond Mayor

Daniel Richer
La Pine Mayor

Rodney J. Beebe
Prineville Mayor

Melanie Kebler
Bend Mayor

Brian Barney
Crook County Commissioner



Kelly Simmelink, Jefferson County Commissioner

Wayne Fording, Jefferson County Commissioner

Mark Wunsch, Jefferson County Commissioner

Chair Michael Preedin
Central Oregon Cities Organization
Email: mpreedin@sisters.or.us

Doug Riggs, Lobbyist
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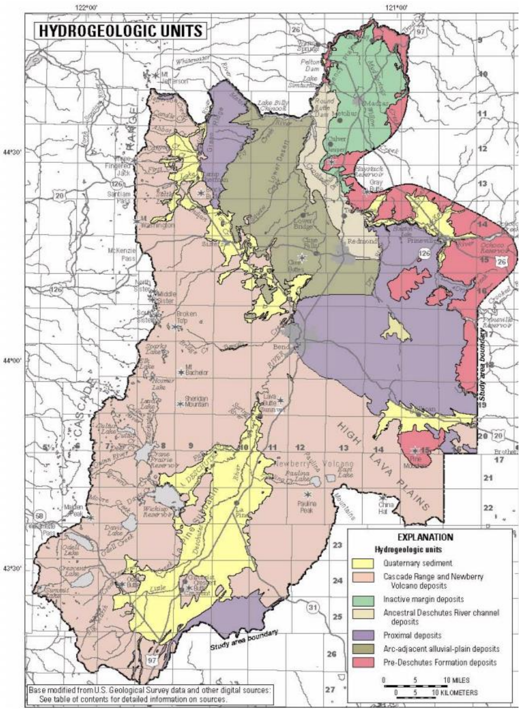


Presentation & Requests to the Oregon Water Resources Commission

November 17, 2023

The Central Oregon Cities Organization has been engaged in water conservation and planning in the Deschutes Basin for over 25 years.

Over that time, we've worked closely with the Oregon Legislature, as well as the Department and the Commission, to pass bi-partisan, basin specific legislative bills in 2001, 2003, 2005, and 2013 to create a system of stream restoration and water allocation for this unique basin. This Commission approved both initial rules in 2003, as well as updates on two other occasions.

The Deschutes Groundwater Mitigation Program and other collaborative efforts in the basin since that time have led to tremendously positive developments, including:

- Increasing flows in the middle Deschutes 4-fold.
- Restoration Whychus Creek, a key tributary for the system.
- Collaborative solutions for the Crooked River that have united local, state and federal policy makers.
- Foundational funding for canal lining and piping, allowing for not only stream and river flow restoration but also for the region to respond to the federal ESA listing of the spotted frog.

All of this has developed because stakeholders in our basin have been sitting down together collaboratively since the Deschutes River Conservancy and Deschutes Water Alliance were first established two decades ago. That successful effort continues to this day through the Deschutes Basin Water Collaborative. The basin specific, data based efforts have proven successful, and continue to yield results for our region.

That's why you see so many organizations and elected leaders in our basin expressing concern over the current draft rules, including:

The Crook County Commission
The Wasco County Commission
The Jefferson County Commission
Commissioners from Deschutes County
COCO (Cities of Redmond, Bend, Sisters, Maupin, Metolius, Culver, Prineville Lapine, Madras)
Irrigation districts
Agricultural users
Business groups
Chambers of Commerce
Homebuilders and Realtors
Hydrogeologists
Regional water advocates

So, what are we asking from you?

We would like to urge you to consider basin by basin science. Basins vary in size, aquifer thickness, saturation depth, aquifer stressors, hydrologic conditions, development patterns, soil conditions, recharge, precipitation, and more.

That's why just taking a one size-fits-all approach and imposing that standard on all basins makes little sense from a scientific standpoint.

COCO and other parties in the basin developed a white paper summarizing the considerable body of research on our unique groundwater system in September 2022. ("*Understanding Upper Deschutes Basin Groundwater Levels,"* September 2022). The effort was led by Ken Lite, who I am sure many of you know authored much of the foundational research on the basin. This is the information that should guide state and regional actions in our basin.

There are five key issues about the Upper Deschutes Basin that provide background information for understanding groundwater levels in this area:

1. **Precipitation drives the groundwater flow system in the Upper Deschutes Basin.**

Groundwater levels in wells near the Cascades closely reflect variability in annual precipitation. In wells more distant from the Cascades, the response of groundwater levels to precipitation is attenuated. Recent groundwater level trends seen at these wells reflect a long-term precipitation deficit.

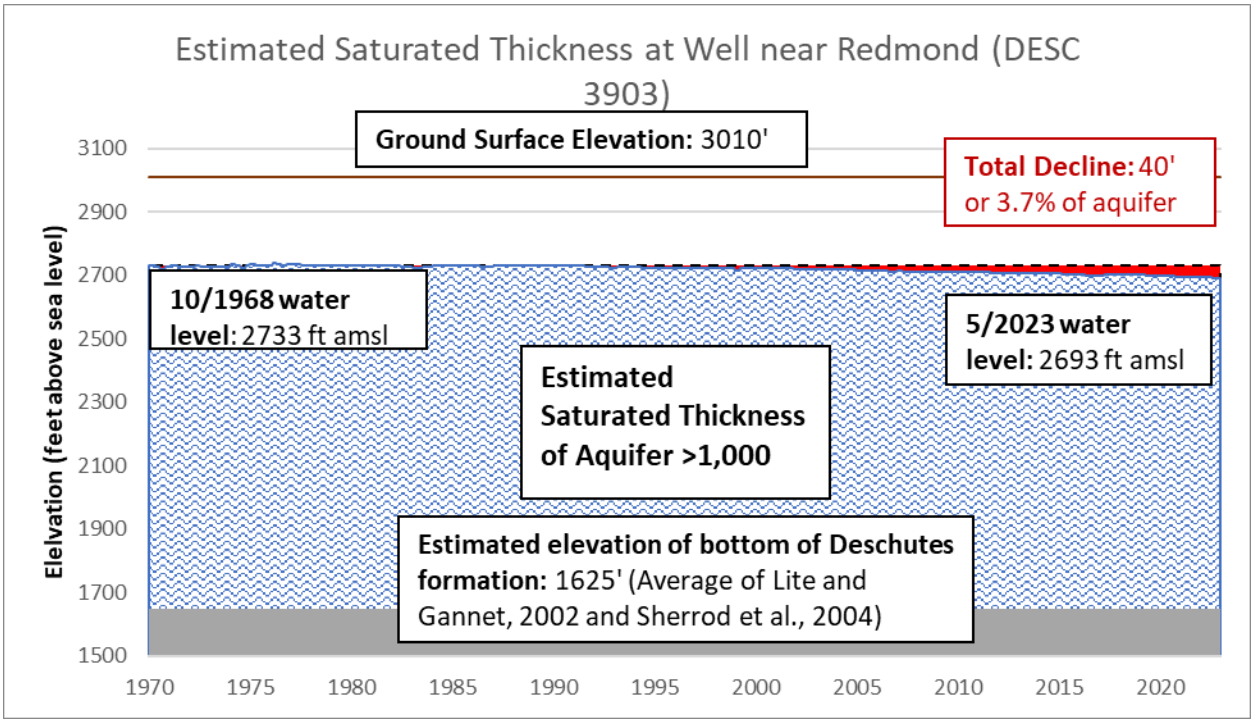
2. **Groundwater level declines in the Upper Deschutes Basin are being driven by climate variability**.

Recent groundwater declines are primarily the result of long-term drought and are not without historical precedent. Precipitation data shows similar periods of long-term drought occurred during the dust-bowl era, with similar effects on the groundwater system. In contrast, climate change models generally predict equal or slightly greater precipitation in the Central Oregon Cascades. While models predict a decline in

snowpack that will affect the timing of surface water flows, whether precipitation falls as rain or snow is not expected to influence groundwater levels in the larger regional aquifer.

3. **The Deschutes aquifer is very thick in the Upper Deschutes Basin.**

The Deschutes aquifer has a saturated thickness of approximately 1,000 feet within a single geologic formation. Even assuming that groundwater levels would continue to decline at recent rates (which is not supported by the evidence), the declines would be less than 15 percent of the total saturated thickness of the aquifer after 100 years.



4. **The groundwater flow system is not over-appropriated in the Upper Deschutes Basin.**

The Upper Deschutes Basin receives over 4,000 cubic feet per second (cfs) of annual recharge. Groundwater pumping is equivalent to approximately 2 percent of the annual groundwater recharge (Gannett et al., 2017).

5. **Groundwater allocation decisions should not be made based on wells that only penetrate the uppermost saturated zone of the aquifer.**

Concerns have been raised about the need for some groundwater users in the Deschutes aquifer to deepen their wells or groundwater users losing their ability to access the resource entirely. Providing assistance for users of domestic water supply wells that penetrate only a small amount into the saturated zone of the Deschutes aquifer has and should continue to be a priority for regional and state officials. This is the most effective policy tool for addressing the negative impacts of groundwater level declines for affected domestic wells. Because precipitation drives groundwater levels in

the Deschutes Basin, a moratorium on issuance of new groundwater permits—already heavily restricted in the Upper Deschutes Basin—will do little to further the Commission's policy goal of arresting groundwater level declines. Yet this restriction would carry a significant cost for the Basin's municipal water suppliers.

The failure to include consideration of all of the drivers of groundwater declines in the draft rules is a significant red flag and something that should concern the Commission greatly.

So, what we are proposing is that you pay attention to the actual science in our basin.

- Pay attention to the real, proven, scientific differences between basins.
- Don't ignore science backed solutions that we know work in our basin.
- Give our region the opportunity to use regional planning and local facts and science to address groundwater challenges.

The Commission has an excellent opportunity to take advantage of place-based planning (which you have encouraged for more than a decade), and work collaboratively with its local partners to address groundwater concerns. This is the path that will generate the most likelihood of success.

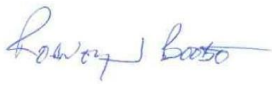
Sincerely,

Michael Preedin, Sisters Mayor
COCO Co-Chair

Melanie Kebler, Bend Mayor
COCO Co-Chair

Dan Richer, LaPine Mayor

Ed Fitch, Redmond Mayor



Jason Beebe, Prineville Mayor

Crook County

Mailing: 300 NE 3rd Street • Prineville, Oregon 97754
Physical: 203 NE Court Street • Prineville, Oregon 97754
Phone (541) 447-6555

October 10, 2023

Chair Ken Helm
Vice Chair Mark Owens
House Committee on Agriculture and Natural Resources
Salem, Oregon 97301

Dear Chair Helm and Vice Chair Owens,

We are urging the legislature to take action to protect the tremendous and collaborative progress on water supply that our basin has made over the past twenty-five years.

The current Oregon Water Resources Commission "*Groundwater Allocation Rules*" are a one size fits all, statewide approach that will damage our existing water conservation, allocation and restoration efforts. The proposed rules attempt to fit a fixed calculation of "reasonably stable groundwater levels" into all basins. The proposed definition of "reasonably stable groundwater levels" apparently relies on water level changes defined by the Water Resources Commission in 1988 in a basin whose hydrogeology bears no resemblance to our basin.

The rules also fail to consider five key factors:

- Our basin has an existing and productive collaborative regional effort to identify new tools for water use and conservation in the context of the unique characteristics of our large basin and exceedingly deep aquifer. All stakeholders are at the table, and this rulemaking would up-end that effort.

- Groundwater levels in our basin are largely driven by precipitation. In addition, certain areas through recent and thoughtful actions - - such as canal piping and lining - - have led to an expected reduction in groundwater levels near these projects. That should come as no surprise, as we are eliminating wasteful and unnatural aquifer recharge. We can expect groundwater levels near these projects to eventually adjust to more natural levels. Yet the Department points specifically to one measurement in this area as justification for their concerns about water level changes in the Deschutes Basin. This is misleading and ignores the detailed studies and information outlining the interaction between agriculture, irrigation and municipal use and water resources in our basin.

- The Oregon Legislature has - - on five occasions - - passed legislation to create, codify and renew the Deschutes Basin Mitigation and Conservation statutes. The Oregon Legislature has repeatedly recognized on a bi-partisan basis the unique nature of the Deschutes Basin. Those actions have led to dramatically increased mid-Deschutes flows, restoration of

critical areas including Whychus Creek, the ability to respond to federal ESA listings, and a twenty-five year collaborative effort to manage water in a responsible manner. This groundwater rule essentially reverses that long standing precedent.

- The basin is not standing still. As mentioned above, the Deschutes Basin Water Collaborative is working to identify issues (including groundwater concerns), review the scientific data, and prepare a game plan for the basin as we move forward.

- The region has taken responsible action to ensure that most population growth also comes with water conservation efforts. Every city in the region has a Water Management and Conservation Plan. Cities have adopted responsible landscape standards, alternative watering days, and are pursuing aquifer storage projects. (Bend for example, grew by 26,169 people (34%) over the past 18 years, but has only increased its annual surface and groundwater by 8.5% over that time frame). Cities are required by state statute to maintain a 20-year supply of buildable land, but as drafted, these rules will make it nearly impossible for cities to do that. This will, perversely, push housing and population growth onto rural lands and exempt wells, which are not addressed by the proposed rules. At the very least, the rules should not penalize local governments which have complied with existing statutes, are required to comply with other state statutes regarding housing/economic factors, and are engaged in a sincere effort to address water concerns in their basin.

Stakeholders, including those in our basin, are almost universally concerned with the Department's unwillingness to engage in meaningful two-way discussions about these rules. Much of the rulemaking was completed during the prior 2023 Legislative Session, while we were heavily engaged in supporting your comprehensive drought package and ensuring passage of the promising *Stream Restoration and Juniper Management Program* (which is already getting underway in our region).

These are clearly complicated issues, which vary greatly from basin to basin. We would strongly urge your Committee and the Legislature to work with the Governor to direct the Department to extend the process, sit down with our basin in a meaningful way, and protect the collaborative, visionary, and successful track record that the Deschutes Basin has established over the past two decades.

Sincerely,

X

Seth Crawford
County Judge

WaterWatch of Oregon
Protecting Natural Flows In Oregon Rivers

November 15, 2023

Oregon Water Resources Commission
725 Summer Street NE, Ste A
Salem, OR 97301

Re: Comments, Integrated Water Resources Strategy Agenda Item G

Chair Quaempts and Members of the Commission,

Thank you for this opportunity to comment on Agenda Item G. As we testified to at the September Commission meeting, WaterWatch is very concerned about the OWRD's recent pivot from an update of the 2017 IWRS to fill gaps and add additional direction to a wholescale reorganization of the IWRS. As noted at the September meeting, WaterWatch has both procedural and substantive concerns with this approach. After reviewing the November staff report, those concerns remain so we will reiterate three of the main ones here, as well as suggest a path forward.

First, as far as process, we do not believe the recent proposed restructuring aligns with the public outreach and engagement surrounding the 2023 update. Communications with the public and stakeholders over the past year made it appear that there would be a narrow set of additions to the strategy, similar to what we saw in 2017. At no time was an organizational restructuring queried or discussed. In our view, to now suggest a wholescale reorganization this late in the process does not align with the thoughtful public involvement we have seen with past iterations.

As a reminder, the original 2012 IWRS was developed after roughly three years of robust and inclusive outreach and engagement. This included work of the Commission to develop issue papers to guide discussions, OWRD research and analysis of the various types of state plans/strategies from which to model the structure from, a broad based Policy Advisory Committee (PAG) which met over a 24 month period, an agency project team, and agency advisory group, a federal liaison group, and others. There were nearly a dozen open houses across the state that had robust attendance, as well as a multitude of opportunities for written public comment on numerous drafts of the strategy. The final product was a solid product that was heavily vetted with the public over a three year period. The 2017 edition, by design, retained the original goals, objectives and guiding principles from the 2012 version, with the intent to update information, fill important gaps, and strengthen ideas by shoring up adding new recommended actions, where needed.

It was our understanding from early discussions with OWRD, as well as OWRD communications out to the public, that filling gaps and adding new recommended ideas where needed would be the course forward for 2023 as well. As late as June 2023, the OWRD reported to the Commission that the scope of the update would be to apply climate change predictions more holistically, apply an equity lens to the

framework, and incorporate findings of the 100 Year Water Vision[1]. Yet, in September the OWRD came to the Commission with a wholly new organizational structure. The November staff report carries this forward, with little to no focus applying climate change predictions more holistically or applying an equity lens[2] to the framework which was, as late as June, supposed to be the scope of recommended changes that we understood would go out for public comment.

Both the September and November staff reports imply that the reorganization is in response to the input heard during the outreach and engagement efforts. WaterWatch has been tracking all engagement efforts, and until September heard nothing about possible restructuring. The Survey did not have any questions related to strategy organization, the regional convenings did not ask about IWRS restructuring, the "script" delivered to guide self-convenings did not reference or allude to this, the "interviews" noted in the September staff report were strictly on the subject of where regional outreach meetings should be held, and previous communications to the Commission meetings (prior to September) did not raise any thoughts of restructuring.

Additionally, both the September and the November staff reports note that they have incorporated Commission comments. Having attended both the June and September meetings and also streamed them a second time, our observation is that key Commission comments and/or direction are not being incorporated. For example, at the June meeting a fair amount of time was spent discussing adding a section that would focus on "preserving what is left". Similarly, there was a fair amount of discussion about the inherent value of water remaining in the system as a guiding principle Additionally, more emphasis on agency integration was mentioned by a number commissioners, as well as ensuring the IWRS fed into workplans for agency implementation. Commissioners were asked specifically about equity, and a robust conversation ensued with valuable points made (inequities of the prior appropriation doctrine being included in the overview, need to bolster the public health aspect (groundwater quality as an example), etc.).

In a nutshell, we do not believe there has been adequate engagement on the idea of a wholescale restructuring of the IWRS. If the OWRD wants to restructure a document that emerged from years of intense work (plus the 2017 updates) we would suggest a broad based Policy Advisory Committee be

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[1] It is unclear where and how the OWRD is using the 100 Year Water Vision. The directives of the IWRS are bound by statute, the 100 Year Water Vision was Governor Brown's initiative rather than being driven by statute. While we agree a lot of public input went into the vision, the public needs a clear understanding of the OWRD's suggested pathway here, including how OWRD is going to ensure equal weight to both instream and out-of-stream needs (which both the 100 Year Vision and the current IWRS adhere to). The 100 Year Water Vision was never intended to supplant the IWRS, nor does statute allow for that. Much more discussion is needed here.

[2] While there are some suggested actions related to equity, they are not very rigorous. At the June meeting OWRD staff referenced incorporating ideas from a memo developed by Stacey Dalgaard, IWRS Equity and Environmental Policy Advisor on the subject. This memo is very thorough with some great ideas, we would suggest the state incorporate many of those recommendations.

convened, as well as designing an outreach strategy that elicits substantive public engagement[3] as to both organization and issues.

Second, we do not believe the new structure fully aligns with statutory mandates. The law directing the IWRS passed in 2009. The nut of the law was that the state needed to both understand instream and out of stream needs, and to develop objectives and strategies to meet both instream and out of stream needs. The existing structure found in the 2012 and 2017 versions is very clearly geared at meeting these directives, and again, was developed over a three year period and was heavily vetted with agencies, the governor's office, tribes, stakeholders and the public. The new structure, on the otherhand, has four "buckets" of strategies, which do carry over past action items, but in restructuring in this way loses the directives of the statute—to both understand and meet instream and out-of-stream needs. The statutory structure was very purposeful and was meant to ensure equal attention to both instream and out of stream needs; we would ask the state to include this structure---including these important words---in the organization going forward.

Third, the new structure elevates "planning" to a level of importance not seen in earlier versions, without any stakeholder vetting. As the Place Based Planning Assessment and the Regional Water Management Workgroup Report made clear, planning, such as place based planning, is not universally supported. While planning is certainly one solution, it does not rise to the level of having one of the four "buckets" dedicated to it. The 2012 and the 2017 versions include place based planning as one of a number of strategies to meet instream and out-of-stream needs. In our minds, that is the appropriate place for this, as one of a number of strategies---not as an umbrella topic under which other directives must fall. If the OWRD is going to have an entire bucket aimed at "planning"[4] it should also add, for one, a bucket that is specifically aimed at "regulation", which is also a strategy to meet instream and out-of-stream needs.

Long story short, it is our view that a wholescale restructuring is not needed at this point in time, at least not without a significant amount of public engagement on substantive and organizational issues.

As noted at the September meeting, rather than restructuring the strategy as a whole, we offer the following suggestions:

1. Fill the gaps, for example inserting a section water equity as noted previously. Equity measures should include among others, measures directly aimed at tribes, underserved communities and

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[3] As noted in June, WaterWatch has some concerns with the public engagement approach to the 2023 update including and not limited to the nature of the survey questions and the locations of the public outreach meetings (e.g. locations did not include cities that were convenient for broad input the result being that the sum total of participation at these meetings were Seaside – 5, Ontario – 8, Hermiston – 5, John Day – 9, Corvallis – 9, Roseburg – 7 and Madras -20. After complaints about the locations, a virtual option was added to which 50 people showed up).

[4] If planning is going to be retained, we would ask that updating OWRD basin plans, interagency planning, climate change/resiliency planning, regulatory planning and other state agency planning be included in this bucket.

ecosystems. On the last point, under definitions spanning the united nations to the 2023 secretary of state report, ecosystems are included in definitions of equity. The IWRS should follow suit.

2. Apply climate change predictions holistically as OWRD recommended in June.
3. Incorporate Commission input on including provisions for preserving what is left, both surface and groundwater. This is critical to Oregon's water future. The Commission spent a lot of time on this at the June meeting.
4. Untangle sections in the current strategy that are unnecessarily and/or oddly grouped, such as water management and development. Water management needs its own subsection under meeting Oregon's instream and out-of-stream needs.
5. Bolster state agency coordination directives. The IWRS, at its core, is supposed to lead the state in addressing water in an integrated fashion across state agencies. While some of this is occurring, there is an increasing call for more of this type of work.
6. And finally, set forth an implementation path for agency work. The IWRS is generally viewed as a solid framework, that does a relatively good job providing recommended actions related to meeting both instream and out-of-stream needs as directed by statute. Clear directions on implementation would be useful and something we have heard a variety of stakeholders advocate for.

In closing, again, WaterWatch has significant concerns with the new direction the 2023 update is taking. We think the suggested pivot by the state misses the mark. We would suggest that the state update IWRS in a similar vein as 2017. The IWRS is a solid document. It just needs updates, and pathways for agency coordination and implementation. And of course, funding.

Thank you for your consideration of our comments.

Sincerely,

Kimberley Priestley
Senior Policy Analyst
WaterWatch of Oregon

WaterWatch of Oregon
Protecting Natural Flows In Oregon Rivers

October 15, 2023

Oregon Water Resources Commission
725 Summer Street NE, Ste A
Salem, OR 97301

Re: Comments, Integrated Water Resources Strategy Agenda Item G

Chair Quaempts and Members of the Commission,

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First, as far as process, we do not believe the recent proposed restructuring aligns with the public outreach and engagement surrounding the 2023 update. Communications with the public and stakeholders over the past year made it appear that there would be a narrow set of additions to the strategy, similar to what we saw in 2017. At no time was an organizational restructuring queried or discussed. In our view, to now suggest a wholescale reorganization this late in the process does not align with the thoughtful public involvement we have seen with past iterations.

As a reminder, the original 2012 IWRS was developed after roughly three years of robust and inclusive outreach and engagement. This included work of the Commission to develop issue papers to guide discussions, OWRD research and analysis of the various types of state plans/strategies from which to model the structure from, a broad based Policy Advisory Committee (PAG) which met over a 24 month period, an agency project team, and agency advisory group, a federal liaison group, and others. There were nearly a dozen open houses across the state that had robust attendance, as well as a multitude of opportunities for written public comment on numerous drafts of the strategy. The final product was a solid product that was heavily vetted with the public over a three year period. The 2017 edition, by design, retained the original goals, objectives and guiding principles from the 2012 version, with the intent to update information, fill important gaps, and strengthen ideas by shoring up adding new recommended actions, where needed.

It was our understanding from early discussions with OWRD, as well as OWRD communications out to the public, that filling gaps and adding new recommended ideas where needed would be the course forward for 2023 as well. As late as June 2023, the OWRD reported to the Commission that the scope of the update would be to apply climate change predictions more holistically, apply an equity lens to the

framework, and incorporate findings of the 100 Year Water Vision[1]. Yet, in September the OWRD came to the Commission with a wholly new organizational structure. The November staff report carries this forward, with little to no focus applying climate change predictions more holistically or applying an equity lens[2] to the framework which was, as late as June, supposed to be the scope of recommended changes that we understood would go out for public comment.

Both the September and November staff reports imply that the reorganization is in response to the input heard during the outreach and engagement efforts. WaterWatch has been tracking all engagement efforts, and until September heard nothing about possible restructuring. The Survey did not have any questions related to strategy organization, the regional convenings did not ask about IWRS restructuring, the "script" delivered to guide self-convenings did not reference or allude to this, the "interviews" noted in the September staff report were strictly on the subject of where regional outreach meetings should be held, and previous communications to the Commission meetings (prior to September) did not raise any thoughts of restructuring.

Additionally, both the September and the November staff reports note that they have incorporated Commission comments. Having attended both the June and September meetings and also streamed them a second time, our observation is that key Commission comments and/or direction are not being incorporated. For example, at the June meeting a fair amount of time was spent discussing adding a section that would focus on "preserving what is left". Similarly, there was a fair amount of discussion about the inherent value of water remaining in the system as a guiding principle Additionally, more emphasis on agency integration was mentioned by a number commissioners, as well as ensuring the IWRS fed into workplans for agency implementation. Commissioners were asked specifically about equity, and a robust conversation ensued with valuable points made (inequities of the prior appropriation doctrine being included in the overview, need to bolster the public health aspect (groundwater quality as an example), etc.).

In a nutshell, we do not believe there has been adequate engagement on the idea of a wholescale restructuring of the IWRS. If the OWRD wants to restructure a document that emerged from years of intense work (plus the 2017 updates) we would suggest a broad based Policy Advisory Committee be

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[1] It is unclear where and how the OWRD is using the 100 Year Water Vision. The directives of the IWRS are bound by statute, the 100 Year Water Vision was Governor Brown's initiative rather than being driven by statute. While we agree a lot of public input went into the vision, the public needs a clear understanding of the OWRD's suggested pathway here, including how OWRD is going to ensure equal weight to both instream and out-of-stream needs (which both the 100 Year Vision and the current IWRS adhere to). The 100 Year Water Vision was never intended to supplant the IWRS, nor does statute allow for that. Much more discussion is needed here.

[2] While there are some suggested actions related to equity, they are not very rigorous. At the June meeting OWRD staff referenced incorporating ideas from a memo developed by Stacey Dalgaard, IWRS Equity and Environmental Policy Advisor on the subject. This memo is very thorough with some great ideas, we would suggest the state incorporate many of those recommendations.

convened, as well as designing an outreach strategy that elicits substantive public engagement[3] as to both organization and issues.

Second, we do not believe the new structure fully aligns with statutory mandates. The law directing the IWRS passed in 2009. The nut of the law was that the state needed to both understand instream and out of stream needs, and to develop objectives and strategies to meet both instream and out of stream needs. The existing structure found in the 2012 and 2017 versions is very clearly geared at meeting these directives, and again, was developed over a three year period and was heavily vetted with agencies, the governor's office, tribes, stakeholders and the public. The new structure, on the otherhand, has four "buckets" of strategies, which do carry over past action items, but in restructuring in this way loses the directives of the statute—to both understand and meet instream and out-of-stream needs. The statutory structure was very purposeful and was meant to ensure equal attention to both instream and out of stream needs; we would ask the state to include this structure---including these important words---in the organization going forward.

Third, the new structure elevates "planning" to a level of importance not seen in earlier versions, without any stakeholder vetting. As the Place Based Planning Assessment and the Regional Water Management Workgroup Report made clear, planning, such as place based planning, is not universally supported. While planning is certainly one solution, it does not rise to the level of having one of the four "buckets" dedicated to it. The 2012 and the 2017 versions include place based planning as one of a number of strategies to meet instream and out-of-stream needs. In our minds, that is the appropriate place for this, as one of a number of strategies---not as an umbrella topic under which other directives must fall. If the OWRD is going to have an entire bucket aimed at "planning"[4] it should also add, for one, a bucket that is specifically aimed at "regulation", which is also a strategy to meet instream and out-of-stream needs.

Long story short, it is our view that a wholescale restructuring is not needed at this point in time, at least not without a significant amount of public engagement on substantive and organizational issues.

As noted at the September meeting, rather than restructuring the strategy as a whole, we offer the following suggestions:

1. Fill the gaps, for example inserting a section water equity as noted previously. Equity measures should include among others, measures directly aimed at tribes, underserved communities and

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[3] As noted in June, WaterWatch has some concerns with the public engagement approach to the 2023 update including and not limited to the nature of the survey questions and the locations of the public outreach meetings (e.g. locations did not include cities that were convenient for broad input the result being that the sum total of participation at these meetings were Seaside – 5, Ontario – 8, Hermiston – 5, John Day – 9, Corvallis – 9, Roseburg – 7 and Madras -20. After complaints about the locations, a virtual option was added to which 50 people showed up).

[4] If planning is going to be retained, we would ask that updating OWRD basin plans, interagency planning, climate change/resiliency planning, regulatory planning and other state agency planning be included in this bucket.

ecosystems. On the last point, under definitions spanning the united nations to the 2023 secretary of state report, ecosystems are included in definitions of equity. The IWRS should follow suit.

2. Apply climate change predictions holistically as OWRD recommended in June.
3. Incorporate Commission input on including provisions for preserving what is left, both surface and groundwater. This is critical to Oregon's water future. The Commission spent a lot of time on this at the June meeting.
4. Untangle sections in the current strategy that are unnecessarily and/or oddly grouped, such as water management and development. Water management needs its own subsection under meeting Oregon's instream and out-of-stream needs.
5. Bolster state agency coordination directives. The IWRS, at its core, is supposed to lead the state in addressing water in an integrated fashion across state agencies. While some of this is occurring, there is an increasing call for more of this type of work.
6. And finally, set forth an implementation path for agency work. The IWRS is generally viewed as a solid framework, that does a relatively good job providing recommended actions related to meeting both instream and out-of-stream needs as directed by statute. Clear directions on implementation would be useful and something we have heard a variety of stakeholders advocate for.

In closing, again, WaterWatch has significant concerns with the new direction the 2023 update is taking. We think the suggested pivot by the state misses the mark. We would suggest that the state update IWRS in a similar vein as 2017. The IWRS is a solid document. It just needs updates, and pathways for agency coordination and implementation. And of course, funding.

Thank you for your consideration of our comments.

Sincerely,

Kimberley Priestley
Senior Policy Analyst
WaterWatch of Oregon

From: oregon-gov-web-services@egov.com
To: WRD_DL_Director
Subject: WRC Oral Public Comment Request Form
Date: Wednesday, November 15, 2023 8:16:38 AM
Attachments: formsubmission.csv

Full Name	Tony Newbill
Organization Represented	N 3 Ranch
Email	n3ranchlife@gmail.com
Please indicate how you will join the Commission Meeting:	Telephone
Phone	9282312478
Agenda Item	Ground Water aquifer in Central Oregon is sending this warning sign , and without annual snowfall levels increased back to pre 2000 year the Race to the Bottom deepening Existing Wells will be the demise of Central Oregon's communities . This is why we need to Consider Idaho Cloud Seeding Program , Thank you for your time and service . https://www.bendbulletin.com/localstate/environment/metolius-river-headwaters-remain-stubbornly-low-despite-year-of-strong-snowpack/article_e46fefa4-7f39-11ee-ba5f-1710dee95c94.html?utm_source=newsletter&utm_campaign=daily-headlines&utm_medium=email&utm_content=headline

Submission ID: f09ea9f3-b225-4a2c-974d-a4f2aff6f36e

Record ID:

Comments to the Oregon Water Resources Commission November 17, 2023

Chair Reeves, Vice Chair Quaempts and Members of the Commission,

My name is Michael Tripp, a Bend resident for 21 years. During these years, I have been involved with a large number of projects, issues and programs involving the waters and fisheries of Central Oregon. Today's meeting was useful and constructive.

I currently serve on the board of the Deschutes Redbands Chapter of Trout Unlimited, as an ex-president of the chapter, and previously served on the boards of several NGOs including the Deschutes River Conservancy. The Redbands Chapter of TU has approximately 700 members committed to conservation of the rivers of Central Oregon. I want to briefly express the Chapter's support for the Groundwater Allocation rule package that is near completion.

Ground water inflows into the Metolius, Deschutes and Crooked Rivers are remarkably critical for these waterways.

I'd refer the Commission members to a piece published in the Bend Bulletin this week, titled "Metolius River headwaters remain stubbornly low despite strong snowpack." The article states that that the Metolius River headwater spring is discharging water at historically low flows, a 55% decline compared to the spring's discharge rate six years ago.

And in the Deschutes and Crooked rivers just above Lake Billy Chinook, large springs create unique ecosystems. With the Metolius flows, they are quantitatively critical for instream flows and water temperatures in the lower Deschutes, designated State Scenic Waterways. New GW allocation in the Deschutes basin is currently based on Scenic Waterway hydraulics. The proposed rule changes for allocation of new ground water rights to be based on aquifer based science, to ensure that new permits are only issued where water is truly available, are rationale and needed.

Drought and climate change are the new norm in central Oregon, and we're feeling the effects. Concerns expressed by others as to needs to support growth can be met through options that do not deplete our aquifers, as exemplified by the city of Bend in the face of remarkable growth. The Deschutes Chapter of Trout Unlimited supports the proposed rules.
Thank you for the time to speak today.

Michael Tripp M.D

1020 NW Foxwood, Bend OR 97703

trippm10@gmail.com

From:	Keith Witcosky
To:	LANE Mindy J * WRD
Subject:	RE: Written Comments from Redmond Mayor Ed Fitch for the November 17, 2023 Water Resources Commission Meeting.
Date:	Tuesday, November 14, 2023 2:37:38 PM
Attachments:	image001.png image002.png image003.png OWRC 11.17.23.pdf

---

> You don't often get email from keith.witcosky@redmondoregon.gov. Learn why this is important

Hi Mindy;

Please use this version instead.

Thanks
Keith

Keith Witcosky | City of Redmond
City Manager

phone **541.923.7711**
mobile **503.318.8761**
email **keith.witcosky@redmondoregon.gov**

411 SW 9th Street Redmond, Oregon 97756
Online at **WWW.REDMONDOREGON.GOV**

From: Keith Witcosky
Sent: Tuesday, November 14, 2023 1:55 PM
To: mindy.j.lane@water.oregon.gov
Subject: Written Comments from Redmond Mayor Ed Fitch for the November 17, 2023 Water Resources Commission Meeting.

Thanks Mindy.

Keith

KEITH WITCOSKY | City of Redmond
City Manager

phone **541.923.7711**
mobile **503.318.8761**
email **keith.witcosky@redmondoregon.gov**
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Pioneering pathways to prosperity.

Chair Ken Helm
Vice-Chair Mark Owens
House Committee on Agriculture and Natural Resources
Salem, OR 97301

October 9, 2023

Dear Representatives Helm and Owens:

We are urging the legislature to take action to protect the tremendous and collaborative progress on water supply that our basin has made over the past twenty-five years.

The current Oregon Water Resources Commission "*Groundwater Allocation Rules*" are a one size fits all, statewide approach that will damage our existing water conservation, allocation and restoration efforts. The proposed rules attempt to fit a fixed calculation of "reasonably stable groundwater levels" into all basins. The proposed definition of "reasonably stable groundwater levels" apparently relies on water level changes defined by the Water Resources Commission in 1988 in a basin whose hydrogeology bears no resemblance to our basin.

The rules also fail to consider five key factors:

- Our basin has an existing and productive collaborative regional effort to identify new tools for water use and conservation in the context of the unique characteristics of our large basin and exceedingly deep aquifer. All stakeholders are at the table, and this rulemaking would up-end that effort.

- Groundwater levels in our basin are largely driven by precipitation. In addition, certain areas through recent and thoughtful actions - - such as canal piping and lining - - have led to an expected reduction in groundwater levels near these projects. That should come as no surprise, as we are eliminating wasteful and unnatural aquifer recharge. We can expect groundwater levels near these projects to eventually adjust to more natural levels. Yet the Department points specifically to one measurement in this area as justification for their concerns about water level changes in the Deschutes Basin. This is misleading and ignores the detailed studies and information outlining the interaction between agriculture, irrigation and municipal use and water resources in our basin.

- The Oregon Legislature has - - on five occasions - - passed legislation to create, codify and renew the Deschutes Basin Mitigation and Conservation statutes. The Oregon Legislature has repeatedly recognized on a bi-partisan basis the unique nature of the Deschutes Basin. Those actions have led to dramatically increased mid-Deschutes flows, restoration of critical areas including Whychus Creek, the ability to respond to federal ESA listings, and a twenty-five year collaborative effort to manage water in a responsible manner. This groundwater rule essentially reverses that long standing precedent.

- The basin is not standing still. As mentioned above, the Deschutes Basin Water Collaborative is working to identify issues (including groundwater concerns), review the scientific data, and prepare a game plan for the basin as we move forward.

- The region has taken responsible action to ensure that most population growth also comes with water conservation efforts. Every city in the region has a Water Management and Conservation Plan. Cities have adopted responsible landscape standards, alternative watering days, and are

pursuing aquifer storage projects. (Bend for example, grew by 26,169 people (34%) over the past 18 years, but has only increased its annual surface and groundwater by 8.5% over that time frame). Cities are required by state statute to maintain a 20-year supply of buildable land, but as drafted, these rules will make it nearly impossible for cities to do that. This will, perversely, push housing and population growth onto rural lands and exempt wells, which are not addressed by the proposed rules. At the very least, the rules should not penalize local governments which have complied with existing statutes, are required to comply with other state statutes regarding housing/economic factors, and are engaged in a sincere effort to address water concerns in their basin.

Stakeholders, including those in our basin, are almost universally concerned with the Department's unwillingness to engage in meaningful two-way discussions about these rules. Much of the rulemaking was completed during the prior 2023 Legislative Session, while we were heavily engaged in supporting your comprehensive drought package and ensuring passage of the promising *Stream Restoration and Juniper Management Program* (which is already getting underway in our region).
These are clearly complicated issues, which vary greatly from basin to basin. We would strongly urge your Committee and the Legislature to work with the Governor to direct the Department to extend the process, sit down with our basin in a meaningful way, and protect the collaborative, visionary, and successful track record that the Deschutes Basin has established over the past two decades.

Sincerely,
Wasco County Board of Commissioners

Steven D. Kramer, Chair

Scott C. Hege, Vice-Chair

Philip L. Brady, County Commissioner

WaterWatch of Oregon
Protecting Natural Flows In Oregon Rivers

Oregon Water Resources Commission
725 Summer St. NE, STE A
Salem, OR 97301
Sent via email to: Mindy Lane, Mindy.J.LANE@water.oregon.gov

November 16, 2023

RE: November 17th, 2023, Agenda Item I - Groundwater Allocation Rulemaking Update

Dear Chair Quaempts and members of the Commission:

Thank you for your continued interest and oversight regarding the critical work being done by the agency to develop science-based Groundwater Allocation rules that implement Oregon's 1955 Groundwater Act.

WaterWatch is a member of the Groundwater Allocation RAC, submitted a letter on this topic to the Commission as a member of the Oregon Water Partnership, and testified at the September, 2023 Commission meeting. We are very supportive of the draft rules and appreciative of the OWRD's thoughtful, in-depth work and robust public engagement that has gone into the rule development. This letter will not reiterate information we previously provided, which we incorporate by reference, but is being provided only to address two issues that have been raised by water users.

1. The Draft Groundwater Allocation rules align with statute and the claim by certain water user groups that ORS 537.525(2) says otherwise misreads the statute.

Various water user groups are asserting that the Draft Groundwater Rules exceed the scope of Oregon's 1955 Groundwater Act. This assertion is incorrect. The draft rules would implement and align with statute. The existing rules, in contrast, do not align with statute as demonstrated, for example, by the plummeting groundwater levels in places like the Harney Basin caused by over-issuance of groundwater permits, and the fact that the existing groundwater permitting process fails to protect senior water rights from injury caused by pumping.

Those user groups have expressed concerns that "OWRD has exceeded the intent and scope of its enabling legislation…", claiming incorrectly that the rules conflict with ORS 537.525(2). (July 7, 2023 letter from Oregon Association of Nurseries, Oregon Cattlemen's Association, Oregon Farm Bureau Federation, Oregon Water Resources Congress, and Oregon Dairy Farmers Association to the RAC coordinator).

The groups have misread the statute. ORS 537.525(2) states "Rights to appropriate ground water and priority thereof be acknowledged and protected, except when, under certain conditions, the public welfare, safety and health require otherwise." The provision pertains to existing "rights" that have "priority" dates; these terms make the provision inapplicable to rules regarding *future* allocation of groundwater, because future allocations are not "rights" with "priority" dates.

ORS 537.525(2) further signals that, while *existing* groundwater rights will be protected, "under certain conditions, the public welfare, safety and health" may "require otherwise." This foreshadows the Act's provisions for designation of Critical Groundwater Areas, which can include as "corrective control provisions," "[a]ny one or more provisions making such additional requirements as are necessary to protect the public welfare, health and safety in accordance with the intent, purposes and requirements of ORS 537.505 (Short title) to 537.795 (ORS 537.505 to 537.795 supplementary) and 537.992 (Civil penalties)." (ORS 537.735(3) and (3)(d)).

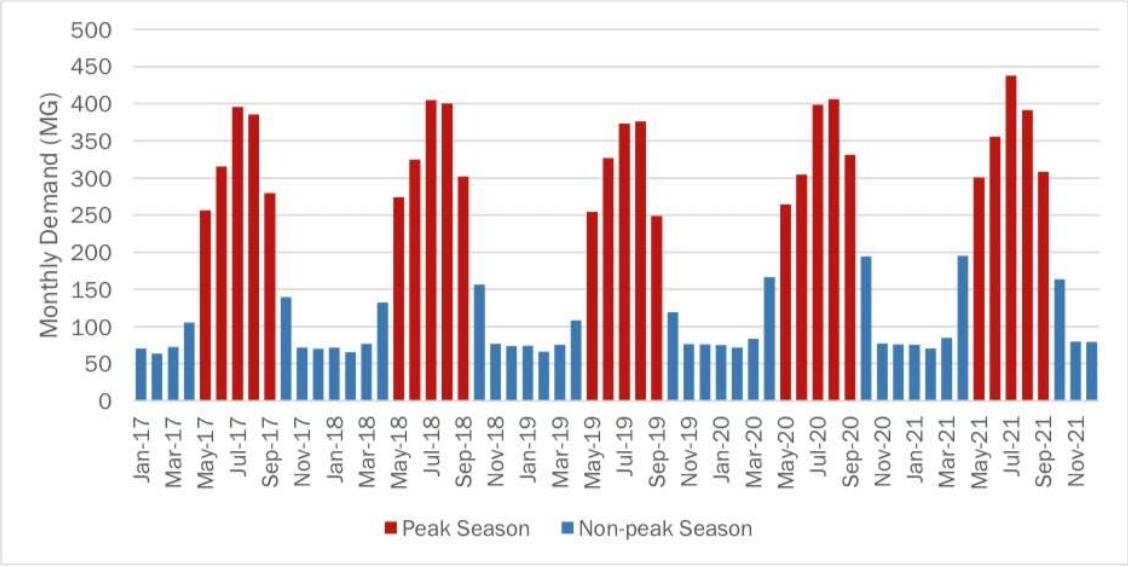
In sum, the claim by various water user groups that the Draft Groundwater Allocation rules exceed Oregon's Groundwater Act is incorrect and is based on a misreading of the statute. What the draft rules do is finally align agency rule with statute, something that is long overdue.

2. Claims that the Draft Groundwater Allocation Rules could conflict with Governor Kotek's effort to establish additional housing are unsupported by available data; cities should be asked for detailed description of their concerns to enable objective evaluation using available water use data.

Claims that the science-based, sustainable groundwater permitting approach developed by the department would conflict with developing additional housing are not supported by data. Because this claim has been voiced largely by cities in central Oregon, we looked at the City of Redmond's Water Management Conservation Plan (WMCP) that was approved by the department. Due to time constraints, we have not yet evaluated the City of Sisters and City of Bend WMCPs in light of this issue. However, a basic review of the City of Redmond WMCP shows why the concern is unfounded.

Exhibit 2-6 shows total monthly demand, with the peak season of May through September in red and the non-peak season in blue. The average monthly demand was 337 MG during the peak season and 95 MG during the non-peak season. The MMD averaged 404 MG and these peaks occurred in July (2017, 2018, and 2021) and August (2019 and 2020).

Exhibit 2-6. Monthly and Seasonal Demand, 2017 through 2021



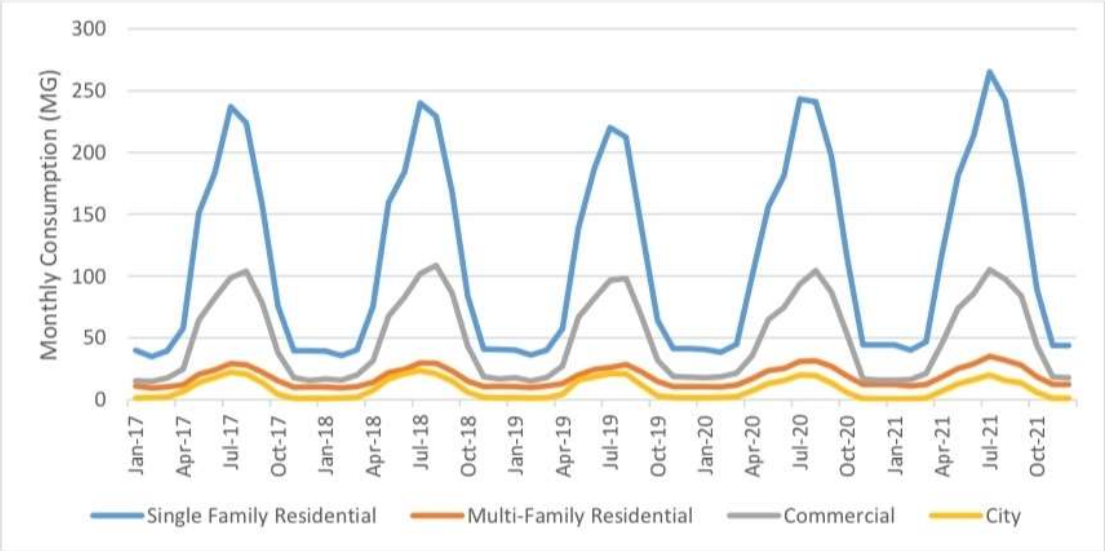
Source: City of Redmond WMCP, Prepared by GSI Water Solutions, Inc., September, 2022 (p. 2-9).

On Figure 2-6, the red bars show the dramatic increase in water use due to outdoor summer water use (e.g. lawn watering and landscape watering). The graph shows that it is *not* household use driving water demand – it is strictly peak summer use driven by outdoor watering. The current water use could support water for far more households by addressing the high peak summer use, for example though better conservation practices including but not limited to landscaping that is more adapted for the amount of water naturally available during the summer months.

It is important to note that currently, the city's average daily demand is only about 25% of its already permitted water rights, and by 2043 the city projects that average daily demand will still be well under 50% of its permitted water rights. (City of Redmond WMCP, p. 5-5). Further, by 2043, the city projects that the maximum day demand will also be approximately 5 cfs less than its permitted water rights. (*Id.*).

To examine this further, Exhibit 2-11 (also from the City of Redmond WMCP), shows how water use for multi-family residential use (shown in orange) is much more flat year round and does not contain the large outdoor water use peak currently associated with single family homes (shown in blue). There appears ample room for conservation practices to free up water needed for additional multi-family housing, or any housing not entailing extensive outdoor watering.

Exhibit 2-11. Monthly Consumption by Customer Category, 2017 through 2021



Source: City of Redmond Water Management and Conservation Plan, Prepared by GSI Water Solutions, Inc., September, 2022 (p. 2-12).

The City of Redmond WMCP also provided this analysis:

> "Average monthly peak season water use in 2021 was 3.5 times higher than non-peak season water use for single-family residential connections (due to outdoor landscape watering associated primarily with large residential lots), down from 4.1 times higher in

> 2017. In addition to the City's water conservation outreach activities, this reduction is likely attributable to a reduction in average lot sizes for single family homes driven by changes in zoning and real estate market dynamics. Average monthly peak season water use for multi-family water service connections is consistently 2.2 times higher than nonpeak season water use. The 2021 multipliers for commercial and City water use were 3.5 and 6.3, respectively.
>
> These ratios suggest that conservation efforts focused on reducing outdoor use by single-family homes and certain commercial customers with large landscape water use, may help to address peak-season demand (see Exhibit 2-10)."

(P. 2-11). This analysis highlights opportunities to provide additional water that could be directed to additional housing through bringing down "outdoor landscape watering associated primarily with large residential lots."

The City of Redmond WMCP also provides other data that highlight water saving opportunities, including a "Maximum Operational Demand," which adds a significant peak to the maximum day demand caused by people turning on their outdoor watering during the same hours each day. (P. 5-3 to 5-5). Addressing that peak, for example with scheduling or reducing outdoor use, or in-city water tanks, could instead provide water for housing.

Finally, the population of City of Redmond was 37,342 in 2022, which the city projects will increase to 56,810 by 2043. (City of Redmond WMCP, p. 5-1). The Mayor of Redmond recently stated: "We have enough water rights that we acquired over the last 20 years to meet a population of 75,000 people." (Redmond Spokesman, *State signals it's likely to deny Redmond's application for future groundwater*, October 16, 2023.) This means City of Redmond is many decades away from needing additional water, if ever, providing ample time to apply modern techniques, programs and transactions, such as implementing lawn watering schedules or restrictions and prioritizing xeriscaping – in order to sustainably meet the city's needs without causing added groundwater declines.

In sum, any statements that central Oregon cities, or any city, must be allowed to acquire additional new groundwater permits need to be objectively evaluated with available data, including data provided in the cities' WMCPs. Reviewing City of Redmond's WMCP shows that there is ample opportunity to provide water for a great deal of additional housing, including by addressing the pattern of water use; that it is not household use driving peak water demand; and that the city's existing water rights provide for a long horizon to develop sustainable strategies.

Thank you for the opportunity to comment and for your continued work on this critically important issue. We look forward to fully examining remaining concerns in the added RAC meetings and to adoption of sustainable groundwater allocation rules following those meetings.

Sincerely,

/S/Lisa A. Brown

Lisa A. Brown
Staff Attorney
lisa@waterwatch.org

WaterWatch of Oregon
Protecting Natural Flows In Oregon Rivers

Oregon Water Resources Commission
725 Summer St. NE, STE A
Salem, OR 97301
Sent via email to: Mindy Lane, Mindy.J.LANE@water.oregon.gov

November 16, 2023

RE: November 17th, 2023, Agenda Item I - Groundwater Allocation Rulemaking Update

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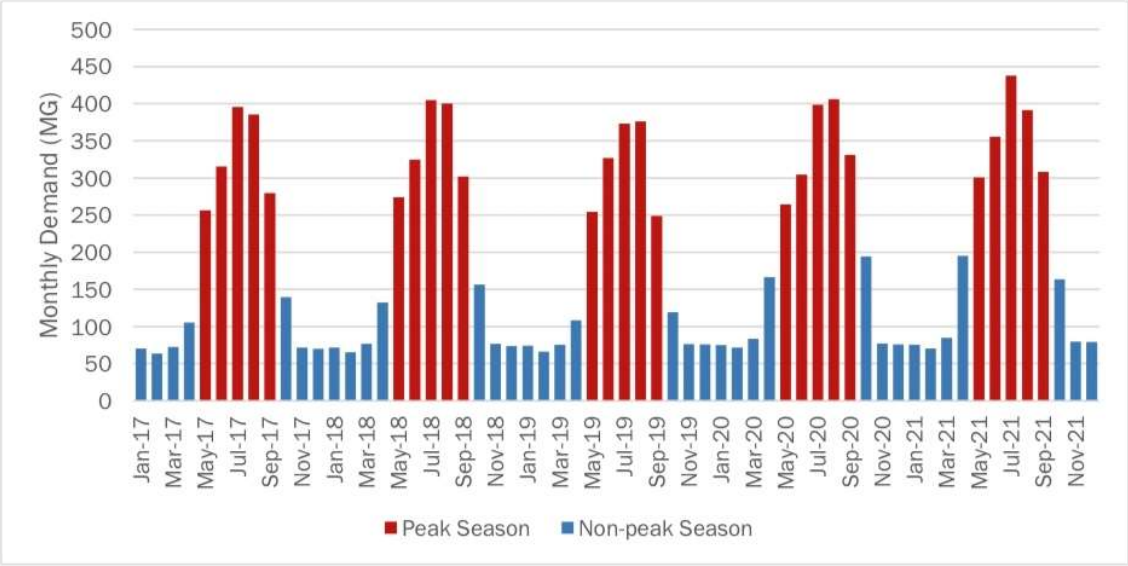

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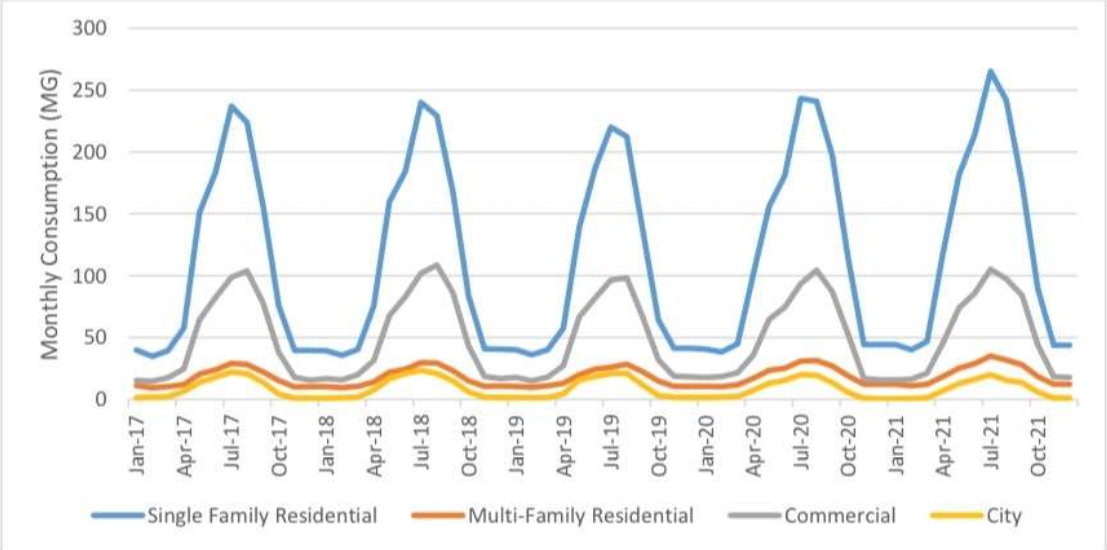
To examine this further, Exhibit 2-11 (also from the City of Redmond WMCP), shows how water use for multi-family residential use (shown in orange) is much more flat year round and does not contain the large outdoor water use peak currently associated with single family homes (shown in blue). There appears ample room for conservation practices to free up water needed for additional multi-family housing, or any housing not entailing extensive outdoor watering.

Exhibit 2-11. Monthly Consumption by Customer Category, 2017 through 2021



Source: City of Redmond Water Management and Conservation Plan, Prepared by GSI Water Solutions, Inc., September, 2022 (p. 2-12).

The City of Redmond WMCP also provided this analysis:

> "Average monthly peak season water use in 2021 was 3.5 times higher than non-peak season water use for single-family residential connections (due to outdoor landscape watering associated primarily with large residential lots), down from 4.1 times higher in

> 2017. In addition to the City's water conservation outreach activities, this reduction is likely attributable to a reduction in average lot sizes for single family homes driven by changes in zoning and real estate market dynamics. Average monthly peak season water use for multi-family water service connections is consistently 2.2 times higher than nonpeak season water use. The 2021 multipliers for commercial and City water use were 3.5 and 6.3, respectively.
>
> These ratios suggest that conservation efforts focused on reducing outdoor use by single-family homes and certain commercial customers with large landscape water use, may help to address peak-season demand (see Exhibit 2-10)."

(P. 2-11). This analysis highlights opportunities to provide additional water that could be directed to additional housing through bringing down "outdoor landscape watering associated primarily with large residential lots."

The City of Redmond WMCP also provides other data that highlight water saving opportunities, including a "Maximum Operational Demand," which adds a significant peak to the maximum day demand caused by people turning on their outdoor watering during the same hours each day. (P. 5-3 to 5-5). Addressing that peak, for example with scheduling or reducing outdoor use, or in-city water tanks, could instead provide water for housing.

Finally, the population of City of Redmond was 37,342 in 2022, which the city projects will increase to 56,810 by 2043. (City of Redmond WMCP, p. 5-1). The Mayor of Redmond recently stated: "We have enough water rights that we acquired over the last 20 years to meet a population of 75,00 people." (Redmond Spokesman, *State signals it's likely to deny Redmond's application for future groundwater*, October 16, 2023.) This means City of Redmond is many decades away from needing additional water, if ever, providing ample time to apply modern techniques, programs and transactions, such as implementing lawn watering schedules or restrictions and prioritizing xeriscaping – in order to sustainably meet the city's needs without causing added groundwater declines.

In sum, any statements that central Oregon cities, or any city, must be allowed to acquire additional new groundwater permits need to be objectively evaluated with available data, including data provided in the cities' WMCPs. Reviewing City of Redmond's WMCP shows that there is ample opportunity to provide water for a great deal of additional housing, including by addressing the pattern of water use; that it is not household use driving peak water demand; and that the city's existing water rights provide for a long horizon to develop sustainable strategies.

Thank you for the opportunity to comment and for your continued work on this critically important issue. We look forward to fully examining remaining concerns in the added RAC meetings and to adoption of sustainable groundwater allocation rules following those meetings.

Sincerely,

/S/Lisa A. Brown

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