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Integrated Water Resources Strategy Comments

August 26, 2010 Commission Meeting

General Comments

May 12, 2010

To: OWRC, DEQ, Fish and Game, Dep't of Agriculture

RE: Oregon's first Integrated Water Resources Strategy

My name is James R. Ottoman and I am a native Oregonian. For over 60 years I've been involved in helping develop solutions and laws pertaining to Oregon's water . It's been my privilege to serve on many committees and boards including:

Governor's Policy Advisory Board of the DEQ
involving the 208 program and Clean Water Act
Governor's Water Policy Review Board
involving setting minimum stream standards, critical ground water area, and water shed enhancement
Medford BLM Advisory Board
involving critical habitat designation, Forest Practices Act and saving Table Rock area from development

It was an honor to spend time on these boards -- which included many people from the local levels – helping develop Oregon's present Water Laws which are the best in the Nation.

If the proposed Integrated Water Resources Strategy is implemented as is, it will create problems for Oregon's present water laws which have already passed the test of time.

Thank you for holding these informational meetings locally around the state.

James R. Ottoman
3910 Mazama Dr.
Klamath Falls, OR 97603

Integrated Water Resources Strategy Meeting

May 25, 2010
Burns, Oregon 97722

Oregon State Legislative Input
Re: HB3369 and the Integrated Water Resources Strategy
From:

It is imperative that the complete accounting, and all citizen input from the 2009 Water Roundtable activities and correspondence is included in the IWRS final consideration. They are very closely related and interchangeable in many respects. Many citizens, Oregon State Legislature, and Water Resources Department have expended many hours and resources to develop corresponding attempts to alleviate the constraints of "Water" in Oregon.

From Statehood (1859), Water has belonged to the State of Oregon. Water Resources Department was established in 1909; and it has been the responsibility of WRD to manage and protect Oregon's public water, to ensure a sufficient supply to sustain its growing economy, quality of life and natural heritage.

Now, and for the past 3 or 4 years specifically, there have been individuals and entities that do not respect Oregon historic water law, Water Code, nor historic Water use or Water rights; in particular Agricultural Water Rights and legally Exempt Water Rights; many having been used continuously since and prior to Statehood. These uses of water have been and will always be the basis of economic revenue and existence, for the state, and Oregon citizens.

Of late, it appears Water Resources Department has allowed, or has been instrumental in drawing in academia (i.e.: Institute for Water and Watersheds), political entities with other agendas, and federal agencies; seemingly without the interest of, or obligation to Oregon; while not focusing on protecting the existing laws, rules, adjudicated water rights and other responsibilities of the Department. Currently we have legislators attempting to cut legally exempt historic beneficial uses while not protecting basic inventories. The lack of use of some of these historic beneficial uses is life-threatening; and, certainly threatens the livelihood and revenue enhancing ability of citizens of Oregon.

Each time Agriculture raises up to complain, the Department's response is: We do not have the manpower or revenues to do "whatever"; and many times, legislature allows for additional revenues and full time employment of additional employees. However basic protection does not occur.

It is important for agriculture to be able to defend itself. This is not possible when there are no updated adjudicated water-rights and current permitted ownership records. It is critical to have current ownership of current beneficial land use status. This record should be specific to acreage, and should have a recorded "change over time" capability, related to living human beings, and correlated to land ownership. Water Districts, for the most part, have this information; but the general population in unpopulated area or areas without Districts is at a direct disadvantage for informational dissemination or area identification, etc. Without this information assimilated, in an easy to access format, there is not comparable water inventory capability. Surface water vs. in stream water vs. groundwater interchangeably, cannot be comparably evaluated. Without a comparable water inventory, it seems water permits may be in conflict.

It is important to not measure every drop of water as static; as if it were motionless and were not a constant changing measurement from year to year or day to day or hr. to hr. The State requirements change, as do individual uses: fish and wildlife populations and the needs for economic development and water rights service are not static; therefore water measurements must have some elasticity or reserves in order to have ability to change.

There is no available comprehensive Ground Water Inventory for Harney County. However, there are numerous new wells being permitted monthly, and probably as many old wells going dry while we sit in seemingly irrelevant Town Hall meetings wasting State revenues and Permitee's or Water right holder's valuable time. Harney Watershed Council has requested for several years for inventory and because of "limited revenues", has not been successful. It does not seem responsible to permit new use of seemingly limited ground water in a closed basin when there is no long-term groundwater inventory and existing wells are being jeopardized.

Each County, watershed, or other recognized designation area should be identified as a class: i.e. Harney County private water right holders, agricultural water right holders, or other areas not designated and/or recognized within a District. Each water body or designated area should be able to evaluate all entities using water, including legally exempt users, fish, wildlife, etc.

Agricultural water rights are serviced by agricultural managers, and these water rights and the efforts of their owners coincidently serve the State's wildlife and fish and game animals. Exempt-use-wells, especially in Eastern Oregon where drought is prevalent also serve these same entities in addition to households and domestic animals.

Open Adjudications for Oregon's current water rights should be completed and encouraged in a timely fashion by the Department. Other water rights that have not been Adjudicated should be started and completed by the Department establishing historic water rights, prior to some other entity stepping in to trump them. Unadjudicated water rights are indefensible and for the Department to wait until litigation is instituted is not responsible. Agricultural water rights being defensible in Oregon is in the best interest of the State.

Advisory Committees appointed by WRD should include some representation of water users and/or water right holders and/or private property owners. These Committees should also include knowledgeable scientific representation; not only a predominance of government agency personnel or their affiliates.

A Statewide Integrated Water Resources Strategy or Policy is not possible without elevating and protecting existing water rights and permits; and inventorying the resource for its capabilities, with safeguards and set-asides for the future economic development and population increases that are inevitable. This is the responsibility of the Department at the request of Oregon State Legislature.

Thank you for your consideration of the above comments.

Hammond Ranches, Inc.
Susan A. Hammond

John Frewing
June 1, 2010 (email)
Subject: IWRS General Comment

Gentlemen,

I was unable to attend a recent workshop on your IWRS, but want to give you my general comments based on my experience on the WRC some years ago and my continuing observation of Oregon stream conditions.

Sincerely,

John Frewing

Sustainability and Flexibility

Oregon water resources should be managed conservatively with a top priority on sustainability.

This means that the overconsumption of both streams and groundwater in the state needs to be reversed until our streams and groundwater are able to provide the natural functions Oregon needs. One idea worth exploring is a 'recharge' or 'depletion' fee, depending on how one views it, of 2% per year of the initial authorized water right, the water from which would accrue to the state. Over 50 years, the waters of the state would again belong to the state, available for allocation to beneficial uses. During the 50 years of this program, the state could manage a market to reallocate the returned water to beneficial uses, with modern conservation provisions and a limited time to the newly issued water right.

The idea of charging for a natural resource is not new. At one time, land was there for the taking. In recent times, we all are paying in our utility bills for conservation of energy – a public good. We don't yet charge for clean air, except in special circumstances, but certainly many other public goods are part of our commercial market – forest products, airport landing rights, electronic airwaves, even parking on the street.

Sustainability also means that the users of the resource should pay for its public management. A study of cost responsibility should be the basis for annual usage fees, beyond a flat data management fee to maintain the records of water rights. No general fund need be applied. There would be a difference between instream and out of stream users, upstream and downstream users and other differentiating factors among user groups. The 'cost' to be met by usage fees would be that necessary to restore and maintain the streams in healthy conditions, both flow and quality. Part of the management job is enforcement of permit conditions – there has long been a weak interpretation of 'waste' in Water Resources Department practice; it should be defined by law and minimized by required measurement and a well funded enforcement team.

Flexibility means that the water management system should be able to change to reflect changing environmental conditions, changing technology situations, changing economic conditions, etc. For example, there are a variety of models now public which suggest that Oregon streams may see reduced flow from melting snowpack in the summer months due to a warming climate, experienced over the past several decades. Water rights and usage fees should both be flexible such that modified permits and fees can be used to manage this streamflow (and groundwater recharge) change.

Ron Weaver
June 2, 2010 (email)
Subject: Comments- "Oregon Integrated Water Resources Strategy"

Introduction-
Why are you addressing this issue? It is "A longage of People". No reason to address issue unless there are too many people for the amount of water available. This is the situation and it is considered beyond carrying capacity. First you need a "carrying capacity" study such as one available at the U. of Oregon. Such a study was done for the Portland METRO area.

The State is responsible for protecting the Public Trust Rights for the people that was determined at Statehood. These include navigation, commerce and fisheries. All private rights are secondary.

Water Quantity:
Maintain amount to sustain ecosystems before any withdrawals are allowed.
Establish "fish refuges" in river systems.

Water Quality-
Met all standards before any changes are allowed.
Test for hormones, pharmaceuticals, etc. to assure we are not impacting biological communities.

Ecology-
Maintain ecosystem health.
Maintain biological diversity

Economy-
Keep in mind the Economy is a wholly owned subsidiary of the Environment. No environment no economy. Economics is one type of ecological activity.
There is a need for assurance bonds on all private water activities.
Use ecological economics to evaluate all water projects.
We practice chrematistics but call it economics.
Don't destroy natural capital.
Studies show that states with the best environmental records also offer the best job opportunities and climate for long-term economic development.

Social Issues-

Climate Change-
This is so far in the future you are wasting resources on addressing.. Statistics on this probable future are still sketchy. We have immediate needs NOW. Sustain the ecosystems as the major proponent to climate health.

Observations/Possible next steps-
Complete a Carrying Capacity study.

Meet all water quality standards (include items such as hormones, pharmaceuticals, rock fuel, etc.) before having any further manipulation(use) of water , such as water for endangered fish, etc Because of the longage of people we need a State growth policy based on carrying capacity. Continuing as we

are is like saying we have cancer and we like it by placing a band-aid on it. WE NEED A PERMANENT SOLUTION NOW while we still have some quality of life left.
We should use the “Precautionary Principles” in all planning.

Glossary-
Carrying Capacity- refers to the number of individuals who can be supported without degrading the physical, ecological, cultural and social environment, i.e. without reducing the ability of the environment to sustain the desired quality of life over the long term.

Longage of people- excess people, beyond carrying capacity creates poor quality of life. Overshoot of population.

Precautionary Principles- Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Assurance bonds- An assurance bond equal to the current best estimate of the largest potential future environmental damages would be levied and kept in an interest-bearing account for a predetermined length of time. In keeping with the precautionary principle, this system requires the commitment of resources now to offset the potentially catastrophic future effects of current activity.

Sterling Anderson
June 4, 2010 (email)
Subject: Integrated Water Resources Strategy

The Issues Papers covers most issues well and the ideas expressed are well taken.

I strongly recommend eliminating exempt use wells and require that they all be required to get permits or not it that is appropriate due to the limitations of the groundwater resource. If you do not know how much these wells are using how can you adequately plan to conserve the resource?

I also believe that WRD has been in the give away water rights business and never looked at the supply side. That is how so many streams became fully or over allocated. They need to actively take rights away if not used or used for non-permitted uses.

They need to increase funding for studies and enforcement which has never been their strong point. The general attitude that I have experienced is "let someone else do the dirty work of enforcement". That is why Marion County has been required to regulate the surface land uses while WRD does not regulate the drilling of more exempt use wells in groundwater limited areas.

I understand that WRD has to follow the ORSs and OARs and have limited funding, but they need to make their case with the legislature and push for greater authority to regulate for the benefit of all Oregonians.

These are my comments only and not the position of Marion County or the Board of Commissioners.

Sterling Anderson
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Water Resources Department:

I attended one of your Open Houses and I thank you for inviting public comment at several locations around the state. I also did some reading concerning House Bill 3369.

This is a water plan for the state of Oregon so there are some statewide issues I feel are very important such as the following:

Do not let another state appropriate Oregon's water.

Oregon's water code does not need overhauled.

One area with the monetary means should not be allowed to dry up another area of the state as example Las Vegas taking much of the rest of the state of Nevada's water.

Water should be managed by only one agency. That logically can only be the Water Resources Department.

Use science for all planning such as global climate change. There is not enough evidence to plan for a change when it is contradictory or lacking the science on all aspects.

In-stream water rights should not supersede other water rights.

If an area is not adjudicated, but has prior court case applying to the area and/or historical use; they should not lose their water right just because the Water Resources has not had time and/or manpower to do the adjudication for that area.

Historical use areas should have prior water rights to in-stream rights granted later.

Food security is national security and food safety is a very important issue.

The private sector cannot afford a new tax or fee.

I would like to discuss agriculture as this is probably one of most affected areas of any water plan. Agriculture is very important to Oregon's economy, recreation, wildlife, and way of life. Oregon's agriculture is very diverse. We produce more commodities that than any state except California. However, the areas of the state are very unique from one another. From the very wet areas to the very dry areas and from the rivers and streams that flow into the Pacific Ocean to the closed basins where the water evaporates in some shallow lake. Each area should be treated differently as no one size plan will fit all in Oregon. Irrigation is different in the one section from another section. For instance, flood irrigation is a term used for two different types of irrigation. In some areas, mainly row crops, it flows from gated pipe or siphon hoses into plowed and corrugated fields. In other areas water is taken out of a stream and flows freely over natural meadows and then back into the stream. In this latter case not only does the rancher get hay for his cattle in the winter, but the waterfowl have a large natural pristine habitat. We must be careful to consider all species in any plan. In-stream water rights could dry up these wetlands and deprive the wildlife of their habitat and forage. Farms and ranches are the open spaces of today that wildlife require. In the dry areas, ranchers have opened more habitats for wildlife especially larger animals by providing water for their livestock. Many wells and small reservoirs made and paid for by the private sector for their use also benefit the

wildlife as there are many more places proving needed drinking water than were there in pre-settlement times. Some places ground water is being used for irrigation at a higher rate than in the past and yes; to protect streams and natural springs a mandatorium on drilling of more ground water for irrigation in these areas is necessary.

Oregon's way of life, historical use, providing of a safe and plentiful food supply, economy, and all wildlife should be considered. I do not see where improvement is needed on most streams except ones in the proximity of populated areas. We cannot improve on something that is working. Often it is the good intention of improving a pristine area that leads its demise. The Doctrine of Prior Appropriation must be preserved and a plentiful food supply must be available now and in the future.

Sincerely,

Susan Otley

Susan Otley

Jim Myron
June 8, 2010 (email)
Subject: Priorities for Water Resource Planning

To: Oregon Water Resources Department
Integrated Water Resources Strategy

One of the top priorities for this planning process should be to restore streamflows to overappropriated streams throughout Oregon. Restoring streamflows and improving water quality in the state's rivers will improve habitat for native fish and wildlife populations while reducing the numbers of water quality limited streams. The goal should be to reduce the number of 403(b) listed streams in Oregon by 50% in the next 20 years. Achieving this goal will have untold environmental and economic benefits for the citizens of Oregon.

Jim Myron
Canby, OR

WATER RESOURCE ISSUES

A partial list at best

Issue: Water usage **must not** be a political decision once the law is written either directly or indirectly. Example: County Commissioners who approve land use zoning indirectly authorize new wells in rural areas, even on limited aquifers.

Issue: Counties or the State must fund representative test wells especially on restricted aquifers to mediate water usage issues and to be available to all decision makers.

Issue: Question, should the DEQ water testing be under the Water Resources Department. When funding representative test wells both quantity and quality need to be tested.

Issue: In a drought year can rural water usage be limited? If so, by whom?

Issue: If urban and rural folks use the same aquifer, who regulates usage?

Issue: Can Oregon Water be exported across boundaries?

Issue: Will Oregon water be considered a human right or a commodity and if it is a commodity will it fall under Federal Agreements such as NAFTA?

Issue: There must be a broad spectrum of perspectives in arriving at water resource law and regulation.

Issue: Will heavy water users be metered and pay a premium? Will individual wells be metered and pay for excess usage?

Issue: Water and sewage authorities are best handled together or separately?

Issue: Will there be incentives for thrifty water users? Nursery's vs Vineyard for example or low usage irrigation vs jet sprayers?

Issue: Enforcement of regulations and penalties– how and who if not politicians?

STAKE HOLDERS AND RELEVANT EXPERTS

A limited list from a brain storming session

To codify Water Resource Management is an enormous undertaking which must from the beginning include all stake holders if it is to be effective and adopted throughout the State. The better this first step is handled the less future conflict will arise. My compliments to everyone participating in this endeavor.

Indian Tribes
Fishermen
Water sports business persons, sportsmen, pool owners, aquatic park owners
Water Rights holders
Individual homeowners with a well
Individuals with rain water cisterns
Small private hydro-electric managers
Parks and Recreation Depts. Large and small
Live stock owners - large operations and small
Members of the Land Use Appeals Board
County Commissioners
Water masters from different representative areas
Negotiators and Conflict resolution providers
Arborists
Civil engineers
Project managers
Mine operators
Foresters
Ecologists
Hydrologists
Wet land managers
Wild life and bird habitat authorities
Well Drillers
Public and Private Utilities
Building code authorities (plumbers, irrigation installers)
Home owners
Conservationist

Submitted by:
Marni Haley
Rual Resident of Yamhill Co.

June 2010

Information from the Association of Oregon County Planning Directors in consideration of the Integrated Water Resources Strategy

Background

County's (and cities) are responsible for developing and administering Comprehensive Land Use Plans for their respective jurisdiction. County Plans were acknowledged by the Land Conservation and Development Commission to be consistent with the Statewide Planning Goals. Counties implement the Comprehensive Plans by administering a zoning code. Both Plans and Codes are updated periodically and are subject to state review and citizen input.

What information do we use?

For counties, the primary function is to protect prime farm and forest land and to allow other rural-scale development. There are exceptions, which would allow, for example, an industrial development outside of an urban growth boundary, provided that there are good reasons for the use, that there are no locations within an urban growth boundary, and, importantly, that the development would not exceed the carrying capacity of the air, land and water of the area. Counties rely upon a variety of sources for information. For information about water supply, counties rely principally upon the Oregon Water Resources Department; for water quality, counties rely upon the Oregon Department of Environmental Quality. When data or information is not readily available, counties may require the developer to provide certain new data. In terms of water, it is a challenge to ascertain the appropriate level of data. For example, does a paper water right provide enough data so that a county can make a finding that the new development will not exceed the carrying capacity of an area?

For rural (outside of urban growth areas) development areas, the carrying capacity of aquifers is a prime concern for groundwater quantity and quality;

Local governments use Drinking Water Source Area maps and Source Water Assessment Reports (available through DHS and DEQ) to voluntarily initiate a process to protect drinking water sources;

Oregon Department of Forestry stream classification maps, Oregon Department of Fish & Wildlife fish presence surveys, the National Wetland Inventory, and Federal Emergency Management Agency floodplain maps are used to develop local riparian corridor and wetland protections;

What do we know today?

Counties know where land is zoned for farm and forest use and where lands are zoned for other uses such as industrial, commercial and residential use.

What don't we know?

1. The quantity of groundwater present at a given location, and the long-term ability of the aquifer to yield water, is often not well understood, at least by local land use decision-makers.
2. We don't know how to quantify the impacts from development sufficiently so that information related to affects on water supply and quality can be integrated into individual land use decisions that could result in unwanted cumulative impacts or impacts to existing wells.
3. Very few public drinking water systems have had the source area mapped, and therefore land uses that could pose a risk to the quality of the system's supply cannot be identified.
4. We don't know the effects of climate change on aquifers.
5. The carrying capacity of land to absorb sewage through on-site disposal systems over the long term is not well understood for many areas.
6. The cumulative effect of exempt wells is not understood in some areas. In other areas, there appears to be adequate information about the impact of exempt wells.

Recommendations for Information Investments / Efforts:

From the land use planning perspective:

1. Better information on groundwater supply, to help land-use planners assess carrying capacity.

2. Better information on the cumulative impacts of exempt private wells and existing water uses on water supply in general and drinking water supply and instream flows in particular. The impact varies regionally and it is recommended that the formula for assessing impacts be tailored to incorporate the unique aquifer and ecosystem features.

3. Access to predictive models to assess the impacts of current land use decisions on future ground and surface water supplies.

4. Better information on the cumulative impacts of septic systems on groundwater quality and consequences for community and individual wells.

5. Source areas for drinking water systems and the location of land uses that generate contaminants.

6. What is the appropriate framework for addressing water in land use planning? Is Goal 5 the program? Goal 11? Or something else?
7. What information (or documentation) should counties use to write findings that address the "carrying capacity" standard in land use decisions?

8. Should the "carrying capacity" standard be replaced with a "sustainability" standard?

9. How can (or should) counties address concerns about potential impacts from a new development and new well on an existing well? Currently, when owners of existing wells raise concern about the potential impact of a new well, OWRD informs them of their right to deepen the well if there is a need. What is the appropriate role for counties when this issue is raised in a land use proceeding? Should counties defer this question to OWRD? And if so, how should OWRD response be incorporated into land use decisions?

10. What is the intent of ORS 195.025 Regional Coordination of Planning Activities? Did the legislature intend for counties to coordinate water plans? If there is some state and local jurisdictional overlap, where does the role of the state begin and end and where does the role of the county begin and end?

11. OWRD (and many other state agencies) should update their respective State Agency Coordination Programs to insure that water and land use decisions are coordinated.

12. Consider how basin plans should fit in to the planning and regulatory role of a county land use program.

13. Public involvement is the cornerstone of the Oregon Land Use Planning Program. OWRD should consider a similar public involvement process, e.g. via landowner notice for water rights applications.

14. Is the Land Use Compatibility Statement the ultimate tool for coordinating? Should counties make a "land use decision" and provide notice prior to signing and approving a LUCS? (Note that House Bill in 2009 declared that certain LUCS are not "land use decisions.") What are the implications?

15. How will the state insure sustainable funding for the IWRS so that the plan can be implemented and the state is able to work toward managing a sustainable water supply?

16. There are a few basins with abundant data, the Deschutes Basin for example. The county initiated and promulgated the research and identified a solution that required additional regulation by the ODEQ. The ODEQ chose not to move forward with implementing a regulation and rather, chose to re-study the problem. The county and stakeholders were frustrated with the lack of state support and the expected additional expenditures by the state. How can the state-county relationship be improved to avoid future dilemmas?

17. For implementing IWRS, consider the model of DLCD's Regional Problem Solving (RPS) Program. The RPS allows local agencies to enter in to a cooperate agreement with the intent of finding a solution to a complex problem. Then, if the solution requires a waiver of a particular land use standard, LCDC may agree to waive that standard. Successful RPS will require commitment and follow through of state and local agencies.

18. Sometimes the regulations do not support a good plan in a particular area. There should be a tool(s) such as Regional Problem Solving that is available that would allow a local plan to be implemented, even if it means waiving a particular rule, statute, regulation, etc., provided the local and state entities agree to follow the plan. This would give incentive to create tools to manage a sustainable water supply in an individual basin. The concept of a regional rule may also apply, for example if a county develops a plan for a sustainable water supply and there are rule(s) or statute(s) then there should be a tool to implement.

19. Every tool should be considered for a comprehensive, sustainable water supply, including, the Prior Appropriation Doctrine. This would be immensely complicated and controversial and might not provide the desired outcome. However, the land use program provides a good parallel. Land uses that were in place at the time the Statewide Planning Program was implemented, were "grandfathered" and allowed to continue. A similar program might be considered that recognized existing water rights but that provided a different regulatory framework for approving future water rights, subject, for example, to a sustainability standard.

20. Outreach and Education should be a component of the IWRS. Teach people about water and garner support before embarking on a plan and especially before moving forward with new regulations.

21. As written, Statewide Planning Goal 5 and Goal 6, rely on a state agency action first. If counties wait for state agencies to make determination, e.g. designate a Critical Groundwater Area, then it is too late to protect the resource. Consideration should be made to rethink how the goals are written and administered.

22. State agencies are encouraged to revisit historical approaches.

23. IWRS report needs to be decoupled from the politicians so all solutions are considered, not simply the solutions that are popular.

24. Benton County approach was to regulate the land use – they do not approve the land use unless the development can prove that the land use will not have a negative long term impact on water supply (pump test). Message - More

support from OWRD would have been helpful! It should be a county and state partnership.

25. Marion County required that a deed statement be recorded memorializing the fact that a property is located in a Groundwater Limited Area.

26. Integrate the IWRS plan with DLCD so there is incentive to manage water as opposed to simply regulate.

27. DEQ has statutory obligation to protect the quality of water in the state; OWRD has the statutory obligation to protect water supply in the state. Does it make sense to bifurcate the management and regulation of water?

28. Incentives are an enormous tool; they should be given priority over regulation.

29. High quality data is essential to move forward with new policy at local and state level.

30. Whatever level we development and implementation of the IWRS happens, we need to have good partnerships. Local planners need to be involved as well as state planners.

31. Should DLCD have a seat at "the big table" as one of the principal agencies involved in the IWRS or should they remain as a peripheral party?

32. Counties prefer a general strategy with the ability to adapt locally.

33. What role will counties have in the permitting of underground and above ground water storage? What are the land use impacts?

Willamette Partnership

INCREASING THE PACE, EXPANDING THE SCOPE, AND IMPROVING THE EFFECTIVENESS OF CONSERVATION

Phillip C. Ward, Director
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Dear Phil,

The Willamette Partnership is a diverse group of leaders working to increase the pace, scope and effectiveness of conservation. We formed as a 501c3 in 2004 and have since received national attention for our innovative strategies for conserving and restoring priority ecosystems that watershed communities depend on.

Climate change, population growth, and higher value agricultural crops will place increasing pressure on water use in Oregon. Innovative strategies that treat all water as part of an integrated system are critical to the State's ecosystems and economy. Some of the strategies we are pursuing include looking for non-structural solutions to increasing availability of water in-stream (e.g. using alpine meadows or wetlands for storage) and using incentive and market tools to balance uses of water. For example, the Willamette Partnership is working on quantifying the salmon and water quality benefits of additional instream flow.

We must make it truly easy to conserve water and designate that saved water for in-stream flow. In order to effectively use natural infrastructure for increased flows, our water strategy needs to be integrated with other statewide plans like the State Conservation Strategy. The Willamette Partnership is very interested in continuing to work with ODWR on this strategy and specific actions it might propose.

Thank you for your work helping Oregon meet its water needs.

Sincerely,

Bobby Cochran
Executive Director, Willamette Partnership

June 18, 2010

Brenda Bateman
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www.dairyfarmersOR.com

RE: Integrated Water Resource Strategy

Dear Ms. Bateman:

I am writing today in regards to the Integrated Water Resource Strategy. The Oregon Dairy Farmers Association represents Oregon's 290 dairy farming families. Our farm families are located in 23 out of Oregon's 36 counties.

As the Integrated Water Resource Strategy is developed, stakeholder involvement is necessary. The agencies involved in developing the water resource strategy must maintain open, honest and constant communication with all of the affected water users. Those that are to be impacted by the strategy must remain informed. All decisions made by the agencies must also be vetted with the water users so that they can receive an opportunity to respond to the strategy before it will impact their operations.

In addition, existing state law (ORS 536.241(2)) states that "it is the policy of the State of Oregon to ensure a water supply sufficient to meet the needs of existing and future beneficial uses of water, and to adequately manage the state's water resources." It is important that this state law is upheld. The Integrated Water Resource Strategy should not change this or other existing water laws.

It is important that the outcome of the Integrated Water Resource Strategy does not have unintended consequences. For example, the strategy developed for the Klamath Falls region could negatively impact dairy farmers in Tillamook County since Klamath Falls produces dairy-quality alfalfa for producers in other parts of the state.

The outcome of this strategy will have a lasting impact on our dairy farm community. Oregon dairy farmers have fed this state, and country, for many decades. We expect that the strategy will continue to allow farmers to feed Oregon's citizens. Ensuring a safe, affordable food supply for Oregonians should be a priority when making decisions regarding the strategy.

Thank you for your consideration of these comments. If you have any questions or comments, please feel free to contact me at (503) 780-9956.

Sincerely,

Jim Krahn

Jim Krahn, Executive Director
Oregon Dairy Farmers Association

Bruce Johnson
July 1, 2010 (email)

TWIMC,

I looked over the agenda items and understand the agencies will be asked to respond to four basic questions. I would add another: where is the funding coming from to advance this effort? And, more importantly, where would future funding come from to implement any plan/strategy that would come out of this effort? Since the State Legislature has demonstrated no commitment to dealing with both short and long-term projected short falls in state revenues to maintain current services and programs, how can one justify taking on a project of this complexity and one that has far reaching study time requirements?

Having been in the planning and design business for 40 odd years I have seen too many projects completed, only to die on the vine for lack of money. It would be nice to have some sense of funding commitment ahead of time...

Bruce Johnson

OREGON WILD
PO Box 11648 | Eugene OR 97440 | 541-344-0675 | fax 541-343-0996
dh@oregonwild.org | http://www.oregonwild.org/

6 July 2010

TO: waterstrategy@wrd.state.or.us

Subject: Integrated Water Resources Strategy

Dear WRD:

Please accept the following comments from Oregon Wild concerning the Integrated Water Resources Strategy. Oregon Wild represents about 7,000 members and supporters who share our mission to protect and restore Oregon's wildlands, wildlife, and water as an enduring legacy. Our goal is to protect areas that remain intact while striving to restore areas that have been degraded.

Please send a timely copy of all subsequent documents and decisions regarding this project to Oregon Wild at the address above. Make sure that the resource management plan, watershed analyses, specialists reports, and other similar assessments and supporting materials that are relevant to this project are readily accessible on the agency's website.

Some of Oregon's water use laws are outdated and need to be updated and improved in order to better protect the public interest. For instance:

A. Water use based on the principle of "prior appropriation" encourages wasteful water use and the WRD should adopt a program of periodic (~ every 20 years) review of water use to ensure that water permit holders are using the best available technology to conserve water, the point of diversion and method of diversion cause minimal impacts, and to ensure that the beneficial uses are still in the public interest.

B. Dams modify hydrologic function, fluvial function, and impeded movement of fish and wildlife. All dams should be subject periodic review by the state to ensure that they are not only safe but also serve an important purpose that justifies the hydrologic and ecological harms caused by the dam..

C. The CWA has become reasonably effective at controlling point sources of pollution, but non-point source pollution from roads, logging, agriculture are still poorly regulated by "BMPs" that rarely work as well as we need them to. The state needs to take a much more aggressive approach to controlling non-point source pollution by permitting and conditioning road construction and use, forestry, and agriculture activities.

D. Adopt instream water rights on all streams across the state. Over 1400 stream reaches in Oregon are protected by "instream water rights," but hundreds of others are not.

E. Protect peak and ecological flows before allowing new storage projects. In recent years Oregon has seen a land rush mentality with regard to building new water storage projects. These storage projects which would grab the last of Oregon's unallocated winter water. Currently the state does not protect "peak and ecological flows" when issuing new storage permits. Urge the state to both identify peak

and ecological flows needed by fish and rivers, and to protect those flows before allowing new storage.

F. Protect more of Oregon's beloved streams though scenic waterway designation. State scenic waterway designation protects rivers and streams from being drained dry and also from the building of new dams. The state has not issued any new scenic waterways in nearly two decades.

G. Require measurement of all diversions in the state. Unless the state knows how much water is being diverted, and when, it cannot adequately manage our water resources.

H. Require water use efficiency standards for municipal and irrigation uses. Oregon's water rules call on the state to establish basin efficiency standards for water use, but the state has never done so. Oregon's streams and rivers are already over-tapped; requiring efficient water use is one step to meeting new demand without putting further strain on our rivers.

I. Protect the groundwater resources that feed Oregon's rivers and streams. The state should place a priority on the designation of new groundwater limited areas to help manage groundwater use in areas where groundwater declines are hurting water users and streams.

J. Urge the state to aggressively analyze demand forecasts for new water right permits. Municipal and other water right applicants often times apply for far more water than they could possibly use in a reasonable planning period. Urge the state to take a closer look at applications and stop issuing speculative water rights.

K. Require permitting of "exempt wells" in groundwater limited areas and areas where groundwater feeds river flows. Currently exempt wells, even in areas where groundwater and river flow shortages are rampant, do not have to go through a permitting process or environmental review.

L. Require the state to do a "public interest review" of a transfer of a water right to ensure that when a water right holder is changing it's place of use or type of use, that the state considers the effect of that change on Oregon's rivers and fish.

M. Require periodic review of each beneficial use category. The public costs of some activities almost always exceed the public benefits, so they should be subject to a higher level of scrutiny.

Sincerely,
/s/

_____

Doug Heiken, Oregon Wild
PO Box 11648, Eugene OR 97440
dh@oregonwild.org, 541.344.0675

Oregon Women for Agriculture

July 12, 2010

Brenda Bateman
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

RE: Integrated Water Resource Strategy

Dear Ms. Bateman:

Founded in 1969, the Oregon Women for Agriculture (OWA) is a volunteer organization that works to see that agricultural interests are heard and dealt with fairly. OWA's members include farmers, ranchers and other individuals who have an interest in educating the public about the importance of agriculture to Oregon's environment and economy.

Water is a natural resource that affects all of our members. It is important that the Integrated Water Resource Strategy does not negatively impact agriculture. Existing state water laws already address water use and management. Plus, current statutes provide for the management of in-stream and out-of-stream water uses. These rules allow farmers and ranchers to produce Oregon's abundant, secure food supply. The strategy's outcome must not endanger Oregon's food security by jeopardizing current water laws.

While developing the strategy, it is important that all water users are involved. Out-of-stream and in-stream water users must be consulted through out the entire process.

Finally, OWA insists that the final strategy does not create unintended consequences. A water management strategy developed for one part of the state could harm the production of an agricultural commodity in another. It must not occur.

Agriculture keeps Oregon healthy both environmentally and economically.

Thank you for the opportunity to provide feedback on the Integrated Water Resource Strategy.

Sincerely,

Chelle Davis, President
Oregon Women for Agriculture

Clackamas River Water

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16770 SE 82nd Drive, Clackamas
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July 9, 2010

Oregon's Integrated Water Resources Strategy
Policy Advisory Group
25 Summer Street NE, Suite A
Salem, OR 97301

Re: Integrated Water Resources Strategy Public Involvement Plan

Dear IWRS Policy Advisory Group Members:

It is our understanding that the Water Resources Department of Oregon has been directed by the Oregon Legislature, through HB 3369, to develop Oregon's first Integrated Water Resources Strategy. An action agenda for how Oregon's water resource needs will be met now and in the future, this effort will be addressing water quantity, water quality, and ecological needs.

The Water Resources Commission has ultimate responsibility for adopting the IWRS, which may contain policy, legislative, and budget recommendations to the Oregon Legislature. Due to the importance of such an endeavor, Clackamas River Water (CRW) District, as a key stakeholder, is interested in engagement and dialogue throughout the process.

CRW is organized as a domestic water supply district under the provision of ORS Chapter 264 and is located in the Willamette Valley. CRW utilizes water supplied by the Clackamas River, which is located in the Willamette River Basin. In addition to providing retail service within its jurisdictional boundaries to a population of about 55,000, CRW also provides wholesale and commercial services for a total of up to 80,000 people served.

There are a number of alternative water providers in the Willamette River Basin that also serve the Willamette Valley. CRW recognizes that a cooperative approach statewide, regionally, and locally is necessary in order to address the action agenda outlined by IWRS. With the local adoption of Urban and Rural Reserves and adopted amendments to Metro's Title 11, we assume that these actions will play a part in the IWRS review of current and related local, state, and federal planning efforts in the near future.

Therefore, CRW, as a key stakeholder, is expressing interest in participating in the water planning and policy discussions and the review of Oregon's water resources statutes and rules. Though the focus may be on providing water service, we cannot neglect the effect future actions could have on governance.

Sincerely,

Katherine Kehoe

Kami Kehoe
President, Board of Commissioners
Clackamas River Water