



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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### MEMORANDUM

**TO:** Water Resources Commission

**FROM:** Tom Paul, Deputy Director

**SUBJECT:** Agenda Item L, February 19, 2010  
Water Resources Commission Meeting

#### **Instream Accomplishments Update**

#### **I. Issue Statement**

During the past 14 years the Department has actively sought tools and opportunities to restore and protect stream flows, in the last five years these efforts have begun to bear significant fruit. This report provides information identifying the accomplishments realized from the Department and partner's efforts.

#### **II. Background**

Nearly all streams and rivers in the state are fully appropriated during the summer low flow period. In many streams this means that all of the water is diverted from the stream channel to satisfy senior out of stream uses. This does not leave any water instream for environmental and recreational needs. Oregon water law has been modified beginning in 1955 with the authority to adopt minimum stream flows, to maintain and protect water instream. In 1987, legislation was passed creating instream water rights and directing the conversion of minimum stream flows to instream water rights. Other tools have now been adopted, which provide a means for water right holders to partner with interest groups and the state in restoring stream flow. These tools include temporary and permanent instream water right transfers, instream leases, and the allocation of conserved water. Tremendous increases in instream flow protection have occurred in recent years.

#### **III. Discussion**

Oregon leads the country in stream flow restoration. This is largely due to state leadership and water right holders willingly partnering with organizations such as watershed councils, tribes, Oregon Freshwater Trust, Klamath Basin Rangeland Trust, and Deschutes River Conservancy. In 2009, approximately 1,700 cubic feet per second (cfs) was protected instream through leases, transfers, and the allocation of conserved water. Stream flows restored using these tools retain the priority date of the originating water right.

In addition to transfers, leases and conserved water, other opportunities also provide instream flow restoration. The past year saw the removal of Savage Rapids Dam on the Rogue River. As part of the removal, 800 cfs, which was authorized for hydro generation, was converted to instream flow protection. Attachment 1 lists the instream accomplishments realized in 2009.

More than 70% of water put instream on a permanent basis is senior to other water rights, with most priority dates pre-dating Oregon's 1909 water law. This means that they result in "real" water protected instream, water which other water right holders are not entitled to divert. In 2008, more than 50% of the streams regulated by Department staff were regulated to protect instream water rights.

#### **IV. Summary**

This is an informational report and no Commission action is necessary.

Attachment: 2009 Instream Accomplishments

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