OREGON
WATER RESOURCES DEPARTMENT

Staff Report

TO: Water Resources Commission

FROM: Crystal Grinnell, Integrated Water Resources Strategy Specialist

DATE: June 12, 2025

SUBJECT: Agenda Item C
Water Resources Commission

INTEGRATED WATER RESOURCES STRATEGY, DRAFT 2 PUBLIC REVIEW AND COMMENT

I. Introduction

During this agenda item staff will provide an overview of the public comments received for Draft 2 of the 2025 IWRS that was available for public review and comment April 7 through May 12, 2025.

II. Integrated Water Resources Strategy Recommended Action

- 13.A – Fund Development and Implementation of Oregon's Integrated Water Resources Strategy

III. Background

The Department has discussed the IWRS at previous Commission meetings since November 2022. Materials from these meetings can be found on our website for the Commission: www.oregon.gov/owrd/aboutus/Commission.

IV. Discussion

Attachment 1 includes all 20 sets of public comments received on Draft 2 of the 2025 IWRS. A combination of sovereign Tribal nations, organizations, and individuals submitted comments.

V. Conclusion

The IWRS interagency project team will be incorporating public comment this summer. The Department will provide the Commission with a final draft of the 2025 IWRS in August. The Department plans to come before the Commission in September to request adoption of the 2025 IWRS.

Attachments:

1. Public Comments for Draft 2 of the 2025 IWRS

Crystal Grinnell
971-375-5330

Oregon's 2025 Integrated Water Resources Strategy

Draft 2 Public Comment

April 7 to May 12, 2025

Comment #	Name & Organization
1	April Snell, Oregon Association of Nurseries, Oregon Farm Bureau, Oregon Water Resources Congress
2	Audie Huber, Confederated Tribes of the Umatilla Indian Reservation
3	Caylin Barter, Wild Salmon Center
4	Christopher Hall, Water League
5	Craig Lacy, Consolidated Oregon Indivisible Network
6	Daniel Elefant
7	Ethan Brown, City of Portland Bureau of Environmental Services
8	Gary Young
9	Gordon Lyford
10	Karen Lewotsky, Oregon Environmental Council
11	Karen Loomis
12	Ken Thompson
13	Kimberley Priestley, WaterWatch of Oregon
14	Melanie Klym, American Rivers
15	Michael Karnosh, The Confederated Tribes of the Grand Ronde Community of Oregon
16	Rick Eichstaedt, The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians
17	Robin Lee
18	Robin Vora
19	Stan Dean, Oregon Association of Conservation Districts
20	Ursula Bechert

May 12, 2025

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301
Submitted via email: WRD_DL_waterstrategy@water.oregon.gov

RE: Comments on Oregon's Integrated Water Resources Strategy 2025-2031 Draft 2

The Oregon Association of Nurseries, the Oregon Farm Bureau, and the Oregon Water Resources Congress are providing comments on Oregon's Integrated Water Resources Strategy (IWRS) 2025-2031 Draft 2. We appreciate the time and attention provided to this important multi-agency effort. We have a few suggestions and recommendations on the document and overall process. Our primary request is that the next IWRS update be developed with a workgroup of stakeholders and agency leaders. We also request that the list of priority actions be informed by additional stakeholder feedback post-session.

Our associations collectively represent the largest sectors of irrigated agriculture, including farmers, ranchers, nursery growers, and agricultural water suppliers. Our organizations actively participated in the development of the legislation creating the IWRS in 2009, the creation of the first IWRS in 2012, and the 2017 update. Our board members have served on policy advisory groups, participated in open houses, and provided input on drafts. Our association's respective staff have also engaged in various iterations of the IWRS and provided comments on previous drafts before the Oregon Water Resources Commission.

In comparison to previous efforts, the process for developing the IWRS 2025-2031 Draft 2 was largely developed by the agencies internally and offered minimal opportunities for stakeholder engagement. We request the next update of the IWRS be developed similar to previous efforts, with a formal policy advisory group representing the broad array of water stakeholders, including both out-of-stream and instream interests. Online surveys or virtual workshops can inform the effort but are no substitute for discussion and direct engagement.

We also want to highlight that the timing for releasing this draft also was less than desirable, with a short public comment period during the legislative session and at the start of irrigation season, limiting participation from associations and individuals alike. We recognize the desire to complete the current update but urge the Department to take time to finalize the draft and conduct a more meaningful and comprehensive update in the future. It is better to take the time to get it right then it is to get it done quickly.

The draft has several inconsistencies in how the information is summarized and presented. For example, the “Strategy Objectives” summary does not accurately summarize what is in each chapter and needs to be fully revised once the other chapters are completed. Specifically, Objective 4, inappropriately elevates (by italics and bold) the ecosystems need and has no reference to any out-of-stream need. Similarly, Objective 2 mentions consumptive water use but has no mention of instream needs. It is crucial to explicitly include both instream and out-of-stream needs, and provide examples of each throughout the document, particularly in the proposed actions. Whether it is related to consumptive water use or for streamflow, it is important the IWRS represent our complex water resources needs in a balanced manner.

The document has lots of information about water needs but would benefit from additional discussion with stakeholders who can provide examples and add to the list of proposed solutions. For our members, this may involve examples of infrastructure projects, innovative technologies, or other water management strategies from a water user perspective. There is also little to no mention of the need to invest in water supply, including both above ground and below ground storage, or how new storage and delivery infrastructure may be needed to manage changes to precipitation or snowpack.

We also have concerns about the proposed priority agency actions, which were developed largely without stakeholder input and seem to be lopsided in prioritizing instream and ecosystem needs without proper inclusion of ways to meet consumptive water needs as well. It is unclear who developed the actions or how well they match existing agency authorities and staff resources. These actions also seem to move beyond the guidance structure of the IWRS and into policy directives, which is inappropriate without further vetting. This area will also need to be revisited after the legislative session since some of the ideas are included in proposed legislation or funding packages. Solutions for how we strategically meet our diverse water needs will be best developed through discussion with stakeholders and agency leaders outside of the legislative session.

We care about the wise management of water and look forward to future collaborative discussions about how Oregon can meet all of its current and future water needs.

Thank you for your consideration of our comments.

Sincerely,
Oregon Association of Nurseries
Oregon Farm Bureau
Oregon Water Resources Congress

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46411 Timíne Way
Pendleton, Oregon 97801

May 12, 2025

Crystal Grinnell, IWRS Specialist
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

Submitted electronically to: WRD_DL_waterstrategy@water.oregon.gov

Re: Comments on the 2025-2031 Integrated Water Resources Strategy Draft 2

Dear Ms. Grinnell:

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Department of Natural Resources (DNR) appreciates the opportunity to submit additional comments on Oregon's Integrated Water Resources Strategy (IWRS) 2025-2031 Draft 2 revision. Foremost, we would like to extend our gratitude for your willingness to restore the structure of the IWRS to its four original tenets:

1. Understand Water Resources Today;
2. Understand Instream and Out-of-Stream Needs;
3. Understand the Coming Pressures that Affect Our Needs and Supplies; and
4. Meet Oregon's Instream and Out-of-Stream Needs.

When undertaking the revision of an existing framework like the IWRS, it certainly is appropriate to consider the suitability the framework itself, and we appreciate OWRD's investigation of this question with respect to the IWRS structure. However, in this case, a diversity of commenters have expressed that the existing foundation of the IWRS is a strong one, and we thank the agency for retaining and building upon this firm footing.

Regarding the contents of the Draft 2 revisions, we appreciate the opportunity to share the following specific comments:

Action 2A: Determine Instream Flow Needs, Quality and Quantity
Draft 2 currently highlights many of the data needs remaining to better fulfill the objectives of Action 2A. While we strongly support the implementation of these actions, we note that there also are a variety of administrative actions that are critical to determining instream flow needs. Among these needs is the resolution of protested instream water right filings.

While the State of Oregon is directed to file for new instream water rights, a lack of understanding of these filings has unfortunately led to many of these filings being formally protested. Instream water right filings do not cause injury to existing water users and therefore these protests will not prevail once processed. Nonetheless, the backlog of unresolved contested cases is such that the protests have had a chilling effect on the State's responsibility to move forward on instream water right filings. Given this, we would suggest that "Resolve Protested Instream Water Rights" be called out as a bullet unto itself under this section.

Action 10E: Provide an Adequate Field Presence
Related to the general lack of understanding surrounding instream water rights, we recognize that there also continues to be a lack of clarity as to how instream water rights are managed. The Oregon Water Code was created to encourage the development of "out-of-stream" uses, such as irrigation, of the public's water resources. Given this, it is admittedly challenging for both water managers and water users alike to now accommodate "instream" use under this framework, as the State was directed to do by the Instream Water Rights Act of 1987. Nonetheless, that is the situation we find ourselves now, and the use of a water right used instream is to be accorded every legal protection it would be accorded when used for an "out of stream" use, like irrigation. However, we recognize that it is much more complex for Water Resources staff to manage instream water rights, but we unfortunately are aware that these complexities have sometimes led to inconsistent and inequitable outcomes for instream water rights across the state.

Given this, we would like to highlight the need for greater clarity and direction to Water Resources staff statewide on how to legally and equitably administer, manage, and regulate instream water rights. While there are a number of places such a directive could be included in Draft 2, we think a bullet entitled "Provide Field Personnel Guidance on Administering Instream Water Rights" would fit well within Action 10E.

Please have your staff contact Audie Huber, CTUIR DNR Intergovernmental Affairs Coordinator at AudieHuber@ctuir.org or 541-429-7229, as the point of contact for further discussions on the IWRS. We thank you for your time and consideration.

Respectfully,

Anton Chiono
Habitat Conservation Project Leader
CTUIR Department of Natural Resources

May 12, 2025 VIA EMAIL: WRD_DL_waterstrategy@water.oregon.gov

Oregon Water Resources Department
ATTN: Crystal Grinnell, IWRS Coordinator
725 Summer Street NE, Ste A
Salem, OR 97301

RE: Comments on 2025 IWRS Draft 2

Dear Ms. Grinnell,

Wild Salmon Center (WSC) appreciates this opportunity to provide comments on the second draft of the 2025 Integrated Water Resources Strategy (IWRS) update.

WSC is an international nonprofit headquartered in Oregon that has worked with local partners since 1992 to protect and restore the strongest remaining runs of Wild Pacific Salmon. We use science to drive policy, lead planning processes, and support implementation, and we know that the health of our water resources is directly linked to the recovery of our iconic wild fish and the vitality of our communities and economy. Low streamflows and high water temperatures are stressing even our healthiest salmon runs, and these problems are worsening due to climate change and increased human demand for water. For all of these reasons, it is increasingly important for the IWRS to provide a clear framework for Oregon to better understand and meet instream and out-of-stream water needs.

WSC supports the restructuring of this draft to align with prior versions of the IWRS and with the framing and intent provided to the public and to the Water Resources Commission at the outset of this update.

WSC also supports the interagency effort to document “Agency Priorities 2025-2031” to guide implementation of the IWRS over the coming biennia.

However, WSC has concerns with OWRD’s decision to reformat those priorities in Appendix E, with the result that the IWRS draft no longer aligns with stakeholder outreach or the subsequent Commission presentation, and now presumes if not dictates pathways for implementation of those priorities.

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WSC recommends that Appendix E be removed and replaced with the output of the actual “sticky note” exercise completed by the Agency Directors at DLCD, ODA, ODEQ, ODFW, OWEB, and OWRD in late 2024. At a minimum, Appendix E should be reformatted to match the original content from the “sticky note” exercise (including restoring the titles of the “Priority Areas” and the quadrants within each Priority Area), and all extraneous sections (including “Tasks,” “Measurable Outcomes,” and “Milestones”) should be removed – these are properly captured in agency workplans to implement the IWRS and not in the IWRS itself.

Finally, WSC notes that if Appendix E is retained in its current form, Priority P1.3a lists the wrong agencies (should be “ODFW” instead of “ODEQ, OWRD”), and Priority P1.3b has the same issue (should be “ODFW, ODEQ, OPRD as applicants, OWRD as processor” instead of “ODEQ, OWRD”). OPRD will also need to be added to the key at the bottom of the Appendix.

Thank you for the opportunity to submit these comments.

Sincerely,

Caylin Barter
Water Policy Director

WATER LEAGUE

Water League engages the public in water stewardship.

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May 9, 2025

Crystal Grinnell
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271

Dear Ms. Grinnell,

Water League submits our comments to the 2025 Draft Integrated Water Resources Strategy on the following pages. We appreciate the opportuniuty to share our thoughts.

Thank you,

Christopher Hall
Executive Director

Comments on the 2025 DRAFT Integrated Water Resources Strategy

Christopher Hall, Water League
May 9, 2025

[Note: Page numbers refer to the PDF document, not the document's pagination.]

Water League strongly supports the 2025 DRAFT Integrated Water Resources Strategy (IWRS). While we preferred the layout of the previous 2024 DRAFT (its holistic integration of Goals, Objectives and Chapters), we also acknowledge the rationale for this conventional layout.

We miss the omnipresence of Funding in the 2024 DRAFT as a chapter unto itself, upfront as Chapter 1, and we acknowledge the unfortunate political pressure that diluted funding from being a Chapter (1 of 4) to a much diminished Critical Issue (1 of 48) placed at the back of the 2025 DRAFT IWRS. The silver lining is that this move speaks volumes, and with any luck, the financial undercurrent that flows through every single page of the IWRS will surface and become apparent, if not impossible to unsee by its very absence. To this point, we note that all 48 Actions that address each of the Critical Issues all have "bullet points" for each example, most of which are actually "dollar signs." We recommend changing each bullet point to a dollar sign for those examples in each Action that needs funding, and to include an estimated/ projected cost/ biennium as well.

We are especially grateful for the IWRS appendices, which are an excellent reference library resource we look forward to using as many Oregonians and state officials will as well.

OWRD & WRC can assume if any section or provision of the IWRS is left unaddressed, it is because Water League agrees with or supports that part and no further discussion is needed. That said, there are some truly exceptional aspects of the IWRS with which we emphatically agree and deem worth noting below. Also, while we have numerous critiques throughout the DRAFT 2025 IWRS, some of which are stridently critical, none detract from our view that this IWRS update is an excellent product that OWRD, WRC, other related state agencies, and the people of Oregon can be proud of. Thank you for your excellent and hard work seeing this enormous project through.

Below are our comments, page by page.

Page 4 – IWRS said:

"...as the relentless march of climate change and other challenges test our resolve to protect that which sustains us."

Comment: change "that which." to "...all that sustains us."

IWRS said:

"long-held practices and expectations that are now colliding with very real constraints on our existing water supply."

"As stewards of our air, water, and landscapes, we cannot stand idly by and watch our beautiful and productive landscapes deteriorate in front of us."

Comment: Water League emphatically agrees.

Page 6 – IWRS said:

"With more than 100,000 miles of rivers and streams, 360 miles of coastline, and more than 1,400 named lakes, Oregon is renowned for its water."

Comment: This description needs to include groundwater. There must be an acknowledgment of the vast and fragile groundwater sources for which the state is renowned.

Where's the reference to groundwater in any of these objectives?

IWRS said:

"A clean and reliable source of water is critical for meeting our basic human needs and for supporting Oregon's economy. Thousands of businesses and industries rely on water in some form, to irrigate a crop, to manufacture a product, or to provide a service or experience. Without a better characterization of water use today, the state cannot adequately plan to meet these needs sufficiently and sustainably in the future."

Comment: This description is solely about understanding extractive consumptive uses -- out of stream needs -- and speaks not once about understanding the in-stream needs. How did such an omission make it into this draft?

IWRS said:

"Water Resources Strategy must consider climate change, land-use change, and population growth."

Comment: Population growth in Oregon has almost no impact on the volume of water use because 78% of all water use is irrigation, and 80% of the ag products are exported and the population is decoupled from the number of irrigated acres: since 1950, the population rate increased by a rate that is 16 times faster than the number of irrigated acres. Furthermore, irrigated agriculture, which accounts for 80% of the entire Ag industry accounts for only 1.5% of the state's annual GPD, which is an insignificant economic contribution that has virtually nothing to do with the state's population.

We critique this issue throughout the IWRS.

IWRS said:

"Objective 4: Meet Oregon's Instream and Out-of-Stream Needs"

Comment: This description says nothing about meeting the state's out of stream needs, and focuses only on in stream needs. This is the exact opposite problem as stated in Objective #1.

Page 8 – IWRS said:

"...to articulate more definitive outcomes that will best serve the water needs and interests of all Oregonians."

Comment: This means the 4.2 million Oregonians, who vastly outnumber certificated/ permitted water right holders, deserve to have their interests met related to reasonable beneficial uses of water that do not imperil ecosystem health and long-term sustainability.

To this extent, Water League acknowledges that the 2025 IWRS update articulates the state agencies' broader 21st century mandate to manage water sources to serve the greater public interest than merely function as "client services" for water right holders, water quality permit holders, etc.

We believe we are here today to protect and serve tomorrow. We can live well without preventing those yet to come from enjoying the same experience.

We incorporate by reference:

University of Chicago Press and Clark Wolf. 1995. "Contemporary Property Rights, Lockean Provisos, and the Interests of Future Generations." Ethics 105, no. 4 (July): 791-818. https://doi.org/10.1086/293753.

IWRS said:

1) Prevent things from getting worse: protect water quantity and quality, and ecosystem need.

2) Help communities and ecosystems prepare and adapt to water and climate changes.

3) Increase the pace and scale of multi-benefit solutions for people and ecosystems as our water resources become more scarce.

Comment: These three Priority Actions are excellent focus points around which all 48 Actions orbit and to which each Critical Issue relates. The first priority asserts that the future has every right to enjoy the same quality of life as we enjoy today, and that we cannot ever justify preempting posterity from access to fresh clean water. The second priority asserts that state agencies must focus on the public's interest in their welfare and concern for the ecosystems they rely upon for survival. The third priority asserts that no amount of "demand" can demand water that no longer exists in Oregon and that we must learn to live with less, especially since we can no longer regulate off the future from access to water (e.g., use the water that rightfully belongs to the future).

Page 12 – IWRS said:

"Protection, conservation, and management of our shared public resource and responsible use of public funds requires an integrated strategy based on rigorous data and analysis."

Comment: Water League emphatically agrees.

IWRS said:

"The Strategy is needed to carry out two goals: to improve our understanding of Oregon's water resources and to meet our state's instream and out-of stream water resource needs."

Comment: Wherever grammatically correct, change "resources" to "sources." For example, a river is a water source, it is not a resource. Water becomes a resource once it has been diverted, but before that, the water comes from a source.

Also, please add this explanation to clarify the problem of Oregon not explicitly calling out groundwater in the same way it does surface water: "Instream and Out-of-Stream are legal *terms of art*; they both mean all forms of surface water and groundwater, including percolating water underground and contained water bodies, such as ponds, lakes, and reservoirs."

IWRS said:

"It is the platform for prioritized investments in the coming years."

Comment: To this extent, the IWRS *is the budget template* for several state agencies' funding – what's outlined in the IWRS is what needs funding. To have demoted the Chapter on Funding that was prominent in the 2024 DRAFT IWRS to an after thought in the 2025 DRAFT is a serious political mistake.

IWRS said:

"To streamline Oregon's water initiatives, the 2025 Strategy will be the single statewide water planning effort carried forward."

Comment: This makes perfect sense. The 100-year vision is fine to mine for platitudes but the IWRS is the actual strategic plan by which Oregon manages water sources.

Page 13 – IWRS said:

"A centerpiece of pursuing water equity requires bringing more voices to the table to meaningfully address the disparities regarding access to clean water across the state."

Comment: Water League emphatically agrees.

IWRS said:

"Future workplans will include engagement with agencies, water partners, and the public in advance of biennial agency budget processes and legislative concept development to adequately support Strategy implementation."

Comment: Notably, development of the workplan immediately after the WRC adopts the 2025 IWRS update will be solely an agency affair and does not include the public's input. Are the state agencies burned out on public input regarding the IWRS and they need a break? The IWRS does go on to say that: "Workplan development provides an opportunity to coordinate work across many agencies and partners and must be done in a way that protects the public interest and balances instream and out-of-stream needs."

Page 14 – IWRS said:

"Facilitation by the State: The State should provide direction and maintain authority for local planning and implementation."

Comment: Yes, statewide goals and planning within which basins may function relative to their unique hydrologic characteristics.

Note: Variances in basin functions must only be justified by hydrologic distinctions and not based on other criteria. Individual communities and Tribes should be able to express their cultural heritages without restraint as related to water, but no exception should be made that harms water sources by unreasonable diminishment of streamflows, excessive declines in groundwater levels, or impairments to water quality.

IWRS said:

"Implementation: Actions should empower Oregonians to implement local solutions; recognize regional differences, while supporting the statewide strategy and resources."

Comment: Yes, excellent scaling: locally relevant solutions that fit within a statewide strategy.

IWRS said:

"Sustainability: Ensure that actions sustain water resources by balancing the needs of Oregon's environment, economy, and communities."

Comment: Balancing at a time of water scarcity becomes highly politicized when faced with the fundamental problem of limited resources in the face of unlimited wants and needs. When in doubt, all hard decisions must ultimately favor posterity.

Page 15 – IWRS said:

"There is also a need to understand the instream and out-of-stream water needs of these resources to achieve a secure water future for people and the environment."

Comment: This *understanding of needs* is the topic of Objective 2. Perhaps this sentence should instead be a statement that ties Objective 1 into Objective 2 – one that forms the logical relationship between these two objectives, rather than just stating Objective 2 at the beginning of Objective 1.

Page 17 – IWRS said:

"The state needs to maintain and add to its monitoring networks to augment its long-term record, fulfill its day-to day management responsibilities, and identify trends."

Comment: Water League emphatically agrees.

IWRS said:

"Approximately 10,000 river miles in Oregon are covered by an instream water right, but the state has limited capacity to monitor whether instream water rights are being met."

Comment: While instream water rights are an artifice, if not out-right pretense, because their junior status renders them ineffective in protecting stream flows when water is scarce, not being able to determine if the handful of senior instream water rights are being upheld exposes the hollow promise made in 1987 by its naive proponents and those who knew along how the sleight of hand would play out.

Monitoring is necessary for two reasons: 1) awareness of whether the tiny fraction of instream water rights that have seniority are being upheld, but more importantly, 2) awareness of the impotence of the vast majority of instream water rights that actually do nothing to keep water in streams during the summer and fall when water is most needed in streams.

Page 18 – IWRS said:

"An expansive network of gages is essential for the management of Oregon's surface water and groundwater resources, and the existing network is not sufficient."

Comment: We trust OWRD agrees with the reason why the existing stream gage network is insufficient.

IWRS said:

"Since the early 1990's, the state has lacked sufficient capacity to maintain and process data from its existing network of stream gages in a timely fashion."

Comment: Anytime a lack of resources stretches beyond five biennia, then the lack of resources is a strategic political act most charitably described as *unworthy of prioritization*. The state of Oregon, under the leadership of officials over 30 years, has denied funding needed to reasonably understand Oregon's public water sources in the face of increasing water scarcity. Oregon has a history of avoiding accountability by saying it was unaware of problems and it has strategically *not looked* to uphold that pretense. How scarce does water that belongs to the public need to become before Oregon officials decide to look – decide to prioritize data collection and processing sufficient to effectively manage the

water sources for the future?

The 2024 IWRS DRAFT placed Funding as a standalone chapter, which Water League strongly supported. Now politics have demoted it to 1 of 48 actions the end of the 2025 DRAFT document.

IWRS said:

"Action 1A"

Comment: The following comment applies to all Actions 1-48 associated with Critical Issues:

Nothing in Action 1A (or any of the 48 Actions in the 2025 DRAFT IWRS) will occur any differently than the current status quo without commitments by elected state officials to prioritize funding.

Please add an estimated budget expense for every expense item in every Action list. If necessary, use an estimate or range. Then total up the full cost for every action table. Note the items that are already worked into agencies' budgets and which line items are budget expansions. For example, what are the costs for:

"Expand gage network associated with monitoring instream water rights?"

"Increase the number of stream gages with reportable water temperature data to support water quality programs?"

"Increase monitoring and evaluate the effectiveness of pollution control plan implementation?"

Page 19 – IWRS said:

"Prior to 2025, the database was referred to as the Water Availability Reporting System (WARS)."

Comment: Thank you for the acronym change.

IWRS said:

"With funding provided in 2023, the Water Resources Department has begun planning the first update to SWIMS in nearly 30 years."

Comment: This is a good example of how the only activities that get funding get done. Deprioritizing funding in the IWRS, as has been done from the 2024 to 2025 version, is a serious, if not negligent, error. Again, we recognize that it was OWRD's intent to prioritize funding in the 2024 version and politics that demoted it in the 2025 version.

IWRS said:

"Future updates to SWIMS would benefit from improved understanding of surface water-groundwater interactions to better account for the impacts of groundwater pumping on water availability."

Comment: Water League emphatically agrees.

IWRS said:

"Rule guides how the Water Resource Department determines whether water is available..."

Comment: Change to: "Administrative rules prescribe how the Water Resource Department determines whether water is available..."

Page 21 – IWRS said:

"Groundwater is connected to surface water in various ways. Oregon water law recognizes this important connection, managing these resources as one. This is called conjunctive management.

The hydraulic connection of groundwater to surface water means that groundwater use can deplete streamflow and reduce important cold-water discharge."

Comment: Water League emphatically agrees.

Page 24 – IWRS said:

"In most locations, groundwater aquifers are no longer capable of sustaining additional development without leading to declining supplies for existing water users..."

Comment: The IWRS cannot ignore future users and ought to include them in this and other sentences throughout the IWRS. The idea that increased restrictions on water right applications is solely for those in the present is a harmful and regressive relic of the conventional wisdom because today's decisions regarding water allocation impact the availability and quality of water sources for generations to come. Oregon must reform its ideology that contends the present matters more than the future.

IWRS said:

"From 2015 to 2017, the Department was able to monitor two geographic regions per year. Funding and staffing reductions now only allow for monitoring in one region every other year."

Comment: This is another example of how funding is the core factor in water management activities and how Oregonians can tell what their elected officials think is unimportant by what they fund.

Page 27 – IWRS said:

"Measuring Ecosystem Services – Ecosystem services are the benefits that nature provides..."

Comment: Ecosystem Services is an unacceptable term that emphasizes the idea that the ecosystem is a sector of the built environment or in service to some greater imperative. Ecosystem Services, a widely used term, is simply the ecosystem seen through the eyes of those who view the ecosystem as a servant. The idea that the ecosystem is servicing anthropogenic interests or simply is a way to describe an ecosystem that has not yet been degraded is wrong. The term fundamentally misrepresents the intrinsic

value of the ecosystem, reducing its existence to a commodity or utilitarian "thing" for human benefit (reifying it), thereby justifying its exploitation and degradation in the name of "service." The term even makes the ecosystem utilize itself, imputing a repulsive economic idea into the ecosystem.

IWRS said:

"Action 1B...This action identifies additional detail needed to understand our groundwater at a finer geographic scale. Place-based water planning and future iterations of the Strategy require groundwater data at the basin or sub-basin scale.

Prioritize Groundwater Basin Studies – Oregon has a need for additional basin studies to further understand the relationship between groundwater and surface water, and the availability of both."

Comment: Water League emphatically agrees.

Page 28 – IWRS said:

"The 2021 Legislature passed House Bill 2018 which directed the Water Resources Department..."

Comment: HB 2018 was allocated just under $2.4 million -- was that enough and did USGS contribute a 50% match? Is the work getting done on schedule and will the 2032 deadline be met?

IWRS said:

"Despite those efforts, Oregon has inadequate documentation of the number, location, and average water use of water wells."

Comment: What is the cost to rectify this problem and how long will it take? Why not require all well owners walk to the location of their wells with their cell phones and drop a pin on an OWRD app that records the location? Also require the address associated with the well, the County code number and well ID Tag, if available.

The entire set of wells in Oregon could be located in short order, with some wells having more ID info than others, but all wells having a precise geotag. Non-compliance should have civil consequences.

Page 29 – IWRS said:

"Their understanding of species and water quality needs helps determine whether a proposed use of water is in the public interest."

Comment: Water League emphatically agrees.

IWRS said:

"The lack of stable resources..."

Comment: Nothing that is measurable proceeds without funding.

Page 30 – IWRS said:

"While agencies have made progress scanning older documents and making newer documents available online in a searchable format, investments in information technology have been insufficient."

Comment: Water League emphatically agrees.

Page 35 – IWRS said:

"...essential habitat for fish and wildlife."

Comment: Please add flora to the list.

Page 37 – IWRS said:

"...or place where water naturally flows or..."

Comment: Please explicitly state groundwater reservoirs and perched aquifers.

IWRS said:

"Without adequate water in the system and its legal protection, instream uses and associated ecological, economic, cultural, and spiritual benefits are at risk."

Comment: When citing its legal protection, refer to the Public Trust Doctrine. The IWRS cannot in 278 pages not once mention the 2,000 year standard for holding water in trust.

IWRS said:

"Scientists require site-specific data and studies to quantify these variable instream needs throughout the year."

Comment: Finish the sentence with: "...because over-pumping streams and groundwater reservoirs poses and inflicts significant harm." This rationale needs to be explicitly spelled out. Before pumping, there was no need to monitor the water sources. This fact ought to be acknowledged up front to address skepticism about the needs for these site-specific studies.

IWRS said:

"...because instream values were not initially recognized under Oregon's Water Code."

Comment: And in 1987, these values were ensconced in a pretense that instream water rights, which are junior, would retain water in streams that were over-appropriated by more senior water rights. This failure to be effective -- *this knowing failure* -- must be acknowledged by the state. The IWRS must not hide behind the façade that instream water rights after 1987 keep water in streams that senior water right users have a right to dewater.

IWRS said:

"...are one tool that can be used to protect instream needs."

Comment: This tool has never worked. Citing the top few percent of senior water right transfers to instream use only proves the point.

Page 38 – IWRS said:

"Without adequate water in the system, instream uses and their associated ecological benefits are threatened."

Comment: This sentence is backwards. Please fix it: "Instream uses and their associated ecological benefits are threatened (useless) without adequate water in the system."

IWRS said:

"This lack of data makes water and species management challenging."

Comment: Another example of how funding deprioritization prevents water management that is in the public interest.

IWRS said:

"...future instream water right applications."

Comment: Please explain precisely how future instream water right applications are going to resolve the problem of streams that are over-appropriated by senior water right holders, especially during times when streamflows are lowest during the summer and fall. IWRS readers want to know.

IWRS said:

"...but the Department currently lacks a program and technical capacity to apply for new instream water rights."

Comment: Please finish the sentence with: "".....as the result of insufficient funding due to priorities set by officials."

Page 39 – IWRS said:

"Data needs regarding other instream values (e.g., spiritual and cultural values and access to First Foods) need to be studied, as they are not directly quantified in instream water rights."

Comment: Water League emphatically agrees.

Page 40 – IWRS said:

"Action 2B – Determine Needs of Groundwater-Dependent Ecosystems"

Comment: Actions 2B and 2C should be part of one much larger, well-defined and fleshed-out topic. And that topic should have the two distinct subtopics that are inextricably connected together as surface water and groundwater are hydraulically connected. By separating them, it reinforces the improper assumption that 2C is only about surface water, despite the assertion that instream also means groundwater. Action 2B refers to GDE needs as if they are different from instream needs, which is a problem because the term instream is supposed to mean groundwater. Keep action 2b and 2C together and emphasize the hydraulic connection between groundwater and surface water.

IWRS said:

"Groundwater is vital to both ecosystems and human communities, as groundwater discharges and supplies water to wetlands, rivers, and lakes."

Comment: Water League emphatically agrees.

IWRS said:

"...the next important step is to quantify their groundwater quantity and quality requirements. This information can be used to help meet the needs of people, species, and ecosystems."

Comment: Water League emphatically agrees.

IWRS said:

"Action 2C – Develop Instream and Ecosystem Instream Need Forecasts"

Comment: This topic needs to be much more fully developed. In a 278 page IWRS, on-half page is less than .2% of the entire document. Please discuss the way the statewide analysis would be developed, including the agencies involved and what they would contribute, how the project and report would be funded, how legislation would be required to make it happen, and greater detail about the benefits as related to the public and environmental health.

IWRS said:

"A parallel statewide analysis is needed to better understand the quality and quantity of instream and ecosystem needs now and into the future."

Comment: Water League emphatically agrees.

Page 41 – IWRS said:

"The major uses of diverted water in Oregon are to supply the water needed for agriculture, municipal, industrial/manufacturing, and domestic purposes (e.g., drinking water, bathing, laundry)."

Comment: Please follow this sentence on major uses of diverted water with: "(See Figure 2-1 below)."

IWRS said:

"Out-of-stream water use supports many sectors of Oregon's economy – reinforcing the need to better understand these uses to avoid negative economic impacts."

Comment: Please also add "environmental" to the impacts.

Page 42 – IWRS said:

"...market-based solutions..."

Comment: Chasing water that fetches the highest dollar is the biggest reason why Oregon over-pumps water sources in every basin. Market-based solutions (see California) will further incentivize water mining and divert water from lower-economic beneficial uses. Oregon must repeal the statutory language in Chapter 536 that declares all water use must be for the highest economic purpose -- that is a regressive and destructive ideology from the 19th and 20th centuries we can no longer endure. Many other repugnant and harmful ideologies have been eradicated or the attempt to overcome them has been strategically implemented. The ideology that water = money must also come to an end, and it should start with the IWRS.

IWRS said:

"Irrigated agriculture contributes significantly to the economy, food supply, and to local communities."

Comment: This claim that irrigated agriculture contributes significantly to the economy and food supply is false because it is a gross overstatement. The small rural populations do benefit substantially from irrigated agriculture; however, irrigated agriculture accounts for only 1.5% of the state's GDP, and it is only inflated when double and triple counting other economic activity in the state that is related. All economic activity is related in the state, no matter the specific type of activity and it is wrong to misrepresent the very small economic contribution made by irrigated agriculture.

This information is well-documented in the Business Case for Investing in Water in Oregon, and that report inadvertently demonstrates what a bad case for investment irrigated agriculture is given that it consumes 78% of all water but contributes only 1.5% to the state GDP. Furthermore, irrigated agriculture is responsible for the vast majority of harm to water sources, including groundwater reservoirs and streams, and is the most significant threat to future water users and ecosystems by a vast margin than other consumptive water use types. This low dollar value to high damage ratio makes irrigated agriculture not only uneconomical, it is also a direct harm in excess of the perceived benefits.

According to USGS data and the Business Case for Investing in Water in Oregon, water-dependent businesses use only 6% of all water diverted annually but account for 30% of the state's GDP. These businesses use water 260 times more efficiently when considering the business case rate of return, and they cause substantially less damage, likely 12 times less, than irrigated agriculture.

The IWRS cannot continue to promote baseless propaganda. For example, declaring that irrigated

agriculture contributes significantly to the food supply is facile. Oregon' produces many times the protein and calories resident would eat in a year, but most of those calories enter the national commodity markets. Furthermore, the state does not produce enough of the diverse foods that make up the diverse/ out-of-season/ balanced diet for its residents.

A key takeaway from the Ecotrust Report "Oregon Food Infrastructure Gap analysis" is that infrastructure barriers prevent significant local sourcing and consumption. This extensive report is just one of many reports on the subject of food production, distribution, and consumption to consider when making claims about how significant Oregon's irrigated agriculture is to the food supply. The implication is that the "food supply" is the set of calories consumed by Oregonians, which is grossly misleading.

The IWRS cannot make such claims without demonstrative evidence. Overstating the value of irrigated agriculture to the economy and the consumption of food by residents while underestimating, if not obscuring the harms to ecosystems and posterity, is a falsehood that can no longer be tolerated.

IWRS said:

"...the total annual economic contribution of irrigated agriculture to Oregon's economy is $7.3 billion."

Comment: This number, $7.3 billion, is much larger than the real economic impact that irrigated agriculture has, and it includes indirect and induced activities that in their own right are already counted elsewhere in the state economy.

This economic sleight of hand is useful for understanding the wider impacts of an industry beyond just its immediate production; but to do so, it double counts the same economic activity across multiple sectors. Not acknowledging these facts when including such dollar figures, especially those with no footnote, is misleading. It is notable that so much misleading information is needed to prop up the irrigated agriculture sector.

The fact is that irrigated agriculture accounts for just under 80% of all the agricultural economic activity, which is about $5 billion; therefore, irrigated agriculture is around $3.8 billion, which is just about half of the number printed in the IWRS that the Business Case uses to show Direct, Indirect, and Induced double-triple counted impacts.

IWRS said:

"Although much of the water is used to irrigate crops, there are many other uses for water within agriculture, such as water for livestock operations, which supports one of Oregon's highest-ranking commodities – cattle and calves – valued at almost $588 million in 2020."

Comment: The annual diversions in the state, the amount of water needed for cattle and calves is a tiny fraction of the water use compared to irrigated agriculture and the dollar return per gallon of water is much higher. The effect of this sentence structure (the juxtaposition of irrigated agriculture and the cattle that eat forage crops quoted above), suggests that the high ratio of dollar to water that livestock drink can carry water for the vastly lower ratio associated with irrigated agriculture. The IWRS should clarify this difference and segregate these factors to revers the erroneous conflation by putting them

into the same sentence. Livestock water use can stand alone in its own paragraph, and when Oregon's groundwater sources experience unreasonably excessive declines, herders can import their forage crops from other basins or states as every other cattle operation does that buys hay exports.

IWRS said:

"Water is needed for washing, processing, and packaging food. Finding a high-quality water supply to meet the needs of this industry is sometimes a challenge."

Comment: Relatively speaking, the volume of water use is insignificant compared to irrigated agriculture and clean fresh water should be prioritized for food packaging. Notably, these packaging companies are not canning forage crops that account for 55% of water used by irrigated agriculture.

Also, almost all of the livestock is processed/ slaughtered out of the state. Oregon exports its water resources embedded within forage crops and cattle without capturing the higher economic value associated with processing and packaging meat products locally. The justification for irrigated agriculture is not found in the need for water to wash, process, and package food in Oregon, and the amount of irrigated agriculture necessary for this processed food is a small fraction of all irrigated agriculture, and likely represents the most reasonable use of irrigation water in the state.

IWRS said:

The IWRS refers to: "(Figure 3-6)."

Comment: Correct to: "(Figure 2-1)." Figure 3-6 is in the next chapter and shows the Resources Used to Generate Oregon's Electricity.

IWRS said:

"It is important to recognize that much of the state's industries are supported by municipal systems and not "self-supplied.""

Comment: Water League emphatically agrees.

Page 43 – IWRS said:

"Availability of water use data is fundamental to ensure efficient water management, effective water distribution, determine the effectiveness of water conservation actions, accurately characterize water budgets, account for water use in basin studies, and to help plan for future water needs."

Comment: Water League emphatically agrees.

Page 44 – IWRS said:

"With legislative support from House Bill 2018 in 2021 and House Bill 2010 in 2023, the Department is working to establish a consistent, accurate, and well-vetted ET and water use dataset across Oregon to support water planning and management."

Comment: Water League emphatically agrees.

Page 45 – IWRS said:

"...a projected increase in population..."

Comment: The increase in population is not a relevant factor in water use because 78% of all water use in the state is irrigated agriculture, and the correlation between population and irrigated agriculture does not measurably exist.

From Water League's June 18, 2024, letter to officials:

"In a study created for the Water Resource Committee in 1954, OSU experts predicted that irrigated lands could more than double from 1.37 million acres to 2.84 million acres in the future. Today, however, the total is 1.67 million acres, a mere 21% increase in 70 years. Irrigation expansion plateaued: OSU was off by 70%. Meanwhile, Oregon's population did not plateau; rather, it grew steadily from 1.5 million in 1950 to 4.2 million in 2020, a 180% increase in 70 years. Oregon's population outpaced irrigation expansion by a factor of nine, which is almost an order of magnitude."

The 2022 USDA NASS reports that there are only 1.53 million acres of irrigated agriculture, and Oregon's population is approaching 4.3 million, which means that the population growth rate is almost 16 times larger than the irrigate acres growth rate over the past 75 years. The trend is an increasing population and decreasing total number of irrigated acres in Oregon.

Therefore, there is NO justification for including any increases in population with the amount of water demand in the state. The IWRS must not misrepresent this fact because it amounts to propaganda suggesting that the number of residents in the state increases the consumptive demand measurably.

IWRS said:

"Demand forecasts should identify trends in water use, economic development, urban-rural population growth/shift, per capita demands, and changing crop water requirements due to a changing climate."

Comment: Demand is almost certainly to continue trending downward as the number of irrigated acres declines due to over-pumping groundwater reservoirs and streams. Oregon grossly over-appropriated nearly all water sources in every basin, over-pumping is causing the decline and destruction of too many water sources, and climate change is reducing the available water. Any reasonable future projection of consumptive water use in most basins will likely be smaller than in 2024.

The conventional wisdom that states consumptive demand always goes up as if it were like monetary inflation is spurious and reckless. Unlike money, water is pegged to hydrologic reality.

Page 45 – IWRS said:

"...the need to resolve claims to the use of surface water that predate Oregon's 1909 Water Code."

Comment: Requires funding to allocate sufficient staff time to process all these claims. List the estimated range of funding and time required to give readers a better understanding of the scope to the project.

Page 51 – IWRS said:

"...and increased pressure for human uses."

Comment: The pressure is from humans is from outside of Oregon – those humans who enjoy the agricultural product that are unreasonably draining Oregons water sources (what say you, China, Japan, Saudi Arabia, United Arab Emirates, etc. – why won't you grow your own hay?).

The pressure -- 78% of which -- is irrigation. Domestic and municipal uses are about 1/8th as much volume. The ambiguous reference to "human uses" misrepresents the fact that vast amounts of irrigation have little to do with Oregon's 4.2 million residents and that the problem is not pressure from 4.2 million Oregonians; rather, it is pressure from less than 1% of the state's population producing agricultural products that are exported with a tiny 1.5% contribution to the state's GDP.

There is no justice in blaming all this damage on abstractions -- "human uses" -- when there are factual concrete realities that describe precisely what the problems are. If Oregon's population can grow at 16 times the rate of irrigated acres over the past 70 years, then there is no justice in blaming all humans for the actions of a few. Irrigation is a substantially isolated economic activity, turning water into dollars that only a very few benefit compared to the entire population.

IWRS said:

"Oregon's annual average temperature has warmed by 2.2 degrees Fahrenheit (°F) per century since 1895."

Comment: There's only been one century. Perhaps just "since 1895" or "over the past 130 years."

Page 53 – IWRS said:

"Climate Change Impacts"

Comment: Yes: all of these impacts can harm the public health, safety, and welfare. The IWRS should work to minimize the harm to the greatest extent possible for current and future humans, flora, and fauna, especially since humans are responsible for causing climate change.

IWRS said:

"...significant challenges for water management."

Comment: We are interested in knowing how and why the listed factors will pose challenges for water management -- perhaps list a few examples. We agree they will, we'd just like to see how the challenges complicate water management.

Page 54 – IWRS said:

"Climate change may significantly affect the availability and use of water for irrigation."

Comment: Water League emphatically agrees. Demand for water in an arid region with severely degraded water sources...yeah, no.

IWRS said:

"With projected rises in temperature, irrigation demands are projected to increase by at least 10 percent in arid and semi-arid regions, translating into higher pumping and energy costs."

Comment: Meanwhile, the trend is declining numbers of irrigated acres commensurate with declining groundwater levels and streamflows. It is all but certain that the demands for irrigation water use will go up, but that does not drive nor justify the supply of available water. The irrigated agriculture industry is shrinking and will continue to shrink and it will at all times be a destructive force harming ecosystems and the public health, safety, and welfare in the present and future to an unreasonable degree.

IWRS said:

"The shift in timing and availability of water due to climate change may affect whether water users are able to utilize their water rights as authorized."

Comment: This reduced water availability is certain -- it will occur at different rates in different locations. The IWRS should be more upfront about the reality that water rights will become increasingly worthless as they authorize water use that over-pumps water sources that are inexorably declining.

IWRS said:

"...may no longer be adequate..."

Comment: Instream water rights have never been adequate; they've been a symbolic gesture as ineffectual junior rights to senior consumptive rights.

Page 55 – IWRS said:

"Oregon must consider how to prepare for climate migration to avoid economic disruption, housing shortages, and over-burdened infrastructure."

Comment: If people want to move here, then provide for opportunities within the 1973 SB 100 regime: provide urban in-fill opportunities and prevent sprawl. Oregon can easily support a larger urban population, but it cannot support a larger suburban and rural population. The population has very little impact to consumptive water use but it does have a severe impact on land use. If necessary, cities should purchase irrigation water rights to the reasonable extent possible and limit growth when

proximate water sources have been all bought up and water right limits have been hit.

IWRS said:

"The program is designed to reduce these emissions by 50% by 2035 and 90% by 2050."

Comment: Please explain to the readers where we are related to these targets -- the assumption is that were are either far behind or even worse off?

IWRS said:

"Oregon's Planning Goal 3 (agricultural lands) and Goal 4 (forest lands) help keep these lands in production, rather than converting them to other uses and releasing sequestered carbon."

Comment: Industrial agriculture and vast clear cuts and "near cuts" are hardly net mitigators of carbon dioxide. Who pushed for this statement to be included in the IWRS?

This false dichotomy is an extraordinary claim to put in the IWRS; it should be excised. Numerous scientific studies and reports from the IPCC clearly identify industrial agriculture and deforestation (including clear and "near" cutting) as significant contributors to climate change.

The really galling aspect of this statement is not just how unscientific it is, but the presumption is that there is only one unnamed alternative, which emits greater greenhouse gasses. Does the IWRS assume that if unsustainable and destructive industrial agricultural and forest practices were halted then some other worse activity would necessary descend upon the lands and cause even worse damage? (We acknowledge that this discussion is held in greater detail on page 135 under the Critical Issue "Healthy Ecosystems).

Are we to believe that state officials reject the alternative that uplands and lowlands can be left unmolested? Or are some political lobbyists that powerful? Are we to assume that there is insufficient political interest in preserving such lands, and/ or that all efforts must be made to develop those lands if the forests aren't clear cut on a regular basis and the earth isn't denuded of topsoil and water-holding capacity?

Given all the understandable hand-wringing about climate change in this chapter, this sentence stands out as protectionist propaganda in favor of the destructive forest and agricultural practices that contribute substantially to climate change.

IWRS said:

"Protection of ecosystems is a best practice, but restoration of degraded ecosystems can yield climate mitigation benefits."

Comment: The conjunction "but" is not logically connecting the two parts of the sentence because restoring degraded ecosystems is akin to ecosystem protection -- restoring and protecting are not opposites; they are quite similar.

Also, following immediately after the sentence that defends two harmful carbon emitting practices on the pretense that residential development is only one other alternative that is far worse, is a non-sequitur.

Page 56 – IWRS said:

“Actions that protect and restore Oregon’s green and natural infrastructure may provide the added benefit of carbon capture or storage.”

Comment: This sensible statement directly contradicts the irrational statement just above that uses Oregon's planning Goals #3 and #4 as a pretext (goal-washing?) for the harmful and substantial carbon emissions related to industrial agriculture and deforestation practices.

Page 59 – IWRS said:

“The use of water and energy are highly interdependent...”

Comment: Rewrite: "Water and energy uses are interdependent." Otherwise, this entire section is well thought out and an important contribution to the IWRS.

Page 60 – IWRS said:

“Figure 3-6 Resources Used to Generate Oregon’s Electricity”

Comment: Almost a quarter of all energy on the wholesale bidding markets is a mix of electricity from unknown sources. In this case, the “Unspecified” portion is likely from the CAISO that does not have the ability to discern what's coming into Oregon through the Malin substation. The IWRS should find out more about this specific topic and write a short paragraph about it, including the various sources that makeup the Unspecified portion.

Why would this information be helpful? When the Swanlake North Pumped Storage Hydro claims it is green energy, it is grossly misrepresenting the facts. If it begins production, it may not know where a large portion of its electricity comes from, and it won't be able to claim green energy purchases from renewable energy sources because it will be backed into the corner of buying whatever the the absolute cheapest electricity, which will include a substantial portion of fossil fuel based energy.

IWRS said:

“Statewide goals to reduce greenhouse gas emissions while meeting future energy demand elevates the need for improving efficiency of existing facilities and developing alternative energy projects.”

Comment: Water League emphatically agrees.

Page 61 – IWRS said:

“Pumped storage systems are less frequently considered for existing infrastructure (e.g., occupying a brownfield site rather than developing a greenfield).”

Comment: Except, of course, the Swanlake North Hydroelectric project that is not only proposed for a Greenfield site, but more importantly, is poised to desecrate some of the most revered ancestral sites of the Klamath Tribes. OWRD did not sufficiently consider this issue when it issued HE 617 to the Swanlake pumped storage hydro project.

Page 63 – IWRS said:

"Significant efficiencies could be realized from coordinating energy conservation and water conservation efforts."

Comment: Water League emphatically agrees.

Page 65 – IWRS said:

"Addressing the water-energy nexus cannot occur in isolation; the state must focus on cross-sector and cross-agency collaboration to develop solutions. Oregon's state agencies, working with their civic and industrial partners, should focus efforts on maximizing the efficient use of our water resources, particularly with respect to the generation of low-carbon electricity. Developing new partnerships between the water and energy sectors to better understand how energy is used in water services and how water is used in energy production is critically important."

Comment: Water League emphatically agrees.

Page 66 – IWRS said:

"Recognizing that natural hazards or extreme events, such as drought, floods, and earthquakes occur..."

Comment: Please add fires to the list of natural hazards.

IWRS said:

"Public, private, tribal, and non-profit organizations working together, as well as individuals who take personal responsibility for thorough preparation, will be critical for Oregon to withstand these extreme events."

Comment: Water League emphatically agrees.

IWRS said:

"Drought is not an abnormal occurrence in Oregon..."

Comment: Rewrite: "Drought is a normal occurrence in Oregon..."

IWRS said:

"These conditions can lead to limited water quality and quantity for fish, wildlife, livestock, drinking water beneficial uses, and crops, reduced irrigation deliveries, and poor yields."

Comment: Water League emphatically agrees.

Page 67 – IWRS said:

"...droughts can generally be characterized by an increased demand or decreased supply of water.

Comment: In Oregon, the anthropogenic activity that causes both an " increased demand or decreased supply of water" is substantially caused by over-pumping streams and groundwater reservoirs. While climate change, the result of over-pumping oil and gas, has reduced annual recharge precipitation and increased the Vapor Pressure Deficit, these effects do not put electric pumps into streams and aquifers, which remove many times more water from Oregon's water sources than does climate change. In fact, over-appropriation of all of Oregon's surface waters occurred long before climate change became unmanageable, and to this day, climate change has still not figured out how to pump out and drain aquifers the way humans with electric water pumps and drill rigs do. Nonetheless, those who over-pump Oregon's water sources as delighted to blame climate change for the destruction they have wrought and have state officials and the media uncritically go along with the subterfuge.

IWRS said:

"Hydrological Drought – Occurs when surface and subsurface water supplies are below normal, caused by shortfalls in precipitation, including snow."

Comment: "...surface and subsurface water supplies are below normal" as the result of over-pumping during every irrigation season, and they are made worse during the driest periods resulting from prolonged drought. Hydrological Drought is cause by irrigation over-pumping far more than climate change.

Over-pumping is the leading cause of hydrological drought. The IWRS cannot ignore this fact. The misrepresentation that Natural Variability dries out groundwater reservoirs is obscene. Does drought reach 100' to 1,000' below the surface and pump water out of the ground? No, only electric pumps do. Do tree roots reach as deep as irrigation wells? No.

Drought reduces precipitation, which is a normal naturally variable fact of nature (made worse by anthropogenic climate change), and before over-pumping groundwater reservoirs occurred in the late 20th century, the deficit between annual recharge and discharge was unremarkable. Is the 110,000 acre feet deficit in the Harney Basin a result of drought? No! The deficit is the result of over-pumping since 1990, when discharge resulting from pumping groundwater overcame annual recharge.

Hydrologic Drought is the result of over-pumping Oregon's water sources, and the problem is only exacerbated when annual recharge, which is normally variable, is below average.

IWRS said:

"Agricultural Drought – Occurs when the amount of moisture in the soil no longer meets the needs of a

particular crop. This type of drought links together the various characteristics of meteorological (or hydrological) drought to agricultural impacts."

Comment: Amazing rhetorical sentence structure that makes Agricultural Drought the result of climate variability but not the result of over-pumping. Wow. The reason why "the soil no longer meets the needs of a particular crop" is because there is no water left in the stream or groundwater reservoir by July or August, or because the Bureau of Reclamation or the Watermaster has regulated off junior irrigators. Any time soil moisture drops below the optimal range for any crop, the irrigator turns on the electric pumps and waters their plants. The only reason Agricultural Drought occurs is because those irrigators have no access to water due to the over-appropriation of nearly every water source in every basin in the state. This section on drought definitions is extraordinary for how wrong it is. The IWRS cannot perpetuate such gross misinformation no matter where it sourced this information.

IWRS said:

"...managed hydrology..."

Comment: Is this a new term or euphemism for water management? Ecological Drought seems like the same thing as hydrological drought since the very streams and groundwater reservoirs that are declining *are the ecosystem*.

IWRS said:

Action 5A – "Explore ways to protect minimum stream flow s during drought declarations."

Comment: Typo – fix the word "flows."

Page 68 – IWRS said:

"The Governor can issue an Executive Order to declare drought—either independently or in response to a request by counties."

Comment: Is the declaration an irrigation centric process that requires a minimum number of senior calls? Is drought declaration solely about getting irrigators more water, and when that fails or is maxed out, retreating to preserve domestic and livestock?

Page 69 – IWRS said:

"Drought declarations focus on managing human water needs but do not provide additional protections for instream flows or ecosystem needs. Additional work is needed to protect minimum stream flows during drought declarations."

Comment: So, are drought declarations first about getting more irrigation water, and second prioritizing domestic and livestock if the drought is really bad, but there is Zero consideration for the streams and groundwater reservoirs?

We agree -- the state must institute ecosystem protections during drought declarations -- the

anthropogenic supremacy ignoring the harm to the ecosystem by over-pumping during drought is callous and destructive. Over-pumping groundwater during drought when surface water is unavailable is the ultimate Ponzi Scheme. The IWRS must call for ecosystem protections by the state when the Governor declares a drought emergency.

Page 70 – IWRS said:

"Riverine flooding"

Comment: Please explain for readers that riverine flooding is made much worse by destructive forest practices that reduced the significant canopy and forest duff layers, increasing the sheer quality of the ground surface, contributing to substantially more runoff. Instead of a sponge, the surface is more like a porcelain plate that the water sheds off. These destructive forest practices are equal to or worse than the harmful effects of forest fires on siltation and flooding.

Page 71 – IWRS said:

"Oregon should research how changes in land use, land cover, forest cover, and watersheds—including upstream impervious surfaces, geomorphology, logging, and forest fires—may change the location, strength or duration of floods, flood ways, and flood discharge. This information could be beneficial to local planning efforts."

Comment: Water League emphatically agrees.

IWRS said:

"Increased Risk Following Wildfires"

Comment: Change the title to: "Increased Risk Following Wildfires and Clearcuts." Destructive forest management practices have the same serious negative impacts as forest fires.

IWRS said:

"After a wildfire, the charred ground repels rainwater, increasing the risk of flooding and debris flows for several years."

Comment: Change this sentence to: "After a wildfire and clearcut, the charred, compacted, and denuded ground repels rainwater, increasing the risk of flooding and debris flows for several years."

Page 74 – IWRS said:

"These include numerous potential points of system failure at reservoirs, intakes, treatment plants, pump stations, and outfalls."

Comment: Add wells -- every well casing under sufficient pressure will shear.

Page 76 – IWRS said:

"Land and water are connected in many ways."

"This is an important step in determining how best to develop the land to protect the quantity and quality of our water resources. The statewide land use program and its implementation by cities and counties is an important framework for integrating water resource issues with land use and development decisions."

Comment: Water League emphatically agrees.

IWRS said:

"Considering Oregon's projected changes in population, industrial, and commercial growth, communities need to adequately plan and prepare for meeting a larger demand on a shared resource."

Comment: Since irrigation use is 8 times larger than all municipal and domestic uses combined, this statement that larger demand on a shared resource is misleading: we will never conserve our way to a sustainable future by putting the onus of planning, conservation and sustainable water/ land use practices on the backs of only 10% of the total water use. Commensurate conservation and sustainable use will have to come from the irrigation sector if Oregon is to protect posterity and the ecosystem all life relies upon.

The annual deficit between recharge and discharge in the Harney County is 110,000 AF, which is the total amount of water Portland uses annually. Obviously, Oregon is not shipping water from the Harney Basin to Portland, but there are significant water use diversions west of the Cascades that dwarf all the municipal and domestic uses that are collectively draining aquifers and dewatering streams during this period of worsening effects caused by climate change.

4.2 million Oregonians do not eat and wear the substantial amount of irrigation in the state of Oregon; in fact, 55% of all irrigation goes to animal forage crops, and the vast majority of cattle are shipped out of the state. While studies have not been conducted, substantial amounts of irrigation water west of the cascades population centers is used to produce export products, leading to Virtual Water Exports.

Since climate change has caused the reduction in annual winter recharge, the entire state has been and will continue to experience water deficits to varying degrees, basin by basin. Therefore, Virtual Water Exports are real exports of water when aquifers and streams are drained and dewatered due to over-pumping and the water sources are not sufficiently recharged.

Oregon is going to have to stop destroying our forests' abilities to soak up and infiltrate water into the groundwater reservoirs and stop over-pumping streams and aquifers. No amount of blaming suburban and urban residents for this destruction will ever solve the existential problem of draining water sources and exporting those products out of state for a minuscule economic benefit in the short-term.

IWRS said:

"Efforts aimed at directing development to appropriate areas and minimizing the impact of development can help meet statewide goals related to protection and use of water resources."

Comment: See comment just above -- blaming development for the over-pumping of water sources is the problem: the convention wisdom that says it's the city/ suburb dwellers, and not the irrigation pumpers (who are responsible for 80% of all extractions), is an unsustainable fallacy. We acknowledge that there are regions where municipalities and development sprawl harms water sources, but they are no where near the extent of the problem that irrigation is. We also acknowledge that there are very strong reasons/ justifications for limiting sprawl based on land use concerns; however, instead of using those land use concerns, officials and opponents to sprawl attempt to use water use as the limiting factor, which is wrong. We reject this sleight of hand because it results in misrepresenting domestic and municipal water uses to advance concerns about land use.

The Thornburgh Resort development is a heinous land use concept, but, hypothetically speaking, if it were to buy out and transfer all the irrigation water rights six miles to the west in Cloverdale, and pump that water east, the water use concerns could not be justified. There are over five square miles of irrigated lands that could equal as much as 8,000 acre feet of irrigation water, which is more than three times as much water that resort ever proposed to use.

Page 77 – IWRS said:

"Resources are needed to support communities in updating their Goal 5 resource inventories."

Comment: Water League emphatically agrees.

Page 78 – IWRS said:

Regarding updating comprehensive plans: "The process was once mandatory, but now is voluntary."

Comment: What is the reason why -- was it political lobbying pressure? This is not just a rhetorical question, please do explain why – readers would like to know.

IWRS said:

"Recent population projections indicate a slowing of statewide growth, compared with what Oregon has experienced in recent years."

Comment: We agree and said as much in our testimony for SB 1537 in 2024. While we strongly support the Governor's initiative to increase housing within UGBs, particularly urban in-fill, the projections of population growth surrounding that bill were unfounded -- they were far off of PSU's research. It appeared that the overstatements were designed to get the bill over the goal line.

IWRS said:

"Planning for future development must consider pressures on Oregon's water resources, in terms of both water quantity and water quality and impacts to the environment and ecosystem services."

Comment: Population growth and the volume of water use in Oregon are NOT meaningfully correlated. While Oregon's population grew from 1.5 million to 4.27 million over the past 75 years,

irrigated agriculture, which uses nearly 8 out of 10 gallons every year has only increased from 1.3 million acres to 1.53 million acres. The population has grown at a rate 16 times faster than irrigated acres, and the volume of water use has barely increased.

The IWRS cannot misrepresent the facts about who is using how much water, especially when so much water use results in substantial exports of agricultural products that barely contribute to the state's GDP. It's one thing to participate in harmful protectionism of destructive irrigation practices, and quite another to then blame the destructive water use on the 4.27 million Oregonians who are not responsible for that water use.

Page 79 – IWRS said:

"Meeting housing need will require cities to implement strategies that reduce per capita water demand to successfully facilitate production while minimizing impacts on water supplies."

Comment: For every municipal gallon of water conserved, there must be 8 gallons of regionally-proximate irrigation water conserved. That is the ratio of water use: irrigation uses 8 times as much water as public water supply systems. Putting the blame and responsibility onto municipal supplies and not also requiring commensurate water use conservation from irrigation users is not only prejudicial in its inequity, but highly asymmetrical public policy that puts forage and non-human crops over the lives and welfare of the public and the ecosystem they care about and wish to preserve for posterity.

Page 80 – IWRS said:

"Since rural development typically relies on wells, counties need data on the availability of groundwater early in the planning process to make informed decisions on what density of development to permit in rural development zones."

Comment: The context of citing rural development ought to include a discussion about how exempt use domestic wells, of which there are 225,000 in the state, account for only 1% of all water use, and with regard to just groundwater, account for only 4% of all groundwater extractions despite comprising 88% of all wells. The presumption that siting new exempt use domestic wells is a concern when there are vast industrial irrigation extractions in the vicinity already taking out 20 times as much groundwater (or 80 times as much when including surface water) and that those vast extractions are protected over human consumption, is an anathema to communities, ecosystems, and posterity.

We acknowledge 1) there are specific sub-basins/ watersheds that are over-pumped by irrigation and are designated as Groundwater Restricted Areas and 2) there is runoff from industrial/ agricultural operations causing Groundwater Management Areas that make siting rural residential properties impossible. Also, there are areas that have unique geologic formations that hold very little groundwater, are fragile, and that there are areas where the hydraulic connectivity to surface water protected by Scenic Waterways limits water use (notably, exempt uses, such as those from domestic wells, are generally exempt from Scenic Waterway restrictions because they use so little water).

These details should be added to avoid this topic from being a facile commentary on "water as a limiting factor to rural residential development." Water League strongly supports urban in-fill development over sprawling rural residential developments encroaching onto open land and forests, not

to mention the unreasonable risk found at the Wildland-Urban Interface (WUI). The IWRS should leave the limitations to residential development to the WUI and back off using water as the limiting factor as related to exempt use domestic wells.

IWRS said:

"Of primary concern, local land use decision makers need more information about groundwater quality and availability at specific locations, as well as the long-term ability of local aquifers to yield water, when making decisions about appropriate locations for development, particularly in those rural areas already designated as groundwater administrative areas."

Comment: Should of thought of that back in the 20th century when OWRD was over-appropriating all the surface and groundwater sources for irrigation uses, which dwarf domestic and municipal uses. Obviously, we recognize that OWRD was under intense political and lobbying pressure to approve subprime water right applications for irrigation, but still...

Page 82 – IWRS said:

"Runoff from urbanized lands and impervious surfaces such as paved streets, parking lots, and building rooftops during rainfall and snow events often contain pollutants that negatively affect water quality."

"Urban runoff is a major source of degraded surface water quality and can also contaminate groundwater."

Comment: Water League emphatically agrees.

IWRS said:

"The goal is to treat stormwater runoff at its source before it reaches the storm sewer system, reducing stormwater infrastructure maintenance, and reducing downstream impacts to receiving streams."

Comment: Water League emphatically agrees.

Page 84 – IWRS said:

"Built and green (i.e., natural) infrastructure used to store, transport, distribute, disperse, collect, and treat water is an important, but often overlooked, piece of our collective water management and stewardship responsibilities."

Comment: Water League emphatically agrees.

IWRS said:

"...for a variety of public health and safety reasons, but also for meeting our state's economic needs."

Comment: Add: "and for protecting the ecosystem from polluting and over-pumping water sources."

IWRS said:

"Examples of built water infrastructure include:"

Comment: Add: "berms, swales, shallow depressions, and earthworks."

These earthworks control flooding, manage diffuse water runoff, assist groundwater infiltration, and can reasonably be considered as part of the "saving soil" and "improving water quality" in ORS 537.141(e).

IWRS said:

"When wells, dams, or levees have significantly deteriorated, the costs of repair may exceed the expected benefits, and proper decommissioning and removal may be a less expensive and more environmentally beneficial alternative."

Comment: Water League emphatically agrees.

Page 86 – IWRS said:

"There is a need to continue supporting irrigation modernization projects that lead to water conservation and benefit agriculture as well as fish and wildlife."

Comment: Water League emphatically agrees.

Page 87 – IWRS said:

"There are other levees in Oregon that have not been maintained to federal standards, nor are they part of the Corps of Engineers certification program."

Comment: Refer to the recent March/ April 2025 levee failure in Harney County as a way to put a relevant and fine point to the importance of the matter.

Page 88 – IWRS said:

"Business Oregon has recently completed a rulemaking allowing them to provide funding for regionalization projects."

Comment: Change to: "...has recently completed rulemaking that can provide funding for regionalization projects."

Page 90 – IWRS said:

"...to require remote monitoring on deficient, high hazard dams."

Comment: What is considered deficient relative to the "satisfactory, fair, poor, and unsatisfactory" categories? Knowing this would be helpful.

Page 91 – IWRS said:

"Establishing formal grant and loan programs would allow owners to make seismic and flood related upgrades, rehabilitate unsafe dams that still have value, or to provide funds for removal of dams that no longer provide benefits."

Comment: How is this dam safety funding related to HB 3364, which adds to ORS 541.566, Feasibility Grants, the:

"(p) Analyses associated with evaluating the safety of existing dams and evaluating actions to address safety deficiencies related to existing dams"?

Water League opposed the concept that OWRD would fund non-governmental agencies to conduct dam safety. Please explain what types of dams are eligible for grant funding, and do experts need to be grant fund recipients or can anyone conduct their own assessments on their private dams? What are the standards?

IWRS said:

"The existing Dam Safety Program provides for periodic review of dams, only in relation to human safety and property. Dams requiring upgrades to meet safety requirements may trigger fish passage laws. Periodic reviews for hydrologic or ecological harms would require additional authority and resources for several agencies."

Comment: Water League emphatically agrees.

Page 92 – IWRS said:

"Agencies and many types of partners can provide the public, and one another, with information about our water resources and challenges to help everyone engage in water stewardship actions."

Comment: Water League emphatically agrees.

Page 93 – IWRS said:

"Water professionals are needed in a wide range of specialties..."

Comment: Add state agency water management experts to increase with the need to implement and enforce water use and water quality standards in proportion to increasing water scarcity. These staff are needed to protect water sources such as streams and groundwater reservoirs, forests, fish and wildlife, frontline communities, and to ensure all of the above are well and accounted for in the future.

IWRS said:

"A career in water provides an opportunity for a rewarding career..."

Comment: Replace the second instance of the word "career" with "profession."

Page 96 – IWRS said:

"Oregon is also home to an extensive network of community-based organizations that offer technical assistance and information on water quantity, water quality, and watershed-related issues. With 45 soil and water conservation districts and 76 watershed councils, Oregon is well positioned to advance locally led education and outreach efforts."

Comment: Water League emphatically agrees.

Page 97 – IWRS said:

"One of the most mentioned concerns during outreach and engagement for the 2025 Strategy was access to information and tools for accomplishing water conservation."

Comment: Please go into more detail about how everyone can hold water in trust. To varying degrees, we all have a fiduciary duty to protect water proportional to our reasonable right to the use of water.

Page 98 – IWRS said:

"Awareness and enjoyment of water resources helps people connect with the environment, which leads them to use water responsibly and promote water resource protection. Support for responsible, sustainable recreation is one way to encourage social investment in protection of these resources."

Comment: Water League emphatically agrees.

Page 105 – IWRS said:

"Water planning and management is crucial for balancing competing demands, mitigating water scarcity, protecting public health and the environment, and building resilience to climate change. Done properly, water planning can also facilitate dialogue, negotiation, and cooperation among interested parties to resolve conflicts and promote equitable access for instream and out-of-stream uses."

Comment: Water League emphatically agrees.

IWRS said:

"In the coming years, an effective statewide Strategy will require more extensive and integrated planning at the local or regional and state levels."

"Forging partnerships between local communities and state agencies through planning offers a unique opportunity for the implementation of a wide range of recommended actions described in the 2025 Strategy."

Comment: Water League emphatically agrees.

Page 108 – IWRS said:

"However, this type of comprehensive river basin planning has not occurred in more than thirty years."

Comment: Only 30 years? Why, precisely has it been 30 years of no basin planning? How is this related to SB 300 (passed in 1969), which separated the definition of the term *order* from the definition of the term *rule*. Fifty-six years have passed, which effectively interrupted basin planning until the legislature finally proposed to make the minor correction in HB 3342 in 20225. Has the lapse in time had significant harmful impacts to over-drawn basins?

Page 110 – IWRS said:

"In envisioning a place-based approach to water planning, these existing plans and programs do not go away, but instead provide a baseline of information, history, and rules that must be integrated into the water plan. A place based approach can help reconcile and implement the state's programs and plans more effectively."

Comment: Water League emphatically agrees.

IWRS said:

"A Consultation Task Force is currently developing standardized guidance for state agencies to improve the government-to-government processes."

Comment: Consultation has been turned on its head far too often. U.S. and state agency officials often have been ordered to minimally comply with the requirement to consult with tribes. The problem is so pervasive that critiquing the problem has become hackneyed. That very fact -- that complaints about "performative consultation" are now perceived as overwrought -- is in itself how state and federal officials control the narrative to avoid true consultation that would otherwise lead to free, prior, and informed consent and the possible rejection of projects and activities in whole or in part.

Agency consultation with tribes usually means that the agency cannot expect to do whatever it wants and that it will have to give up what it desires in whole or in part. If tribes were empowered to impact and affect state and federal agency activities per the consultation process, then the OWRD/ WRC would NEVER have approved the hydroelectric license HE 617 for the Swanlake North Hydroelectric pumped storage project. But OWRD did not care and approved the project that will permanently desecrate the ancestral lands of the Klamath Tribes if it gets built. Water League incorporates by reference our critique of that disregard for the Klamath Tribes by reference here:

https://drive.google.com/file/d/1b6QBiwniQ9oaAUmUFDA5j1AHl68mKGnE/view?usp=drive_link

The IWRS does not address how state agencies disregard true consultation with tribes. There is no hard look at how, for instance, the IWRS provides political cover for doing the exact opposite of all the platitudes in the document exalting consultation. Where is the admission in the IWRS about how Oregon has failed the tribes time after time?

If a state or federal agency wants to "perform" consultation with tribes without having to relinquish any

power or authority, then they conduct public relations campaigns saying they care about consultation for the express purpose of pushing back against complaints that they don't care about consultation and ignore tribal interests and concerns. The public relations create a veneer of legitimacy that covers up the actual disregard. Few examples are more acute than the "consultation cover-wash" appliqué used by federal and state agencies to do one thing while saying another.

Water League calls on all Oregon state agencies named in the IWRS to list all the times they consulted with tribes in the past 25 years in a table in an appendix, detail what the consultation was about, and then contact each tribe who was party to those consultation proceedings and ask them to finish the list with their views on how each act of consultation resolved and the extent to which those tribes were satisfied with the results. How many of them would report being satisfied?

We also note that OWRD took great pains to switch away from the legal term of art "Consultation" to the less legally-impacting term "Engagement" in the final draft of the Division 10 administrative rules prior to WRC adoption. Water League contested this change to no avail. Explanations at the time were decidedly unclear and to this day, we have no idea why the change was made. If the term "Consultation" were retained as it was used in the drafts of the 690-0010 rulemaking revision in 2023, we wonder what OWRD/ WRC would have lost or risked. OWRD/ WRC is a state agency under the executive office of the Governor and is therefore acting as the state of Oregon, a formal government agency empowered to conduct government-to-government consultation with tribal nations.

We quote the IWRS here: "Agencies invite informal staff-to-staff coordination and formal government-to-government consultation on issues that may be of interest to tribes. If requested, agency directors engage in formal consultation with tribal leaders."

Page 111 – IWRS said:

"Oregon also uses its Federal Consistency authority under the Coastal Zone Management Act to facilitate coordination between federal, state, and local authorities concerning federal actions in the coastal zone that have the potential to impact water resources."

Comment: Some would say that "Oregon also uses its Federal Consistency authority under the Coastal Zone Management Act to [enable] federal actions in the coastal zone that have the potential to impact water resources." The DLCD Roadmap Roundtable process authorized under HB 4080 in 2024 is a pretty good example of just such a performative exercise.

And as regards the earlier discussion on Consultation with tribes, look no further than how their concerns about the offshore wind industry will be "heard."

IWRS said:

"The U.S. Bonneville Power Administration manages mitigation programs to offset habitat losses associated with hydropower projects."

Comment: Some would say the "mitigation programs to offset habitat losses associated with hydropower projects" is insufficient.

Page 112 – IWRS said:

"The Deschutes Basin is an area where irrigation interests and fish and wildlife needs have often been in conflict. Over 10 years ago, tribes, agencies, irrigation districts, and the public came together to forge a new approach to water management in the basin."

Comment: We consider the HCP to be rather extraordinary in the context of this so-called success regarding fish rescues:

> "*FALL FISH RESCUE 2024!: While it is always a moving target, we have tentative dates for the Fall Fish Rescue. Every year at the end of irrigation season, the Upper Deschutes below Whickiup Dam sees a dramatic drop in flow. During this rapid decrease, side channels become disconnected from the main stem, leading to stranded fish trapped in quickly drying pools.*
>
> *The side channel at Lava Island, just upstream from Bend, is one of the largest and longest of these channels. With expert assistance from Mt. Hood Environmental and help from dozens of passionate volunteers, we will work to save as many fish as possible! Sign up to join our quick action list of volunteers, ready to mobilize and sign up for shifts to help save the fish of the Upper Deschutes!*"

This exemplifies a broken system, where the needs of irrigation are prioritized to the severe detriment of stream health and aquatic life. The fact that "rescuing fish" is presented as a positive conservation effort, while the underlying cause is the dewatering for irrigation, is deeply problematic.

Incredibly, the dam water releases appear timed to last as long as the irrigation season, so the water managers ensure the last drops coming out of the dam are times just before harvest. In fact, last fall they had to move the dates ahead by a few days because there was too much water in the quickly draining pools to actually be able to catch and rescue the fish, which means that irrigators were pumping the last remnants of the stream dry and rescuers had to come in at just the right time:

> "*UPDATE: Fall Fish Rescue Dates Moved -- New Dates: October 19th-21st, 2024. More water in the river is typically a good thing, HOWEVER, it looks like there will be too much water in the side channel at Lava Island to start the Fish Rescue tomorrow (Friday, Oct. 18th).*"

And we quote the IWRS on page 112:

> "The partners, led by the local irrigation districts, developed a Habitat Conservation Plan (HCP), which is a long-term plan that includes specific conservation measures to minimize and mitigate the effects to the covered species caused by the activity (managing water in this case)."
>
> "The HCP has resulted in increased coordination across many interests which has helped the area navigate irrigation and wildlife challenges during consecutive years of drought."

Rescuing fish as part of the HCP is darkly ironic -- true habitat conservation would focus on maintaining adequate stream flows to prevent the fish from becoming stranded in the first place. Rescuing fish from drying pools is a last-ditch effort in place of a proactive conservation strategy. The fact they make it part of the HCP and "rescue" fish every year normalizes this obscene circumstance

and deflects responsibility from the state water management system that allows the dewatering of the river every year. In fact, the state water management system is so tightly managed for irrigation that even a slight deviation from the planned dewatering schedule can complicate the "rescue efforts."

This element of the HCP is a prime example of a system that prioritizes agricultural water needs to such an extent that it leads to the predictable and repeated stranding and potential death of aquatic life. It's a testament to a failure to balance human water use with the ecological needs of the river system. The IWRS ought to be more transparent about these facts and stop giving out "Participation Awards," which is what this IWRS paragraph describing the Deschutes Basin Habitat Conservation Plan does.

IWRS said:

"Oregon will continue to work with neighboring states to strive towards sustainable management of surface water and groundwater resources."

Comment: Is Idaho stealing Oregon's Columbia river water with the Idaho groundwater recharge program? Idaho did not take this water for 100 years, but since 2015, Idaho has been depleting the Columbia River by 250,000+ acre-feet/ year to mitigate their over pumping problem. How is the IWRS addressing this inter-state activity?

Page 114 – IWRS said:

"Water-related responsibilities are distributed across multiple state agencies, making it critical that agencies coordinate to support one another's work. Agencies should seek to improve interagency coordination to ensure an efficient use of public resources. Agencies need communication tools to help tribes, the public, local government, and community-based organizations navigate state agencies."

Comment: Water League emphatically agrees.

IWRS said:

"The Departments of Environmental Quality and Fish and Wildlife contribute to water right permit review for the Water Resources Department, reviewing for impacts to water quality and fish and wildlife habitat."

Comment: SB 1153 would rely on this type of inter-agency coordination so that OWRD could know if a water right would "result in a loss of in-stream habitat for sensitive, threatened or endangered aquatic species in stream reaches not protected by an existing water right or contribute to water quality impairment in water quality limited streams" as the bill prohibits.

IWRS said:

"This process may identify a need for local governments to revise their local comprehensive plans."

Comment: The standards set forth in SB 100 in 1973 and the compliance with statewide goals overseen by DLCD/ LCDC have been eroded substantially, now to the point of deference to political subdivisions, that SACs have almost no authority. We acknowledge that land use is mostly a local

municipal power states permit their political subdivisions to oversee; however, the entire purpose of adopting statewide planning goals was to ensure equally applied standards across the state that conform with how Oregonians want to live in relation to each other, the ecosystems, and their future descendants. The state must reel back in its responsibility to ensure its political subdivisions reasonably comply with the 19 statewide planning goals and that comprehensive plans are updated to conform with those goals.

IWRS said:

"State agency coordination programs must be updated to keep pace with changes to statutes, rules, and the creation of new programs or authorities."

Comment: Water League emphatically agrees.

Page 115 – IWRS said:

"Oregon's tribes have been excluded from decision-making, where those same decisions have resulted in degradation of water resources and inability to meet their federally granted treaty rights."

Comment: Water League emphatically agrees. Thank you for this rare acknowledgment.

IWRS said:

"Oregon must find ways to equitably improve the safety, affordability, reliability, and availability of water for all."

Comment: Water League emphatically agrees.

IWRS said:

"However, common community engagement challenges such as resource allocation and trust-building with historically marginalized communities have limited meaningful engagement."

Comment: Water League emphatically agrees.

IWRS said:

"The 2025 Strategy acknowledges that efforts must be made to enhance and expand community engagement to better identify workable solutions to improve water equity and security for everyone in Oregon."

Comment: This statement could be one of the guiding principles of the 2025 IWRS because every state agency is supposed to work on behalf of the public interest; yet, in too many cases, these agencies have operated under a clientele business model better described as *regulatory capture*. We deeply appreciate the historical discussion on water use allocations on page 106 of the IWRS.

Under the regime of a regressive conventional wisdom, OWRD served water right holders at the

expense of the greater public interest for decades even though the water management services were intended (supposed) to ensure that water use was in the public interest or at least not a detriment to the public health, safety, and welfare. OWRD was supposed to manage water use on behalf of the public, which would have meant managing water right holders not for their exclusive special interest benefit, but for the greater benefit of all the public in the present and the future.

The gross over-appropriation of water rights served the water users who applied political pressure when OWRD attempted to *not approve* water right applications. The regulatory capture of OWRD is legion, and under new leadership at the governance and management levels, this troubled legacy appears to be fading. This new leadership ought to acknowledge that water right certificates are gift certificates from the public to water right holders to use public water.

Unfortunately, in the past, those who had a fiduciary responsibility to hold water in trust for the public knelt down before and under the powerful pressure of water users and did not discharge their lawful and moral fiduciary duties sufficiently. Now the public's gift certificates to the use of the water that belongs to them have been overdrawn and those gift certificates are becoming devalued: eventually, many water rights will authorize the use of water that does not exist. Chasing water across the state through water right transfers will threaten posterity if not brought under control. OWRD/ WRC in working on behalf of the public interest must stop the harm and restore the water sources of the state to reasonably stable levels for the benefit of posterity.

Lastly, the idea that serving a collection of individual interests is serving the public interest, under the pretense that those individual interests are serving the greater public interest, is flawed and manipulative logic. Too many of those individual interests are not serving the public interest; in fact, their water use may be a detriment to the public interest. What may be a beneficial use to the water right holders may be a harm to the public health, safety, and welfare of the present and the future, and that harm has been overlooked and ignored. OWRD had a backwards policy: instead of keeping the greater public interest in mind when regulating water right holders, they kept the water right holders in mind, thinking those water users would be a public service. That idea is one of the great failures of public policy over the past century -- an example of the misguided conventional wisdom.

Page 116 – IWRS said:

“Oregon established a system to issue water rights which includes inherent inequities that cannot easily be resolved.”

Comment: Water League emphatically agrees.

IWRS said:

“Oregon Secretary of State, 2023, Advisory Report 2023-04.”

Comment: Can this reference be a hyperlink?

Page 117 – IWRS said:

Comment: The last three paragraphs on page 117 should be deleted. They are duplicates of the first

three paragraphs on page 118 under the heading "Critical Issue – Water Use and Management."

Page 120 – IWRS said:

"Water Conservation within Agriculture"

Comment: This topic should come first above all other conservation options because irrigation uses 78% of all water in the state; whereas, domestic wells use 1% and all public water supplies use 9%. The order of discussing conservation should be from the largest uses where the most conservation necessarily must come from, the the smallest water uses, where necessarily, the least amount of conservation can come form.

IWRS said:

"Diverting an estimated 80 percent of the total water diverted in the state, agriculture is the largest user of water in Oregon, and therefore, offers the highest chance of conserving measurable amounts of water. Statewide efforts should focus on increasing voluntary conservation and efficiency efforts in the agriculture sector. This could result in significant water savings statewide."

Comment: Water League emphatically agrees.

We note that Conservation efforts must be understood in the context of Jeavon's Paradox, which stipulates that increases in efficiency result in proportional increases in use. Efficiency in water use must be paired with conservation of water. A good example of addressing this paradox is the requirement of leaving instream 25% of the water in the Conserved Water statutes. More and larger allocations towards conservation without increased expansion should be implemented voluntarily, and increasingly enforced when necessary in Groundwater Restricted Areas.

IWRS said:

"Piping, lining, or other water efficiencies can greatly reduce the quantity and rate of return flows that traditionally make their way back to the stream or groundwater reservoir."

Comment: Yes. These efficiency projects should be paired with commensurate reductions in the rate and duty of water rights to ensure the same or larger flows continue in rivers. Piping a ditch and then using the same amount. of water -- an increase in the customary amount -- can no longer be justified. Conservation fails when it only benefits the water user -- logically, conservation must equally benefit others in the region and yet to come. Notably, conservation in Groundwater Restricted Areas is too often about lengthening the amount of time left to drain the groundwater reservoirs and is not about conserving water for posterity, others in the proximate vicinity, or groundwater dependent ecosystems. This is "False Conservation" because the end goal isn't to stabilize groundwater levels or stream flows, but to extend the water = money mining profit just a little bit longer.

Page 121 – IWRS said:

"Allocation of Conserved Water Program"

Comment: When Can groundwater users can leave a percentage of the water their water rights authorize the use of in the groundwater reservoirs? We understand that in some cases this could be a folly where The Tragedy of the Commons has a death grip on a basin or sub-basin and the act of one irrigator foregoing water use could leave water in the ground for others to deplete. Please consider studying this problem and finding circumstances where the Conserved Water program can be applied to groundwater.

Page 125 – IWRS said:

In the table where Water Rights and Artificial Recharge intersect: "Permits required to appropriate source water and to pump recharged groundwater."

Comment: Water League will be proposing adding "groundwater infiltration" to ORS 537.141(1)(e) alongside the existing "land management practices intended to save soil and improve water quality." We propose to dovetail this exempt use in ORS 537.135.

We believe diffuse water can be a beneficial use while still under *The Natural Servitude Rule* and *The Reasonable Use Rule*. We telegraphed this position in our 2025 testimony in support of HB 2988.

IWRS said:

"The study evaluated several options for reallocating storage space that could better meet water needs not only for irrigation—the only use allowed under existing water rights—but also as a source of drinking water for communities, industries, and instream flow needs for listed fish species in the basin."

Comment: Water League emphatically agrees with these options.

Page 126 – IWRS said:

"Identifying Potential Above-Ground Storage Sites"

Comment: Move this paragraph up to more closely align with the other paragraph titled "Above-Ground Storage — Reservoirs"

IWRS said:

"The Department then reviews the application based on current, applicable public-interest review standards and applicable basin rules regarding the reservation."

Comment: We presume that during the past 38 years the over-appropriation of surface water and groundwater has become so harmful, and since the WRC adopted rules making the application process for new groundwater allocations more restrictive, that accessing this reserved water is all but impossible.

Page 127 – IWRS said:

"We also need to consider non-regulatory and market-based approaches to meeting our collective and often competing demands for water and consider holistic strategies to meet water quality, water quantity, and ecosystem needs."

Comment: This assertion is highly controversial and cannot be summarily stated as if it were decreed as a "*I Say So*." Who said '*we also need to consider non-regulatory and market-based approaches*?' Did the people of Oregon agree to this declaration or did the largest water users who are pumping themselves out of business and wish to evade the water right transfer statutes say so?

The term "Market-based approaches" is a euphemism for privatizing water use governance and management, which is the privatization of the water that belongs to the public. It is a usurpation of the fiduciary duty and authority elected and appointed official have to hold water in trust on behalf of the public.

Market-based approaches hand over water use management decisions to private interests under the premise that water will flow to the highest dollar amount and that such water use is in the public interest solely because that water use results in the highest economic purpose. Proponents call this increasing the efficiency of the water use, but it's not more efficient use by volume; rather, it is more efficient use of water by dollar value. It's not that one gallon goes further afield; rather, it's that one gallon makes more income for the water user. There is no correlation with the public interest; as such, market-based approaches are a regressive reversion to the 19th century ideology that water use need only serve the individual special interests of the user, justified as that which makes the most money. Market-based approaches are a 21st century version of water mining, where the private interests willing to bid the most for water use are the winners, and the public's interest in the use of its water, which includes ecosystem health and posterity, are the losers.

IWRS said:

"Voluntary agreements among water users within one basin to limit water use, Action 11E."

Comment: Voluntary Agreements are almost certainly unconstitutional as envisioned by their proponents (they have never been implemented since 1955 when ORS 537.745 was enacted). We incorporate by reference Water League's extensive comments on Voluntary Agreements here:

https://drive.google.com/file/d/1-YN7192xu7HMxvuhNGAM4KySxyZEq45d/view?usp=drive_link

IWRS said:

"A CREP contract payment period is typically 10-15 years."

Comment: Note that in Oregon, the CREP contract includes a provision that is the cancellation of the water right in trade for the CREP payment.

Page 128 – IWRS said:

"Cities and utilities have utilized water quality trading to address temperature pollution challenges."

Comment: Is there evidence that this WQ trading program has measurably reduce temperatures in streams? Does the program require sufficient temperature data before the project and then are temperatures taken regularly after the project to get credible data as to whether planting these trees actually cooled down the river? Is there a temperature metric that must be met to offset these cities that heat up rivers?

The IWRS should include further discussion on these questions and supply basic data, such as: "Rogue River temps were X Celsius before tree planting and have dropped to Y Celsius after tree planting over so many years. These measurements align with our projections that planting the trees would lower river temps by Z Celsius."

IWRS said:

"The Deschutes Water Bank"

Comment: The description should be expanded to at least 250 to 500 words. Minimizing the details results in a facile description that leaves the reader incapable of forming an opinion about the water bank concept. Also, please include links to the actual Deschutes Water Bank website and reference to HB 3806 in the 2025 legislative session.

IWRS said:

"Field personnel are well positioned to work with local, state, and federal water managers, watershed councils, local planners, county commissions, and other entities in the community with responsibility for water."

Comment: Water League emphatically agrees with the full contents of the paragraph that begins with this sentence.

Page 133 – IWRS said:

"Ecosystem degradation subsequently results in a need to engineer unnatural solutions that attempt to mimic ecological functions, often at a great expense that yields a lesser quality function."

Comment: Water League emphatically agrees.

Page 134 – IWRS said:

"Oregon must protect our remaining wetlands through rigorous permitting (e.g., Department of State Land's Removal-Fill permitting) and conservation on public and private lands. The state must also restore degraded wetlands to regain water storage capacity and other hydrologic benefits and support the many declining species reliant on these ecosystems."

Comment: Water League emphatically agrees.

Page 135 – IWRS said:

"Oregon's forests help filter drinking water, keep water cool, provide habitat for diverse animal and plant species, supply oxygen, moderate temperatures and rainfall, store atmospheric carbon, and support Oregon's economy. Healthy forests promote soils that provide natural filtration to keep streams clean and water quality high."

Comment: Water League emphatically agrees. But these forests are only capable of such activities when they are healthy, and most of the state's forest are unhealthy and severely degraded by destructive forest management practices. Oregon forest are basically hilly corn fields that get mowed down repeatedly. The aspirational quote is welcome but far from reality. IWRS should be more upfront about this fact.

IWRS said:

"The rising expense of owning forestland and the land's growing value as real estate increases economic pressure to sell private forestland for development. As forests are converted to other uses, this leads to habitat fragmentation and displaces the species that rely on forest ecosystems. Increased home density within forested areas..."

Comment: Please explain if this is a general future concern or if there is publicly/ privately owned forest lands that are being sold off for residential development. Earlier in the IWRS, this assertion was made with no attendant evidence as to why forests need to be kept under timber production as a better carbon sink than if development takes over. The same was said about farmland.

Are not the statewide planning goals being implemented and enforced, and are DLCD/ LCDC not showing up to work? Aren't Forest Commercial, Forest, Timberland Protection Zone, and Woodlot Resource zones still intact? Please explain what is meant by this concern about residential development taking over the backcountry and where it is coming from.

Without evidence, this statement presents a continued justification for the destructive forest practices that are responsible for the "massive ecological restoration needs," on the basis, no less, than because these harmful forest practices are a better alternative to the residential development alternative. We're not moved or convinced by a long shot.

IWRS said:

"Keeping forests as forests, however, requires public support, investment, and resource protection policies that make continued forest ownership an economically viable alternative to conversion."

Comment: Isn't the entire purpose of SB 100 in 1973, the 19 statewide planning goals, and the work that DLCD/ LCDC do what keeps forests as forests (albeit, corn field forests)? Please explain. Maybe what needs revision is statewide leadership in this area.

Page 136 – IWRS said:

"Many of Oregon's counties receive a significant boost to their local economy from those who travel to participate in fish and wildlife recreation activities. The economic value of fish and wildlife recreation is one of the many reasons for protecting water instream for the benefit of future generations."

Comment: Water League emphatically agrees.

Page 139 – IWRS said:

"Soil health describes the overall composition of soil, including soil structure, the water and nutrient holding capacity of the soil, the amount of organic matter in the soil and the continued capacity of the soil to function as a biological system. Healthy soils with a high percentage of organic matter and water holding capacity provide both climate mitigation and climate adaptation resilience."

Comment: Water League emphatically agrees.

Page 141 – IWRS said:

"In many areas of Oregon, streamflows are very low or even non-existent during late summer months, largely due to human causes like diversions for irrigation or other beneficial water uses."

Comment: Water League emphatically agrees. But, irrigation is the leading cause of dewatered streams by an 8 to 1 margin statewide. By adding in the undefined phrase " other beneficial water uses" without a relative context, the statement misrepresents the major source of the harmful impacts by suggesting that "other beneficial uses" would even show up on the radar screen compared to the damage caused by irrigation.

IWRS said:

"Oregon needs to conserve and protect streams by developing additional instream flow protections and seek opportunities for enhancing and restoring streamflow."

Comment: Water League emphatically agrees in principle.

But first, there needs to be a reckoning – a moment of truth – about how the instream water right regime is a hoax played expertly on unwitting environmentalists and their equally naive sponsoring elected and appointed officials. Our hats are off to those brilliant machinators from the 1980s who knew a good stratagem when they saw one: they took 500 minimum stream flows and turned them into feckless junior water rights, and then stuck a pacifier into every conservationist mouth with every post-1987 junior instream water right. Cheers to them!

Second, after this awakening, convert every instream water right into a statutory minimum stream flow not to exceed minimal flow patterns of Natural Variability prior to over-appropriation of surface water in the 20th century.

Third, use the same process that ODFW implements for identifying instream water rights and establish minimum stream flows until the free-flowing character of all surface waters in Oregon are restored to conditions before the state permitted and oversaw the destruction of those water sources.

Fourth, pay handsomely to voluntarily buy out all the consumptive water rights not associated with domestic or municipal uses, and when necessary, pay handsomely through eminent domain to condemn

water rights to accomplish this task.

Fifth, never again issue water rights in excess of the capacity of the water sources to function in a healthy manner for all humans, flora, and fauna in the present and future.

IWRS said:

"In 1970, Oregonian's voted to establish the Scenic Waterways Program..."

Comment: Finish the sentence with: "...because elected officials were too craven to do it themselves."

Page 142 – IWRS said:

"Oregon's original Water Code formalized a system of water allocation that did not consider water for instream uses, causing Oregon's freshwater habitats to quickly become degraded. Because the Instream Water Right Act was not enacted until 1987, most instream water rights today are quite junior compared to existing out-of-stream water rights, some of which date back to the 1800s. In most instances, achieving instream water right flow targets will depend on both healthy, functional watersheds and voluntary partnerships with senior water right holders to be effective."

Comment: Water League emphatically agrees. Please see our related comments above.

Page 143 – IWRS said:

"Approximately 422 cfs is kept instream associated with permanent or long-term transfers."

Comment: Right...

IWRS said:

"This approach has the potential to help meet temperature TMDL requirements in some watersheds."

Comment: Please link to the data showing how these TMDL trading credits have either succeeded or failed. How many trees planted along one river mile of the Rogue River equal 1 degree Celsius cooling? How many years/ degree Celsius? How much canopy?

Page 144 – IWRS said:

"One program requirement is that at a minimum, 25% of the conserved water is dedicated instream."

Comment: This provision of the law acknowledges Jeavon's Paradox. We wish that this concept were more broadly held and used throughout more of the IWRS.

IWRS said:

"Oregon Administrative R ules (OAR 690-054) outline procedures..."

Comment: Typo with the word “Rules.”

IWRS said:

“...a hydroelectric water right to an instream water right...”

Comment: Revise to: “...a non-consumptive hydroelectric water right to an instream water right...” Not really sure what's gained here, please explain.

IWRS said:

“The scale and pace of invasive species management will need to increase accordingly. Multi-agency coordination is critical for timely and effective eradication and management.”

Comment: Water League emphatically agrees.

Page 148 – IWRS said:

“The Oregon Atlas of Groundwater Dependent Ecosystems, published in 2022, found that more than a third of all streams and rivers depend on groundwater, and about two-thirds of all lakes and ponds do as well. Groundwater discharge contributes to springs, wetlands, and streamflow throughout the state, often providing sustained flows and vital cold water for aquatic species during summer months.”

Comment: Water League emphatically agrees.

IWRS said:

“In some locations of the state, groundwater withdrawals are occurring at a rate greater than what can be replaced with rain or snow.”

Comment: This is an understatement. In fact, there are excessive groundwater declines in basins across the state and those declines are not because climate change put a pump in the ground 100' to 1,000' deep, it's because humans did. Humans pump groundwater, reaching many times deeper than the roots of trees. And humans drop groundwater levels, bottoming out under rivers and tree roots. The IWRS should call for a statewide study, basin by basin, of the extent to which annual discharge exceeds annual recharge. We know that the deficit in the Harney Basin is 110, 000 acre feet, which is equivalent to the total consumptive water use of Portland.

Page 150 – IWRS said:

“...the Oregon Water Resources Department is exploring opportunities to encourage its use among groundwater users as a means of either avoiding a Critical Groundwater Area designation or in place of one.”

Comment: This statement is factually incorrect and must be fixed. Check with Kelly Meinz and Tim Seymour for the precise language.

To be clear: Voluntary Agreements (VA) will not allow any water right holders from avoiding a CGWA; nor will VAs replace the designation of a CGWA. In fact, there is ZERO incentive to participate in VAs without a comprehensive CGWA designation followed up with regulatory actions called Corrective Control Provision that impose water use curtailments following a Contested Case hearing. VAs are a highly unlikely alternative to the Corrective Control Provision that impose water use curtailments. Again, we incorporate our comments (OWRD placed a public request for comments) on VAs:

https://drive.google.com/file/d/1-YN7192xu7HMxvuhNGAM4KySxyZEq45d/view?usp=drive_link

IWRS said:

"One means of achieving this goal is for groundwater users to agree to use only a portion of their fully allocated groundwater right."

Comment: Finish the sentence by adding: "...in an area under the grips of The Tragedy of the Commons." Yeah, no.

Page 152 – IWRS said:

"Land management practices such as limiting stormwater runoff, minimizing erosion, limiting use of pesticides and herbicides, maintaining septic systems, and maintaining healthy vegetation and stream buffers can all reduce impacts to our shared water resources."

Comment: Water League emphatically agrees.

Page 154 & 155 – IWRS said:

"Regulating Public Water Systems The Oregon Healthy Authority administers..."

Comment: There are several instances on these two pages with the typo should be fixed to say: " Oregon Health Authority."

Page 154 IWRS said:

"...that conveys water from a public water system to a user's premise (e.g., real estate and the structures on it). For example, a standpipe at a campground or RV park is not a "premise" so all standpipes..."

Comment: Typo -- when referring to land, the noun is always pluralized as in "premises."

Page 155 – IWRS said:

"An amendment to the Domestic Well Testing Act requiring laboratories to electronically report testing results associated with a real estate transactions could increase compliance and improve public safety."

Comment: Water League emphatically agrees.

Page 156 – IWRS said:

"Access to drinking water in Oregon is not equitable, with some people experiencing contaminated water coming from their tap, others unable to afford their utility bills, while others lack water access in workplaces."

Comment: Water League emphatically agrees.

Page 158 – IWRS said:

"Pesticide Waste Collection"

Comment: Typo – Add a carriage return/ line space.

Page 160 – IWRS said:

"...free collection boxes for unused medications, which can be located at the Oregon Health Authority website."

Comment: Change to "...can be acquired from the Oregon Health Authority website."

Page 161 – IWRS said:

"Oregon's fish consumption rate is 175 grams per day is one of, if not the highest in the nation, in recognition of the consumption rates by tribes, subsistence fishers, and Asian and Pacific Islanders in the Pacific Northwest."

Comment: The facts are a bit more complex: 90% of all fish products consumed in Oregon are imported to the state; only 10% of all fish consumption is the result of local fishing, either commercial or personal. While Oregonians may eat more fish per capita than other states, the toxins present in the fish, 90% of which is imported, will be the result of other locations where those fish imports originated from.

IWRS said:

"...from all sources: municipal, industrial, commercial, surface runoff and background..."

Comment: Agricultural pollutants are a major source and must not be omitted from this list – please include it. The reference to "surface runoff" is the result of municipal, industrial, and agricultural waste diffusing and then channeling into waterways, groundwater reservoirs, and soil substrates.

IWRS said:

"TMDL plans identify pollution controls across agricultural, forest, urban, and rural residential land uses to protect and improve water quality."

Comment: If the IWRS can refer to agricultural pollution here, then it can lead with it in the first

introductory sentence noted just above.

Page 162 – IWRS said:

“Environmental Protection Agency (USEPA)”

Comment: Perhaps just use the acronym EPA, which is how everyone understands it.

IWRS said:

“...implementation, and education. The federal Clean Water Act...”

Comment: Typo – add a space and a carriage return.

IWRS said:

“Since 2015, the amount of 319 funds Oregon has received annually has been reduced by 30-percent due to the disapproval of the states Coastal Nonpoint Source Pollution Program under the Coastal Zone Reauthorization Amendment (CZARA).”

Comment: What is this? Can you explain in more detail what's going on? What is the relationship between the Section 319 funds and the Coastal Nonpoint Source Pollution Program under the Coastal Zone Reauthorization Amendment (CZARA)? And what is meant by "the disapproval of the states..." (Also is "states'" supposed to be a possessive noun?) Please clarify this paragraph.

There's a bit more clarity a few paragraphs below, but it would be helpful to have it upfront.

IWRS said:

“Agricultural Water Quality Management Plans”

Comment: Discuss how the SWCDs and ODA work together to assist landowners in projects. A bit more detail on the plans would be helpful.

IWRS said:

“Water q uality specialists with the Department of Agriculture...”

Comment: Typo – quality.

Page 165 – IWRS said:

“The 2023 Secretary of State Advisory Report regarding water security (Report 2023-04) identified that natural resources state agencies are chronically underfunded and understaffed in relation to their respective responsibilities. Meeting the water challenges of today and tomorrow will require an increased investment in state agencies and programs.”

Comment: Water League emphatically agrees.

Page 167 – IWRS said:

"...statewide water availability model (WARS)..."

Comment: This has a new acronym – something like STREAM?

Page 168 – IWRS said:

"Senior water rights holders in the agricultural sector need financial incentives to dedicate water instream."

Comment: Water League emphatically agrees.

IWRS said:

"...full-time position in 2023.The 2023 Legislative session..."

Comment: Typo – add a space between the sentences.

Page 169 – IWRS said:

"Staff support across many agencies will be needed to coordinate efforts in developing the biennial work plan and implementing the Strategy's five objectives and 47 actions."

Comment: Water League emphatically agrees. Also, are there 48 or 47 Actions?

IWRS said:

"The state plays a complex role when it comes to water resources management—supporting economic development while also protecting the public interest in areas like the environment, public health, and public safety."

Comment: This wording – the ideological structure of the sentence -- misstates the way water use, policy, and the public interest intersect. Supporting economic development is in the public interest, but so is protecting ecosystems and ensuring all humans, flora, and fauna in the present and the future have access to clean freshwater.

Restate the sentence to be:

"The state plays a complex role when it comes to water resources management; it serves the public's interest in economic development, recreational access, and the conservation and protection of all water sources to ensure the public heath, safety, and welfare in the present and future."

Page 170 – IWRS said:

"An agency's ability to maintain consistent levels of staffing and services requires consistent General Fund and fee revenue."

Comment: See our comments near the beginning on the topic of funding and in the introduction to these comments on page 1.

IWRS said:

"...and workloads agencywide."

Comment: Typo – add a hyphen.

IWRS said:

"Often, as water becomes scarcer, the work required of natural resources agency staff becomes more complex and time consuming and fees are typically not enough to recoup the costs."

Comment: Water-based agencies' budgets must increase in proportion to increasing water scarcity and declining water quality.

Page 171 – IWRS said:

"This role carries with it responsibility for distributing public funds in an equitable manner, addressing racial and environmental justice."

Comment: Water League has serious concerns about how ORS 541.551 and OAR 690-601 will be managed since OWRD decided to fund the community engagement in a way that gives the water project developers extra funds that amount to public relations expense accounts to manage the consent of disproportionately impacted communities.

Notably, the disproportionately impacted communities can't actually apply for funding to organize themselves when water projects are proposed for their communities; rather, they get organized by the water project developers. Claims that these disproportionately impacted communities can apply for funds are spurious because the only pathway for their access is through the water project developers as their partners, which is a total co-option of the disproportionately impacted community, which takes a bad situation and makes it worse. How is this not a cynical perversion of the legislative intent of ORS 541.551?

Page 173 – IWRS said:

The Flow Chart: "Action 13 C – Fund Agency Grant or Loan Programs"

Comment: Action 13C, a privatization of water management activities, needs guardrails, the first of which is putting the Action 13C in context: it is a very small portion of spending compared to Action 13B, which is all the public sector spending to manage water in Oregon.

This flow chart makes Action 13C appear equal to or even larger than Action 13B. What is the ratio of

all funds in 13B compared to 13C? Please put the total budgetary amounts under each Action number so the reader is not mislead.

Action 13C is the privatization of a portion of the public sector job to hold water in trust. While there are reasonable ways for public-private partnerships to work out, in those partnerships, the private sector brings its own money to the table. Now with the cash match dropped to 25% under HB 3364 A and the cap in grant funding lifted, Action 13C is more like a no-bid contract given out to the private sector for the private sector to do the projects it wants on the public sector's dime.

OWRD/ WRC and all other water-related state agencies must not slide down the hill toward privatization of public sector activities; nor should it appear to suggest that it is by making up graphics the show visually that grant funding appears to be equal to or larger than the actual agency work by civil servants. This chart is NFG.

Water League acknowledges the reasonable use of public sector funds to incentivize private sector activities, but we do not support the state agencies, such as OWRD, taking its limited and precious funding and giving it away to the private sector, which ought to pull itself up by its own bootstraps, especially since it is so fond of lambasting public sector agencies of promoting welfare programs. To this point, we objected to the cash-match reduction from 50% to 25% and the lifting of the cap that limited grant sizes in HB 3364 A.

Page 177 – IWRS said:

"Water is a finite resource with growing demands; water scarcity is a reality in Oregon. Water-related decisions should rest on a thorough analysis of supply, the demand / need for water, the potential for increasing efficiencies and conservation, and alternative ways to meet these demands. – Policy Advisory Group (2016)"

Comment: This is a somewhat failed ideology (fallacy) because it assumes that all demands must be met; in fact, the use of the term "demands" implies that as demands they must be met. For example, over decades there have been statements that demand for more irrigated acres will increase and that Oregon will have to meet those demands. These statements are propaganda: they ignore the substantial reductions in volume of Oregon's water sources and they ignore the fact that Oregon's population is unrelated to the need for irrigated acres, which we discussed earlier. They also ignore the declining trend of irrigated acres, year after year.

The statement that "Water is a finite resource with growing demands" is a paradox that cannot be resolved by greater efficiency and conservation. Rather, efficiency will only marginally increase by a very small increment the work that water does while conservation will put the brakes on human water use in the present for the benefit of future human uses and ecosystem health.

Efficiency means doing more with less, and conservation means having less. There is no way that "demand" can demand more water under this circumstance when efficiencies are marginally incremental and conservation is tightening the belt on rates and duties. Demand can go pound sand all it wants in a desert and in the inexorably aridifying landscapes. In the same way a water right does not authorize the use of water that does not exist, neither can demand create water by throwing a fit.

To be frank, there are no alternative ways to meet the demands of demand when it comes to water. It is the fever dream folly of those who think or wish they can have it both ways: they cannot. The call for alternatives is a baseless political stalling tactic that hopes for technology to invent water or political will to devolve back to a regressive 19th century ethos that exalted exhausting resources through unregulated extraction. There are two possible outcomes with reality falling somewhere in between: 1) substantial restriction of demand to fit within the capacity of Oregon's water sources so that the long-term outlook always has the same quality of life as the present, or 2) obsequious fealty to "demand" that has the political power necessary to drain every stream and groundwater reservoir in the present without regard for posterity.

In this reality, there is no creating new water, and there is no meeting demand with water that does not exist; rather, there is only staying within the capacity of the water sources and destroying those sources over the course of the short and mid term by prioritizing the present over the future. Even if reality settles in between scenarios #1 and #2, the inexorable trend will still be declining groundwater levels and dried up streams, just over a slightly longer timeline. This is precisely what's going on right now in the Harney Basin with the political power by irrigators pressing as hard as possible for Scenario #2 while the state and others press for scenario #1 with reality falling in somewhere between. Therefore, there is a very good chance that when 2060 arrives, not only will groundwater levels be low, but they will still continue to decline as "demand" stomps its foot and declares the world is being unfair to it and presses on to keep pumping until there is no water is left.

Page 178 – IWRS said:

"The last four years of legislative investments have allowed for a significant increase in activity."

Comment: Right. Nothing gets done without funding; therefore, those who don't like the work or are agnostic about the concerns, and have sufficient political power, will withhold funding. There is no better way to understand the political landscape than to look at the budget priorities.

IWRS said:

"Private landowners, communities, non-profits, businesses, local governments, utilities, tribes, and state and federal agencies have come together to discuss difficult topics, develop creative solutions, find funding, and implement projects on the ground."

Comment: Meanwhile, some members of this cohort have come together to do the exact opposite, and have obstructed discussion, solutions, and funding to prevent implementation.

IWRS said:

"To quote many Strategy engagement participants, "water is life.""

Comment: Water League emphatically agrees.

But, according to the state of Oregon, water is money:

ORS 536.310 *Purposes and policies to be considered in formulating state water resources program*:

> (2) It is in the public interest that integration and coordination of uses of water and augmentation of existing supplies for all beneficial purposes be achieved for the maximum economic development thereof for the benefit of the state as a whole.

When water equals money, then large-scale water users will stop at nothing to mine water until it is gone in the same way all miners dig, drill, and pump when incentivized by the market. But despite what the state laws say, yes, we agree: *water is life*. If our bodies are the closest to water we will ever get, then by adhering to state law, we are basically extracting ourselves, or to be more precise, our future selves.

Starting on Page 181 – IWRS Said:

"The IWRS Appendices A – F"

These appendices are an excellent reference library resource which we strongly support and deeply appreciate.

Page 267 – IWRS Said:

"Agency priorities 2025--2031"

Water League has reviewed the Agency priorities for 2025—2031 and support those choices. We hope to more thoroughly review them in the coming months, but we believe they are very well chosen.

Integrated Water Resource Strategy

To: Oregon Water Resource Department
Attn: Crystal Grinnell, IWRS Coordinator
WRD_DL_waterstrategy@water.oregon.gov
RE: Integrated Water Resource Strategy Draft 2

These comments are sent on behalf of the Consolidated Oregon Indivisible Network (COIN) and its sub-group the Climate, Energy and Environment team (CEE). COIN is a network of over 50 Indivisible groups throughout the state of Oregon and CEE provides an outlet for those folks to speak up on environmental issues of concern.

Groundwater Research and Needs

Groundwater contamination is a serious issue in many areas of Oregon. Private domestic wells may face contamination issues from nearby failing septic systems, industrial or agriculture sources, or from surface water and groundwater interactions. Naturally occurring elements such as arsenic, uranium, and boron can also make water supplies unsuitable for some uses.

The Department of Environmental Quality should implement a Statewide Groundwater Monitoring Program to monitor groundwater for contaminants of concern, including nitrates and pesticides. Despite identifying Groundwater Management Areas (GWMAs) 21 to over 30 years ago, these areas continue to be polluted-----some have even gotten worse. Providing monitoring and recommending steps to remediate these areas should be given a high priority. From 2015 to 2017, the Department was able to monitor only two geographic regions per year. Funding and staffing reductions now only allow for monitoring in one region every other year. More areas like the lower Umatilla Basin GWMA will continue to degrade as a result. This is unacceptable.

Agencies should support legislation that requires them to together develop action for groundwater management. ODA should set limits for groundwater contamination and develop public health and remediation responses. Risks to domestic well users should be specifically identified. Agencies should also actively support any legislation that holds government responsible for protecting our public waters and groundwaters and advocate for sufficient funding to do so.

Although the Oregon Health Authority requires that private domestic wells be tested for nitrates, bacteria, and arsenic before a home is sold and the data provided to the real estate transaction database, it currently falls outside of agency authority to continue to periodically require that all wells be tested. Agencies should advocate and support legislation that allows periodic testing of all wells, maintain this data, and support corrective action

to ~~correct~~ remediate any contamination identified. Testing the water quality of private domestic
wells should be done periodically.

Monitoring data should be established and maintained for all areas of the state. These can be used to determine areas of the state that are especially vulnerable to groundwater contamination, long term trends in groundwater quality, status of ambient groundwater quality, emerging groundwater quality problems, and potential risks from contamination. Increased resources for groundwater monitoring can help protect public health.

Instream Water Rights

Only 7% (10,00 miles) of the 138,000 class two river miles in the state have instream water rights. Many of the applications for instream rights have been challenged in court by primarily irrigator interests. Agencies appear to be reluctant to apply for additional instream rights.

Of those 7% of our streams that do have water instream rights, only about 20% have stream gauges and are monitored. The state has limited capacity to maintain and process data from its existing network of stream gauges. This has resulted in a backlog of unprocessed records and hinders WRD ability to share valuable resource information and manage the resource properly.

Agencies such as ODFW need to incorporate into instream flow needs, an analysis of temperature needs of those ecosystems. They need to determine ecological base flows not just for salmon and trout but for lamprey, white fish and other native species. The impacts of climate change should also be addressed.

We recommend that OWRD not issue any further consumptive water rights until instream water rights have been approved on the streams where consumptive water rights are being sought. This will help in two ways. It will speed up the agencies in their quest for instream rights and it will inhibit irrigators who have been protesting applications for new instream rights.

Water Quality

The 2022 Integrated Report identified more than 85-percent of assessed water bodies as impaired and not meeting water quality standards, including more than 150 lakes and reservoirs, and about 2,300 stream and river segments. (Additional information regarding the 2022 Integrated Report can be found on the Department of Environmental Quality's website, including a story map, web map, and downloadable database (Page 13). Fish and

aquatic life impairment continues to be the most commonly unsupported beneficial use. This is largely driven by nonattainment of temperature criteria.
WRD is woefully underfunded to do a proper job of managing the water resources that belong to the people of the state of Oregon. Water is the only resource that is given away for free. Rights to timber, mining, grazing etc. are all paid for by the consumptive users, water is not. It is time for that to change. The department is largely funded by taxpayers. So…..taxpayers pay a fee to have the department give the water away for free and there is not enough money to manage that resource in a reasonable manner. We need to improve our understanding of Oregon's water resources and meet our state's instream and out-or-stream needs.

We recommend that the WRD charge a modest amount for the consumptive use of water. They should charge enough to pay for agency operations including improvements in water monitoring for quantity and quality, water use, studies on environmental base flows, groundwater status, climate impact scenarios and more.

Thank you for the opportunity to submit public comments.

Rebecca Orf and Craig Lacy for CEE and COIN

From: Daniel Elefant
To: WRD_DL_waterstrategy
Subject: Water comment Newport oregon
Date: Thursday, April 17, 2025 7:45:42 AM

Industries on georgia pacific (toledo) and Newport Bayfront should not be using fresh city water from the Siletz River in spring and summer. This depletes river flows that support salmon and other aquatic species. Industry should be financially supported to install technologies that reduce and reuse fresh water or that use seawater.

Daniel I Elefant, PE
Newport, Oregon
mobile. 206-512-5533

From: Brown, Ethan
To: WRD_DL_waterstrategy
Cc: Lovell, Kaitlin
Subject: IWRS comments
Date: Monday, May 12, 2025 4:07:53 PM

Good afternoon,

Thank you for the opportunity to review and provide feedback on the 2025 IWRS. In general, it is a well-organized and easy to read document like the 2017 IWRS. We strongly support the emphasis on climate change. This is a significant improvement over the 2024 draft. Portland especially appreciates the recognition of green infrastructure and its critical role in restoring groundwater and surface water quality and quantity.

We have identified a few places where the strategy could be made stronger:

1. Add municipalities and counties as partners in the priority actions, not just other state agencies. For example, Under Priority 1.3, local communities and DEQ's TMDL Designated Management Agencies (DMAs) will likely have developed lists of water rights that are contributing to TMDL problems and can help prioritize opportunities and cross-agency regulatory successes. In Portland, our work with the Johnson Creek Interjurisdictional Team and work to prioritize impoundments that can be removed or modified to improve water availability and water quality while still meeting the water use need demonstrates this successful approach.
2. Other state agencies are missing and should be included. For example, Department of State Lands owns or regulates many aquatic resources impacted by water decisions. They should be included explicitly in Priority P1.2 and P.2.3. Consider adding State Parks and their oversight of scenic waterways too.
3. One of the key strategies is to understand pressures on Oregon's water resources. The many diverse and multiplier factors also present opportunities to solve water crises differently. For example, water is the bridge across natural resource agencies and can bridge multiple regulatory systems. In Portland, we have used it to work across jurisdictions to solve for regional challenges (Johnson Creek is one example, Willamette River on flooding, etc.). The strategy does a great job with DEQ's roles, but there are many other opportunities as well that were not included, such as DSL.

Finally, many of the priorities in Appendix E require legislative budget support. Consider identifying a few scenarios within the priorities, such as "fully funded" "partially funded" "no new funding" to describe the priority and implementation differences across the fiscal realities.

We look forward to being included in the review or preparation of the upcoming biennial workplan.

Regards,

Ethan Brown
Water Resources Planner, Plan Management Team
Planning Division
(pronouns: he/him) *Why do I list my pronouns?*
hablo español

City of Portland Bureau of Environmental Services
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News | Twitter | Facebook

From: Gary Young
To: WRD_DL_waterstrategy
Subject: Water Protection, Enhancement, Regeneration, Resilience
Date: Wednesday, May 7, 2025 6:25:45 PM

Start by acknowledging no real difference between “ground water” and “surface water”. The sooner we do the better off we will be. If they are not connected then the water table is too low and raising should be the goal. The unconfined aquifer is the water table. The water table is the instream flow.

The only pathway to permanently protecting water in any watershed is by maximally recharging the aquifers and preventing development over recharging areas prioritizing the top of he watershed.

The only real Water Bank is the unconfined aquifer which is the water table/streamflow.

Aquifer recharge puts water into storage and cannot be over-appropriated because as the water table rises springs and gravity will determine appropriate storage level.

Need to enlarge, enhance and protect from development natural storage and recharge areas(floodplains, forest, wetlands, snowpack), prioritizing the top of each watershed.

Maximally recharging our aquifers is the most efficient and effective way to improve/maintain ecological health, nourishing microbes(bacteria,fungi) and plant life, photosynthesis soil building and carbon storage, preventing desertification.

The water table of the unconfined aquifer is the measurement for instream flow. To increase instream flow, raise the water table

The top of each watershed should always be the highest priority to saturate the unconfined aquifer which is the water table/streamflow.

Need to balance Instream Water Rights with effort to create the most healthy functioning landscape possible, focusing on recharging excessive drainage during spring thaw and other high/destructive flow events.

The extremes of climate change which could be cushioned by fully recharged aquifers throughout the watershed

Maximally recharging our aquifers and putting water into storage as high in the watershed as possible during high/destructive flow events is the most natural, efficient and effective way to protect minimum flows(ISWRs) with springs of colder perineal water

The most "beneficial use" of water is progressing towards maximally recharging our aquifers, nourishing microbes(bacteria,fungi) and plant life, photosynthesis soil building and carbon storage, preventing desertification.

John Wesley Powell suggested all political boundaries

should be based on watersheds.

I believe we need policies and rules that encourage aquifer recharge and large natural filtration basins/floodplains in any available area, beginning at and prioritizing the higher elevations of our watersheds, leaving the maximum opportunities for more retention at each successively lower level.i

Gravity and erosion will tend toward rapid and concentrated drainage of watersheds. Thankfully beaver and buffalo helped brake this process until they were considered more valuable skinned. Hooved grazing animals, constantly moving, herd trained by predators or otherwise, leave in their wake a lightly tilled and manured stubble, not excessively harvested, ideal for enhancing grass production and cover. Man-made means for spreading, retention and recharge are merely modern extension of the beaver's eco-knowledge.
Artificial waterway channelization, for various purposes of convenience, has been way overdone. Compared to the 19th century, we have very little healthy functioning floodplain where waterways are constantly changing course, spreading and slowing the water, recharging our aquifers.

I believe we need policies and rules that tend against rapid channelization and encourage the slowing and spreading of early spring thaw, as high in watersheds as possible. We can no longer depend on or expect a slow melt off of winter snow pack.

The concept of "carry water" (water saved, or supposedly "not lost", using piping and other more efficient water management) has been discussed. This concept suggests this water should be considered "new" water subject to appropriation and/or conveyance for lower elevation uses.

In my opinion, this idea short-sightedly ignores the benefits to all levels of eco-systems that accrue by effecting maximum aquifer recharge at each watershed elevation. When water is allowed to saturate soils and replenish aquifers while slowly traveling to lower elevations it has the

potential to address and improve
-desertification,
-depleting water tables,
-wells going deeper or dry,
-subsidence with resulting infrastructure damage,
-encroachment of salt water into fresh water,
-warm streams that should have cold spring-fed water mixing
-aquatic life disruption,
-intermittent streams that should be perennial,
-the extremes of climate change that could be cushioned by more ground and surface storage,
-nourishing of microbes and plant life,
-photosynthesis soil building
-carbon sequestration and storage,
-rapid drainage and soil erosion

Encouraging water users and water use decision makers to preserve priority water use at each natural level is a more purposeful and productive determination of efficient water management than whatever the cause, motive, legal pretext, or covering language is intended by "carry water".

Check out the water-concerns page on our website

https://www.bluemtnranch.com/water-concerns

Book recommendation: "Call of the Reed Warbler" by Charles Massy

Is it too late to regenerate the earth? Call of the Reed Warbler shows the way forward for the future of our food supply, our Australian landscape and our planet. This ground-breaking book will change the way we think of, farm and grow food. Author and radical farmer Charles Massy explores transformative and regenerative agriculture and the vital connection between our soil and our health. It is a story of how a grassroots revolution – a true underground insurgency – can save the planet, help turn climate change around, and build healthy people and healthy communities, pivoting significantly on our relationship with growing and consuming food.

Using his personal experience as a touchstone – from an unknowing, chemical-using farmer with dead soils to a radical ecologist farmer carefully regenerating a 2000-hectare property to a state of natural health – Massy tells the real story behind industrial agriculture and the global profit-obsessed corporations driving it. He shows – through evocative stories – how innovative farmers are finding a new way and interweaves his own local landscape, its seasons and biological richness.

At stake is not only a revolution in human health and our communities but the very survival of the planet. For farmer, backyard gardener, food buyer, health worker, policy maker and public leader alike, Call of the Reed Warbler offers a tangible path forward for the future of our food supply, our Australian landscape and our earth. It comprises a powerful and moving paean of hope.

Gary Young
Box 13
Paulina, Oregon 97751

541-279-7572 Sent from my iPad

From: Wild Rivers Water Rights
To: WRD_DL_waterstrategy
Subject: 2025 Draft 2 IWRS Public Comment Period Closes May 12
Date: Sunday, May 11, 2025 9:49:59 PM

Hello Crystal-

I think the IWRS is well written.

I only have one comment. I believe that a voluntary program should be initiated to allow owners of exempt domestic wells to install water meters and report measurements. For some reason placing water meters on exempt domestic wells is controversial. Many wells are not suitable for water meters due to many reasons. Also few owners of exempt wells are qualified to read water meters. However, many people are capable of reading a water meter and would also be interested voluntarily instal a water meter. Therefore, I feel that the WRD should have a program that would seek out volunteers who would want to install a water meter for their domestic well and report readings to the WRD. In 1993 I had the plumber install a water meter on my new well and have read it daily along with the daily temperatures and rainfall.

It also would be good to have water measurement taught in public schools as part of the science curriculum.

Many people might be interested in helping the WRD measure domestic water use.

Thanks-

Gordon R. Lyford
CWRE #341

Oregon Environmental Council

PO Box 14822
Portland, OR 97239
503.222.1963
OEConline.org | @OEConline

May 12, 2025

Oregon Water Resources Depart
Attn: Crystal Grinnell, IWRS Coordinator
725 Summer Street NE, Ste A
Salem, OR 97301

Re: Comments, Integrated Water Resources Strategy Update, Draft 2

Dear Ms. Grinnell,

Oregon Environmental Council (OEC) appreciates the opportunity to comment on the second draft of the OWRD's proposed Integrated Water Resources Strategy (IWRS) update. Our comments will be brief, given the short comment period and the water-intensive nature of the 2025 legislative session.

OEC is pleased to see that in the second draft of this IWRS update, OWRD has returned to the 2012/2017 document structure and presentation. Thanks to the agency for addressing comments and concerns raised by the first draft of this document.

We are grateful that the "placemat" one-pager summarizing the IWRS has been restored to its original format. In both cases, the clarity and familiarity of presentation makes the material easy to follow and easy to understand.

We are also pleased to see the updating of the Groundwater Quality Protection (1989) explicitly called out as a Priority 1 Task (P1.1c), and increasing/improving interagency cooperation and collaboration emphasized throughout the document.

We support the inclusion of innovative approaches to water conservation and protection, including such approaches as water reuse, AR/ASR, and implementation of natural infrastructure alternatives wherever effective.

Exempt wells have long been a concern of OEC's, and we would like to see the mapping of all exempt wells included in the IWRS's data collection efforts.

Thank you for this opportunity to comment, we look forward to working with OWRD in implementing good water management in Oregon.

Karen Lewotsky, PhD, JD
Water Program Director and Rural Partnerships Lead
Oregon Environmental Council

From: Karen Loomis
To: WRD_DL_waterstrategy
Subject: Water areas
Date: Friday, April 11, 2025 12:34:14 PM

If a sign could be posted at areas where water is not safe for dogs, horses, people, etc that would be wonderful. Especially when deadly algae is present.
Thank you.

From: Ken Thompson
To: WRD_DL_waterstrategy
Subject: 2025 IWRS comments
Date: Wednesday, April 9, 2025 2:48:07 PM

CRYSTAL: Thank you for the opportunity to comment.

After having worked with ADF&W and the (then) Oregon State Water Resources Board from 1964 to 1976 to determine and program Oregon's minimum instream flows, the reality of our effectiveness for protecting instream resources became disappointing. In theory, out-of-stream uses of water were to be restricted when instream flows dropped below programmed instream levels. But, when water users sought a court restraining order when we tried to restrict their out-of-stream uses, the courts always ruled in their favor, and our work became rather pointless. Water rights dates and Appropriated Water Doctrine procedures made little difference. I don't think judicial politics have changed any in Oregon and can't see any likely change in the outcome of your efforts. Most of our instream flow recommendations reports are on file at https://cbfwl.org .

Ken Thompson
1225 E. Newport Ave.
Hermiston, OR 97838
541-667-7293 cell

WaterWatch of Oregon
Protecting Natural Flows In Oregon Rivers

May 12, 2025

Oregon Water Resources Department
Attn: Crystal Grinnell, IWRS Coordinator
725 Summer Street NE, Ste A
Salem, OR 97301

Re: Comments, Integrated Water Resources Strategy Update, Draft 2

Dear Ms. Grinnell,

Thank you for this opportunity to comment on the second draft of the OWRD's proposed Integrated Water Resources Strategy (IWRS) update. We offer the following comments/suggestions for your consideration. Our comments are structured by section to be read in conjunction with the Draft 2 IWRS.

Structure/Framework: WaterWatch strongly supports the OWRD's decision to revert to the 2012/2017 structure. This is a time-tested framework that is easy to follow, is familiar to legislators and other decisionmakers, and, importantly, is consistent with statutory directives. We thank the OWRD for its work here. We also appreciate that the one page "Actions in a Glance" were moved to the appendices, as it allows a handy shortcut to possible actions that is easily accessible/printable. At the same time, we also commend the OWRD for returning the action "boxes" within the narrative, making reading seamless.

IWRS Content: We greatly appreciate the OWRD's hard work to address many of the comments received. That said, we do have a few additional comments/suggestions as to some of the IWRS content, organized by section. Given the short public comment period overlapped with the water heavy 2025 legislative session, WaterWatch's comments at this juncture are focused on the Strategy Actions under each Critical Issue and the Agency Director's Priorities (Appendix E).

CRITICAL ISSUE STRATEGY ACTIONS

Chapter 1, Understanding Oregon's Water Resources

Action 1A: Improve Water Resource Data Collection and Monitoring. We offer comments/questions on three of the bulleted examples on page 8, in the box titled "Action 1A".

1. Bullet 5: Bullet 5's call to "assure that statewide groundwater quality monitoring programs are responsive to community need" appears to have replaced the 2017 directive of "Implement an on-going state-wide ground water quality monitoring program". In our mind, the new language diffuses the intent of the more direct language of 2017. Moreover, it also could lead to confusion as to which community needs it is referencing. As is evident in testimony around HB 1154 (updating groundwater management areas) there are a very wide range of positions on state groundwater quality work in communities—with some wanting more, and some wanting less.

That said, we do appreciate the sentiment of the new language, so would suggest a merging of the two ideas so that it is clear that agency work will continue, and that community "health" be a priority.

2. Bullet 10: Bullet 10 urges the state to "[e]stablish methods for ecosystem services and incorporate results into planning efforts". Ecosystem services are still somewhat controversial, due to scientific uncertainties, inherent complexities, challenges in managing across different scales and questions about effectiveness for use in planning. Bills on the issue have failed in the legislature. This directive is of concern primarily because it directs that results be incorporated into "planning efforts". It is unclear what is meant by this. It would be helpful to understand which state agency suggested this so as to better understand the context/intent to ensure inclusion is consistent with state policy (beyond the nod in the IWRS statute).

3. Bullet 13: This bullet that advocates for "funding and staffing structures that allow for effecting gaging and staffing of storage and irrigation systems" is a bit hard to parse. If the goal is to increase gauging, the bullet should be narrow to that. If the goal is to increase state hydro tech and/or watermaster staff, that should be clearly stated. If the goal is to set a directive to have the state pay for irrigation district staff, we do not believe that is appropriate for this document, as it is not a state responsibility.

Action 1B: Conduct Additional Groundwater Basin Investigations. We strongly support all implementation actions in this section. That said, we would urge the OWRD to consider adding here, or under Action 3A, a directive that the OWRD locate and map all exempt wells in the state. As exempt well use expands statewide, this information is critical to responsible water management.

Action 1C: Enhance Interagency Data Coordination. We would suggest moving "Invest in information technology and modernization of databases and applications" higher up the list as we understand that to be one of the top priorities for many agencies (noted in 2025 budget discussions and Agency Director Priorities). While we understand the bullet points are not necessarily in priority order, optics are important. Beyond that one small point, we support the implementation actions in this section.

Action 1D: Support Basin Scale Climate Change Research. We appreciate the expanded action examples under this Section (previously found in 5A of the 2017 IWRS).

Chapter 2: Understand Instream and Out-of-Stream Needs

Action 2A: Determine Instream Flow Needs (Quality and Quantity). We strongly support all the implementation actions in this section. That said, we would suggest adding "resolve protested instream water rights" as stand-alone bullet point in this section. This will be a large focus of ODFW (and OWRD) going into the future so it would be helpful have it called out here.

Action 2B: Determine Needs of Groundwater Dependent Ecosystems. We strongly support implementation actions in this section.

Action 2C: Develop Instream and Ecosystem Water Need Forecasts. We strongly support implementation actions in this section. That said, the fourth bullet point is also found in 3b; thus, it is unclear if its inclusion here under ecosystem water needs was intentional or not.

Action 3A: Improve Water Use Measurement and Reporting[i]. We strongly support all the implementation actions in this section, that said we would urge the OWRD to consider three more action items:

(1) Improve the state's measurement and reporting authority (similar to the now deleted 2017 "improve the state's reporting authority");
(2) Locate and map all exempt wells in the state; and
(3) Require registration of all wells and ½ acre locations that will be using water for small commercial farms (if HB 3372 passes). Existing law allows OWRD to require data on exempt uses; no change in statute needed for this.

Action 3B: Regularly Update Out-of-Stream Water Demand Forecasts. It would be helpful to direct demand projections with a conservation overlay; this has been a topic of discussion since the OWRD's OWSCI efforts more than a decade ago.

Action 3D: Authorized the Update of the Water Right Records with Contact Information. As noted, either here or in Action 1B, we would urge the state to move forward on locating/mapping exempt wells. This is critical for both management and planning purposes.

Chapter 3: Understand the Pressures that Affect Our Needs and Supplies

Climate Change: We appreciate the inclusion and the crosswalk of climate change action items. It is important that the IWRS have this section so that those who are interested can find all the actions in one spot. Thank you for this addition.

Water and Energy:

Action 4A: Analyze the Effects on Water from Energy Development Projects and Policies. We appreciate that Draft 2 moved this section out of the ecosystem section, and back to the Water and Energy section. Thank you for this change.

Action 4B: Develop Non-Traditional Hydroelectric Power. This section has grown from one bullet point to five, with the larger message focused on producing more power. The narrative urges energy development without qualifying this advocacy within the context of Oregon's policies on hydropower, which are very centered on ensuring that any new hydropower development adhere to the state's strict natural resource protection policies (e.g. see ORS 543.015 and ORS 543.017). And even sections where protective policies are mentioned, such as the NW Power and Conservation Council's Columbia River Basin Fish and Wildlife Area protection areas, the heading is "modify existing dams to add power production" rather than something akin to "ensure protection of Oregon's natural resources when developing power."

Long story short, Oregon has very strong natural resource protections in place for hydro development and we would urge OWRD ensure the IWRS reflect this, especially in the face of new federal threats. It is also noteworthy that on May 11, 2025 Oregon joined 14 other states in a lawsuit challenging President

Trump's "Energy Emergency" Executive Order, meant to undercut environmental sideboards on energy development. The IWRS should align with this and other state work. As such, we would urge OWRD to weave in Oregon's natural resource protective energy policies into the narrative, titles and bulleted examples implementation actions.

Action 4C: Promote Strategies that Increase/Integrate Energy and Water Savings. One of the new example actions under Action 4C is to "promote resources that expand irrigation water and energy efficiency and conservation". This directive does not seem to fall under the title and also is somewhat disjointed. For example, "expanding irrigation" has nothing to do with increasing/integration of energy and water savings. It is also unclear what is meant by "promote resources". We would urge the removal of this bullet as it does not achieve the stated purpose under this subsection.

Natural Hazards:

Action 5A: Plan and Prepare for Drought and Wildlife Resiliency. While we appreciate the focus here, this section would be strengthened by adding implementation actions that have a bit more teeth. This has long been a topic of discussion. As an example, please see suggestions in WaterWatch's attached 2015 Memo to the Drought Task Force (attached). Otherwise, we do support the action items included, including, importantly, exploring ways to protect minimum stream flows during drought declarations.

Action 5B: Plan and Prepare for Flood Events. We would suggest that you the additional example actions of (1) Floodplain Restoration and (2) Dam Safety. Floodplain restoration was suggested by a commissioner in the initial 2023 IWRS Commission Workshop (Harney County) as an important addition to the updated IWRS. And dam safety, while noted in other sections of the document, is a critical piece of preparing for flood events.

Land Use Planning: This section has been changed from "Water and Land Use" to "Land Use Planning". It is unclear why this change was made as the purpose of the IWRS is to integrate agency actions related to water, including those related to land and water. It is our understanding that DLCD did not advocate for this change. If OWRD does not like the original title, we would suggest that at the very least it state "Land Use Planning and Water".

Action 6A: Improve Integration of Water Information and Land Use Planning. Thank you for returning the first bullet relating to protecting natural resources to this section; this is a cornerstone of this subchapter. As to the other provisions, we have questions as to the genesis of the directives to provide resources to local governments to undertake tasks that generally fall under county purview. Putting county funding needs into a document that is largely focused on state agencies does not seem the appropriate vehicle for these recommendations, especially since many of the state actions outlined in the document do not discuss the underlying funding needs. If OWRD keeps these, we would ask that all agency actions also have a funding component to ensure that there is parity (though we would suggest state funding be the clear priority).

Chapter 4: Meet Oregon's Instream & Out-of-Stream Needs

Action 9A: Support Place Based Integrated Planning and other Planning Efforts. As we have stated previously, we object to the expansion of this section beyond "Place Based Planning". Place based planning has sideboards and goals, "local planning" does not. This directive could provide an avenue for people to advocate for state funding of local plans that are not developed with a balance of interests to meet both instream and out-of-stream needs. To the extent the state wants to call out state basin planning (as has been stated in presentations), it can just say that and/or limit the directive to "other **state** planning efforts". It is important to note that neither the Place Based Planning Assessment or the Regional Water Management Workgroup endorsed state funding of "other plans", in fact the Regional Water Management Workgroup purposefully narrowed the discussion to Place Based Plans. So again, we would urge the narrowing of this title to "Place Based Planning" as it was in the 2012 and 2017 versions.

Action 9B: Coordinate Implementation of Natural Resource Plans. This section has directives to dedicate resources to coordinating, reconciling, updating, and implementing plans, including local plans. As noted previously, local plans sometimes conflict with state, tribal or federal natural resource plans. In these instances, a directive to integrate could work against state work (e.g. Thornburgh Resort in Central Oregon). We would suggest qualifiers to ensure protection of state policies and flexibility. Moreover, to the extent that this section has also been updated to urge funding of local government and municipal planning, there needs to be parity (and prioritization) of funding of state agencies to do this work.

Action 9C: Partner with Tribes, Federal Agencies, and Neighboring States on Long Term Water Resources Management. Support.

Action 9D: Improve State Agency Coordination. While we fully support improving state agency coordination, we urge language to ensure it is clear that in working towards better coordination individual state agencies retain full autonomy to work to achieve their missions. For example, in our opinion is not appropriate for the OWRD to determine workplans or priorities, or establish measurable outcomes or objectives, for other state agencies. A statement related to ensuring agency autonomy would be appreciated.

Water Use Management:

Action 10A: Improve Water Use Efficiency and Water Conservation. We have three main comments on this section:

1. Conservation projects that use the Conserved Water Act provide efficiency and water supply benefits to water right holders but also require a certain percentage of the saved water be put instream. As the state tries to address water scarcity across spectrums, and addresses longstanding inequities, we would urge the OWRD to highlight this as a recommended bullet. Work in the Deschutes provides a good example, where conserved water has accounted for the bulk of the instream flows restored to the Deschutes.
2. Bullet three has a funding provision for agricultural efficiency projects that was not in the 2017 IWRS. By inserting this here, it could be used to try to influence funding decisions within the Agency's Water Development Grant and Loan Program and/or Feasibility Fund. We would ask that OWRD take out the word "funding". As a general matter, we would ask that OWRD

grant/loan staff look over all the recommended actions over to ensure that the document does not create an unfair advantage for some interests/projects over others within the agency programs.
3. It is unclear what "ensure disadvantaged communities are not overburdened by mandatory or voluntary water conservation means". It could be read as a prompt to reduce regulations. If retained, we would urge reworking so that the focus is on assistance with funding, not an out to complying with laws/regulations.

Action 10B: Encourage Water Reuse Projects. Please add to framing the bulleting language that aligns with 2025 legislative agreements that tie support of reuse projects to those that "that protect human health and the environment" (HB 2169A).

Action 10C: Improve Access to Storage.

(1) Bullet 2, please align language with HB 2988A, which encourages promoting AR/ASR in a manner that protects public health, water quality and ecosystems.
(2) Bullet 3: As noted in our previous comments to Draft 1, it is unclear what recommendations are meant here, we would suggest clarifying by "as directed by Congress in the Water Resources Development Act of 2020".
(3) Bullet 5: We would ask that you also add "decommissioning", along with maintenance and rehabilitation needs of reservoirs.

Action 10D: Reach Environmental Outcomes with Non-Regulatory Alternatives. Our two primary concerns are as follows:

1. Bullet 3: This bullet calls on the state to develop protocols for translating streamflow restoration into credits and accounting systems. Unless this was suggested by DSL for its existing stream credit program, we strongly oppose this. Of concern is the fact that despite the fact that DSL already has a streamflow credit program, for the past three legislative sessions, there have been efforts by one legislator to try to advance a "salmon credit" bill that would allow stream habitat destruction in the name of stream habitat restoration. These bills have been soundly rejected, and concerns have been raised by agencies, including DSL and ODFW. Thus, unless this bullet is tied directly to DSL's existing program, this directive could be used by bill proponents as evidence that the bill aligns with state priorities. So again, <u>please remove</u> (or tie directly to the DSL program—if requested by DSL) to thwart any misuse of this. On that point, we would encourage OWRD to have agency legislative teams screen all recommended actions to ensure that any new directives are not counter to agency positions in the legislature or otherwise.
2. Bullet 8: Unless this was suggested by OWRD groundwater section, we would urge removal of this. That said, if you do retain this, please qualify that the framework will be developed in an open and transparent OWRD process and have a balance of interests at the table (including tribal and instream).

Action 10E: Provide an Adequate Field Presence. We strongly support the recommendation to increase field staff capacity, but it should be for the myriad of duties expected of them, including regulation, not just the subset noted in bullet 7. Providing a narrow scope could lead to unintended consequences.

Healthy Ecosystems:

Action 11A: Improve Watershed Health, Resiliency and Capacity for Natural Storage. Support all existing and new example actions.

Action 11B: Develop Additional Instream Protections. Support all existing and new example actions.

Action 11D: Protect, Restore and Provide Access to Instream Habitat for Fish and Wildlife. Support all existing and new example actions.

Action 11E: Develop Additional Groundwater Protections. Support the recommended actions, however we would suggest adding additional bullets relating to:

(1) Better protecting groundwater quality through the adoption/utilization of Oregon's groundwater management program (see Gov Kotek's HB 1154),
(2) Reforming Oregon's exempt well statutes to better protect water right users, groundwater supplies and ecosystems,
(3) Identifying all areas in the state where groundwater withdrawals have triggered scenic waterway protections, and
(4) Exploring methods to protect groundwater in situ.

Clean Water:

Action 12A: Ensure the Safety of Oregon's Drinking Water. We would suggest additional bullets aimed at:

(1) protecting groundwater quality (e.g HB 1154) and
(2) exempt well reform (e.g. backflow protection measures, limit commercial use, etc).

Action 12C: Implement Water Quality Pollution Controls. Support suggested items, though we would encourage OWRD to work with DEQ to include some directives related to water quality related to and/or caused by reduced flow.

Funding:

Action 13A and 13B: We would suggest that the IWRS team meet with agency legislative staff (across agencies) to ensure all funding/budget needs are included. These sections do not seem as robust as they could be. Nor as urgent, frankly.

Action 13A: Fund development and Implementation. This bullet does not stress state agency funding to the degree it should; instead it seems largely focused on funding the OWRD IWRS work. While we do not object to this, we feel strongly it should be placed after what is now13B. So in other words, it would be helpful to have the broader agency needs first since that is likely the first thing legislators and others will read and/or focus on.

Action 13B: Fund Water Resources Management Activities by State Agencies. We would suggest more attention to this section to add more urgency and need to what is presented.

For example, Bullet 4 has grouped together funding needs for items that are critical to state agencies under "agency operations and equipment". In our estimation the presentation really undersells the urgency and need of the items contained in parenthesis, including IT, data and management. We would suggest breaking all the items in the parentheses into their own bullets. Similarly Bullet 5 related to fees is coined as "allow agencies to adjust fees" rather than the stronger "adjust fees". Another example is Bullet 7, which simply says "support agency capacity to carry out the Strategy". While we strongly support this, it could use a little more pizazz to sell the need to legislators. Given that this section is critical to implementation, we would urge a cross check with Agency Requested Budgets to incorporate agency language that speaks to the compelling need to fund this work.

As to the last bullet, Bullet 9, this is more appropriately placed in Action 13C which provides examples of funding to non-state agencies.

Action 13C: Invest in Planning, Feasibility Studies, and Water Resource Project Implementation.
A few of our comments include:

1. Bullet 1: This bullet has been expanded from the 2017 to call not only for state funding of the development of place-based plans but also funding of "plan implementation". This directive is inconsistent with the Regional Water Management Report and also OWRD rules (Div 602), which restrict implementation funding to implementation coordination. We flagged this in the last iteration and are concerned that this remains in the document. We urge OWRD to have Division Administrators review the action items to ensure they are consistent with agency positions, statute and rule. As to this specific language, please either remove "plan implementation" or qualify it with "plan implementation coordination".
2. We would suggest adding directives to fund agency participation in planning, agency data collection/synthesis, and other work found in the Regional Water Management Workgroup Recommendations (relating to investment in planning). Specific language from that Report includes: Any *state-supported regional water planning efforts must be underpinned with the budgets and capacity needed to do this work at the state level. To meet this need, state leadership must prioritize and address the current overarching system-level need for funding related to state agency data collection and analysis, agency capacity, and interagency coordination.*

PRIORITY TASKS, EXHIBIT E

WaterWatch lent support to the idea of Agency Director Priority Tasks in previous comments and testimony to the Commission. As we understood it from GNRO representations, and the information distributed and discussed at the stakeholder meetings, the intent in doing this was to allow agency directors to identify some high-level priorities for their respective agencies to focus on over the next few years (in relation to the IWRS). Those priorities would then be part of individual agency workplans but would not exclude other work. The list provided to the public generated by the Directors (attached) captured some concepts important to the state and are positive steps forward.

That said, while we were supportive of the initial concepts generated by agency Directors, we have some concerns with the priority document that is captured in Appendix E of the Draft 2 Update. Rather than leaving the Director priorities at high level directives for agencies to move forward on within the scope of their authorities and the leadership of their individual Directors, it appears that Exhibit E has inserted and/or changed details as to meaning, scope and execution, which both takes away agency flexibility

and undercuts agency autonomy. Moreover, it appears that some of the Agency Director goals have also been greatly diluted and/or removed entirely. And finally, it appears that there has been some reshuffling of the deck so to speak between buckets, which in our view changes the points the directors were trying to make in their recommendations.

We have noted some specific concerns below but will note that because so much has been changed between the document delivered to the Commission/public and Exhibit E, that it was extremely difficult to cross check Agency Director suggestions with the Exhibit E.

A. Measurable Outcomes: In a departure from the Agency Director Priority document that was shared with the public and the Commission, Exhibit E's Priority Areas now have "measurable outcomes" embedded in the chart. The addition of measurable outcomes, for the most part, seems to dilute the power of the Director priorities by constraining flexibility, focusing on narrow prescriptive direction and, at times, offering measures inconsistent with the Director's priorities. Specifics concerns are noted below.

1. **Measurable outcomes are unnecessarily prescriptive:** In many cases, measurable outcomes are not "outcomes" per say but rather steps to be taken under the priorities. For example, directives to convene workgroups or ask for legislative policy or budget support are listed as outcomes. Our greatest concern with this new approach is that by prescribing specific actions over results, the document both constrains agency flexibility to meet the overarching priority over an 8-year span and undermines the force of the document to elicit the change needed[1]. We would suggest removing prescriptive measures altogether. Those seem better suited for the upcoming agency ISWR workplans.

2. **Some measurable outcomes limit agency autonomy by directing how agencies are to achieve priorities:** While the IWRS is meant to integrate agency actions in relation to water, at no point was the intent of the IWRS and/or the language of the statute meant to allow any one agency to direct other agency work. As an example, under "Prioritize locations for cold water refugia and identify tools for protection", a measurable outcome is to "convene a workgroup". As we understand it, this was generated by OWRD not ODFW. In addition to the fact that this directive could compromise the very goal of protecting cold water refugia--both by opening up scientific determinations to political pressures in a workgroup and by possibly delaying implementation if the ODFW does not have the resources for a workgroup--is not appropriate for OWRD to design directives for other agencies.

3. **Possible mootness issues related to "Measurable Outcomes":** The Agency Priorities were developed in the late fall. Since that time, there have been a number of bills related to the topic areas. Some of the "measurable outcomes" directly tie to these bills (e.g. P.1)[2]. Given this is an 8-year strategy, it does not seem prudent to limit the outcomes to bills that, if passed, will moot

[1] For example, in the Director Document, OWRD identifies "Leg support for water right and IT modernization" but the outcome in the IWRS chart reduced the outcome to "seeking legislative budgetary support". Seeking support is an underwhelming outcome, what the state needs (and what legislators need to see in the IWRS) is funding of efforts.

the measurable outcomes before the IWRS is even adopted. We also question the direct tie to bills, as directives will live on in the IWRS if they are not passed and, also, the bills relied upon were not agency bills. We would suggest, as noted previously, simply dropping the "measurable outcomes". If that is not a possibility, these should be updated.

4. **Language choices do not reflect usage in legislative and/or policy forums:** Somewhat related to concern #3, it appears that to the extent language was borrowed from bills the measurable outcomes do not contain final language but rather introduced bill language. As an example, HB 3988 which started out as a bill directing the "removal of barriers" related to AR/ASR[3] passed out of Committee in amended form which replaced "identify barriers" with "identify opportunities to improve…….in a manner that protects public health, groundwater quality and ecosystems". In another example, the IWRS measurable outcomes sections call for "modernize and create more efficient permitting processes." The discussions at the OWRD and GNRO level have focused on "process improvements" not "efficiency" or "streamlining" or "reduced time from application to decision" as noted in the IWRS. Water right improvements are not limited to expediency measures as the language provided implies.

5. **Some measurable outcomes fall short of what agencies could and should do:** As an example, on P.1.2 has "Increase compliance with existing laws to protect and prevent water quality, water quantity, and habitat degradation and water level declines that negatively impact public and ecosystem health." A laudable goal. The P.1.2a "task" under this is to seek compliance and enforce permit conditions. Again, a laudable goal. Yet, the measurable outcome (specific to compliance) is focused on notifying permit holders and compliance checks, with no indication the agency will take all enforcement steps necessary to ensure compliance. Long story short, while the priority is commendable and consistent with the management duties of the agencies, the "measurable outcome" falls short of what agencies can and should do—which is enforce. Of concern, diluting agency autonomy, power and decision making by providing weak "measurable outcomes" could be used against agency action by stakeholders and, more importantly, in policy and budget work in the legislature. Again, we would urge that Exhibit E simply put forth the high-level priority and tasks only, and then let agencies meet that within their individual management authorities.

6. **Expanding of one agency priority to all agencies:** The Agency Director exercise had Directors making recommendations as to what their agencies could do to meet top tier priorities. For example, in the Director's Priority document, DEQ identified the need for MOUs, if needed, to achieve its agency specific goal of pursuing reduction in nutrient loading and other contaminant loading to aquifers and streams. Exhibit E, however, expands this to a much broader scope to address all five agencies, with the "measurable outcome" being "Convene interagency workgroup to identify needed new or updated MOUs. Develop MOUs for effective implementation of the actions identified in the Integrated Water Resources Strategy". While some MOUs are helpful, MOUs are not needed for many agency actions in the IWRS. This conflation will only add more time to the work needed. This directive could be used against agencies to stall implementation on select items.

[3] NOTE: We did not see a reference to AR/ASR in the Agency Priority Doc, it is unclear why this in under P.1.

7. **Diffusing the goals of the priorities by burdening with unneeded activities:** Priority Area One is titled "Act with Urgency", yet under this priority, under the 8 tasks identified there are 3 workgroups called for in the measurable outcomes. This seems contrary to the "act with urgency" directive and also seems unnecessary. For example, a workgroup is not needed for cold water refugia protection and will only serve to slow down the science-based work of the agency. (P.1.3).

B. Tasks: Here too, we have concerns that Exhibit E, in spots, has deviated from what was developed by Agency Directors, resulting in changed scope, actions and intent. The Agency Director exercise was focused on the most important things the state should do (related to water), the biggest things each agency could contribute, and what was needed to make that happen. Exhibit E deviates in a number of ways from the Director exercise (compare documents for full scope).

In addition to general concerns noted, we raise the following for your consideration as well:

1. **The words "instream and out-of-stream" are generally not included within tasks that often times provide multi-use benefits.** Leaving out the words "instream and out-of-stream" generally tends to disadvantage instream benefits/work in relation to water conservation and efficiency, water projects and other endeavors which optimally would benefit both instream and out of stream needs. Examples include but are not limited to P3.1a, P31b, P3.1c where the suggestions would be improved if the words for "instream and out-of-stream benefits" were added to all three.

2. **Technical assistance and funding are not equitably distributed:** The original agency priorities and suggestions that were directly or indirectly related to funding are both broad and narrow. Broad directives included things like "provide funding and technical and resources to get big projects done", or "support infrastructure projects where it provides climate adaptation and sustainable growth". Narrow directives included suggestions for funding and/or technical assistance from DLCD, ODA and ODFW to stakeholder groups to work on projects and/or planning, including importantly, NGOS (ODFW). Exhibit E, on the other hand, does not make clear that the broad directives are geared at both instream and out-of-stream projects, potentially putting instream project proponents at a disadvantage in funding venues. And while the specific directives for cities, counties and SWCD made it in, the ODFW Director recommendation for flow restoration capacity building (NGOs, ODFW, etc) does not appear to have made it in that we could find. We would suggest a copy review to ensure all nods to funding are equitably distributed, and most importantly that state agency funding to do the work is a clear top priority.

3. **Agency specific tasks that have been broadened to all agencies could have unintended consequences.** The Director's were asked questions specific to their agency work yet Exhibit E has now broadened suggestions specific to an agency across other agencies. In some instances that is fine, but in others we do have concerns about unintended consequences.

Priority Areas: Exhibit E has reshuffled the Director's priorities that, in spots, appears to change the original intent as delivered by the Directors. Two examples include:

1. **Removing urgency where needed:** The reshuffling has moved some important actions in a way that dilutes the sense of urgency. For example, priorities that that used to be found under the

state's first priority of "Prevent things from getting worse" (aka "Act with Urgency) are now found under the umbrella "Assist Communities with Preparedness Efforts". For example, in the Director's exercise, OWRD identified "support to modernize IT systems, conduct basin assessments and studies, update basin rules, complete WARS update and increase comms capacity" as what the state needed to do meet its identified goals to prevent things from getting worse. That this has now been moved to "increase and improve communication between agencies and the public to share critical information about water scarcity, water quality and ecosystem needs", both changes the meaning and, importantly, the sense of urgency. As a group that is deeply involved in budget and policy discussions in Salem, we are very concerned that this (and other similar changes) will dilute the ability of the agencies, the governor and advocates to help urge the legislature to fund the initiatives that are absolutely critical to better water management.

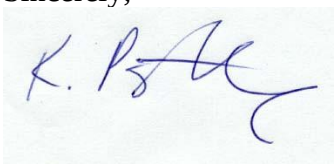
2. **"Helping Communities and Ecosystems Adapt" Priority:** The Community and Ecosystems Adaptation bucket appears to incorporated some planning heavy priorities that we could not find in the Agency document. We would urge review to ensure the Director's priorities are adequately captured and presented.

Additional comments Exhibit E: Exhibit E should be qualified so that readers understand that these priorities are specific to the six agencies that participated. Other agencies, such as Oregon Department of Parks and Department of State Lands were not included. Given Parks is the agency that designates new Scenic Waterways, and DSL must protect rivers and wetlands in removal fill activities, their work should be highlighted in other ways and/or brought into the document. Given the limited tools available to protect/restore streamflows, we would urge inclusion of priority actions such as: designate new scenic waterways, designate additional Outstanding Resource Areas, protect/restore wetlands, etc.

Conclusion: Draft 2 is a great improvement over the initial draft. We appreciate the OWRD's work to align Draft 2 with the original 2012/2017 scaffolding that has served the state well. The result is an easily understandable document that does a good job in addressing both instream and out of stream data gaps, pressures and needs. This will be helpful to state agencies in prioritizing water work, as well as stakeholders who advocate for state agency programs and budgets.

We appreciate the opportunity to comment and hope you will consider our comments as an attempt to provide constructive feedback. If you have any questions, please do not hesitate to contact me. Again, thank you for your hard work.

Sincerely,



Kimberley Priestley
Sr. Policy Analyst

[i] Note this section's title includes the word "measurement", but the pull out box replaces "measurement" with "data". We would suggest both are presented as "measurement".

1. Prevent Things From Getting Worse

Most important thing the state should do

- Refine our understanding of what water is available in new climate conditions with the WARS update to avoid harm to other users or ecosystems
- Classify basins where water is unavailable for greater transparency
- Address factors contributing to nutrient pollution in surface & groundwater; identify risks and prevent pollution in surface & groundwaters
- Ensure usability (quality) of water we do have – don't expand or allow practices that contaminate
- Don't allow development in places where it can't be managed sustainably (water supply, wastewater, etc)
- Engage with Tribes to better understand their water priorities

Biggest thing your agency can contribute

- DEQ: pursue reduction in nutrient and other contaminant loading to aquifers and streams
- DLCD: Provide tech assistance and $ to help cities and counties modify their local codes to: 1) confirm water availability w/ OWRD before approving development, and 2) involve OWRD in public facilities planning.
- ODA: reduce nutrient & contaminant loading into surface water and groundwater from ag practices
- ODFW: update instream flow targets on large rivers, including storage season, and apply for associated instream water rights
- OWEB: Funds restoration and protection projects, monitoring of conditions/trends, tech assistance and engagement
- OWRD: Classify streams & aquifers, permit condition enforcement, basin assessments & studies, WARS update, increase awareness of water scarcity

What you need to make that happen

- DEQ: modernize and adequately resource GW Quality Act activities; develop MOUs where appropriate involving agencies with applicable authorities/responsibilities
- DLCD: grant funds and FTE to provide technical assistance. Policy question: disallow exempt use wells where water is not available?
- ODA: agency staff resources for proactive engagement with partners and ag operators; increased capacity for proactive compliance and technical assistance; capacity funding for SWCDs to assist in outreach and restoration efforts.
- ODFW: Develop data collection and analysis partnerships with other state agencies and Tribes to quantify instream needs
- OWEB: Funds restoration and protection projects, monitoring of conditions/trends, tech assistance and engagement
- OWRD: support to modernize IT systems, conduct basin assessments & studies, update basin rules, complete WARS update, and increase comms capacity

Bonus: Language to describe the bucket

- Urgent actions
- Protect quality and quantity for instream and out-of-stream uses
- Actions that can "move the needle," have an impact

2. Optimize: Highest & Best Use

Most important thing the state should do

- Incentivize water reuse, conservation, and other opportunities to preserve potable water
- Increase pace and scale of innovative multi-benefit solutions
- Identify and address policy, funding, & capacity barriers across agency boundaries
- Enterprise data modernization and management
- Engage and incentivize communities to implement practical solutions and solve local issues
- Optimize at the right geographic scale for trade-offs, data, innovative solutions, & tailored rules

Biggest thing your agency can contribute

- DEQ: Create predictable and transparent processes that reduce barriers to implementing water reuse efforts; share data modernization approaches with other agencies
- DLCD: make involving OWRD one of the conditions for Economic Opportunity grants to local jurisdictions.
- ODA: Support ag innovation and water conservation on farm; protect existing resources on ag lands; co-create plans; optimize partnerships to serve farms of all sizes
- ODFW: finalize flow restoration prioritization project; refine instream targets; partner on flow restoration efforts in priority basins
- OWEB: increase & strategically target water right acquisition and habitat improvement projects in priority areas
- OWRD: Modernize transfer process, evaluate water use fee models, clean up unused rights, expand data collection and data systems

What you need to make that happen

- DEQ: leverage existing data systems for centralized capture/sharing of water quality data (e.g. AWQMS); implement recs from Reuse Report
- DLCD: local jurisdictions include OWRD in Economic Opportunities Analysis (EOA), so it can comment on water availability for different EcDev options
- ODA: Elevate ag project funding; increase capacity for innovation, planning, and proactive coordination with OSU, USDA and other entities providing support to ag operators
- ODFW: funding for additional instream studies, flow restoration capacity building (NGO's, ODFW, etc.) and for water transaction payments
- OWEB: coordination with other agencies on shared priorities – geographic, resource
- OWRD: Leg support for water right and IT modernization; resources for fee evaluation

Bonus: Language to describe the bucket

- Don't let perfection be the enemy of good
- Data to support decision-making
- Interagency Collaboration
- Be smart with what we have
- Better share a scarce resource
- Do more with less

3. Help communities prepare and adapt

Most important thing the state should do

- Leverage co-benefits across water sectors ("win-win")
- Help people understand what the water future looks like, provide information
- Technical assistance to navigate regulatory and permitting issues
- Protect & Restore ecosystem functions
- Provide funding and technical resources to get big projects done
- Help natural resource economies prepare/adapt
- Support infrastructure projects where it provides climate adaptation and sustainable growth
- Increase incentives, payments, voluntary approaches

Biggest thing your agency can contribute

- DEQ: pursue funding & tech support to increase water reuse
- DLCD: grants, tech assistance, circuit riders for cities, counties, and tribes
- ODA: leverage partnerships (OSU, UDSA, and others) to provide climate resilient resources that keep farms farming
- ODFW: assess best options for mitigation; prioritize basins for restoration; provide technical assistance
- OWEB: Increase use of incentives approach based on targeted priorities
- OWRD: support voluntary actions & tools (e.g., grant programs), share information & data, support local planning and implementation

What you need to make that happen

- DEQ: Support interagency coordination needed to address infrastructure upgrades , investments in landscape/riparian resilience, and other planning/funding needs.
- DLCD: pass through grant $, additional regional representatives
- ODA: resources to consistently engage partners and develop materials that assist producers adapt to and adopt new climate friendly agricultural practices.
- ODFW: fund more real-time water and temperature data; funding for local ODFW flow restoration engagement
- OWEB: Identify NR enterprise-wide priorities that we can target available funding to [more money, more investment]
- OWRD: Funding for grant and CREP programs, increase community engagement & comms capacity, funds to modernize IT/data systems, seek Tribal TEK

Bonus: Language to describe the bucket

- We are all in this together, let's work it out together
- Start early on projects!
- Address economic impacts of climate change, water scarcity

OREGON WATER RESOURCES DEPARTMENT

Feedback on Draft Priorities

Overall Comments

- Support for agency collaboration and prioritization effort
- General support for the actions
- Concern about "missing" agencies (e.g., OHA, ODF)
- Enforce regulations, ensure accountability, act urgently
- Voluntary actions have not worked, should not be included
- Need to prioritize public health
- Concern about how priorities will be summarized for use to the legislature
- Tension regarding urgency to act and outstanding data needs
- Tie to IWRS statute, structure, format for legislature

OREGON WATER RESOURCES DEPARTMENT

Feedback on Draft Priorities

Priority Area #1
Prevent Things from Getting Worse

- Consider including making things better
- Add directives to protect ecosystems
  - Modify rules re: instream flows for species recovery
- Nutrient reduction is specifically called out – does that mean other water quality parameters are not priorities? (e.g., DEQ 303(d) priorities, temperature, forestry impacts to water supplies)
- Add improvements to reuse / recycled water program multi-benefit green infrastructure solutions to reduce nutrient and temperature inputs to streams

OREGON WATER RESOURCES DEPARTMENT

Feedback on Draft Priorities

Priority Area #2
Optimize: Highest & Best Use

- Priority title is polarizing
- Alternative language to consider
  - "instream and out-of-stream uses"
  - "Expand and Enhance our Tools for Management of our Water Resources"
- Include basin planning here (as well as in #1)
- Support for revisiting beneficial use and active prioritization
- Enforce the law, higher fines (already in #1)
- Flows to support Tribal beneficial use, important environmental justice

OREGON WATER RESOURCES DEPARTMENT

Feedback on Draft Priorities

Priority Area #3
Help Communities Prepare and Adapt

- Highlight funding as overarching issue for all the priorities
- Soil and Water Conservation Districts important for technical assistance
- Add action to review/update regulatory processes to accomplish stated objectives
- Replace “communities” with “Oregon” to be more inclusive
- Replace “local planning” with “place-based planning”
- Add natural/green infrastructure under water quality trading or other tool programs
- Add better working relationships with Tribes
- Ensure water efficiencies go back into the environment

WATERWATCH
PROTECTING NATURAL FLOWS IN OREGON RIVERS

Memorandum

To: Drought Task Force
From: Kimberley Priestley, WaterWatch of Oregon
Date: August 22, 2016
Re: Drought Ideas for Task Force Consideration

A. DECLARATION OF DROUGHT: The Governor currently has statutory authority under ORS 536.740 to declare a drought absent county application; however it is our understanding that generally drought declarations follow applications by counties under ORS 401.165 (state of emergency). The drought process should be revised so that the Governor declares droughts (1) solely via ORS 536.740 (i.e. without a tie to the county emergency request under ORS 401.165) and (2) utilizing the US Drought Monitor (http://droughtmonitor.unl.edu/AboutUSDM.aspx). Utilizing existing authority in this way would remove local politics from the drought declaration process.

B. ENFORCEMENT AGAINST WASTE: Statute, rule and permit conditions all require that water be used beneficially without waste; however, WRD enforcement against waste is neither widespread nor uniform. No statutory changes are needed; the following can all be achieved under existing authority of the Governor and/or WRD.

- Governor direction to WRD to actively enforce against waste and fund extra water masters to do this: Existing statute, rule and permit conditions require that water use be limited to beneficial use without waste. Direct WRD to enforce against waste, including regulation of wasteful use and imposing civil penalties. Fund seasonal water masters to actively enforce against waste.

- Direct WRD to fully implement OAR 690-410-060: OAR 690-410-060 contains important tools to ensure the elimination of waste including but not limited to: i.e. (1) develop sub basin conservation plans and provide public assistance in areas of known over-appropriation of surface water and groundwater and water quality problems, (2) set basin specific efficiency standards and practices for irrigation/agriculture, (3) update basin plans to require a conservation element.

- Utilize state authority under ORS 536.720 and ORS 536.780: Existing drought statutes allow for Governor and/or WRC to order state agencies or political subdivisions (which includes municipalities and districts) to develop curtailment/conservation plans, including direction to undertake activities to prevent waste. Governor and/or WRC should utilize this authority beyond state agencies (as was done in 2015) to include, at a minimum, municipal/quasi-municipal providers and districts.

Main Office: 213 S.W. ASH ST. STE 208, PORTLAND, OR 97204 TEL: 503-295-4039
Field Office: P.O. BOX 261, ASHLAND, OR 97524 TEL: 541-708-0731
Visit us at: www.waterwatch.org

C. MEASUREMENT AND REPORTING: Measurement and reporting is critical for proper management of Oregon's water resources, especially in times of drought. Ideas include:

- Governor direction to WRD/WRC to use existing authorities to require measurement and reporting of surface water diversions, groundwater and reservoirs (i.e. including but not limited to ORS 540.310, ORS 540.330, ORS 540.435. ORS 537.665).
- Governor and/or WRC set near term deadlines for full implementation of all three tiers of the WRC's 2000 Strategic Water Use Measurement Plan (tier one---significant diversions in priority basins, tier two—significant diversions statewide, tier three---all diversions).
- Provide additional funds to the Measurement Revolving Fund.

D. MANDATORY CURTAILMENT IN TIMES OF DROUGHT: Upon a declaration of drought, require mandatory curtailment that is tied to a conservation target (i.e. 25%) and/or river flows (i.e. flows hit XX, curtailment measures are triggered). The Governor and the OWRC have the authority to require curtailment/conservation plans for state agencies, municipalities and irrigation districts under ORS 536.720 and ORS 536.780. During the 2015 drought Governor Brown issued an executive order requiring state agencies to achieve a 15% reduction of consumptive use; however she did not extend this to municipal/irrigation interests. CA has required a 25% statewide reduction in municipal water use, see: http://www.waterboards.ca.gov/water_issues/programs/conservation_portal/emergency_regulation.shtml

E. MUNICIPAL WATER MANAGEMENT AND CONSERVATION PLANNING: Ideas that could move forward under existing law:

- Require WMCPs: ORS 536.780 allows the Water Resource Commission, "upon a finding that a severe or continuing drought is likely to occur," to direct individual state agencies and political subdivisions to prepare "a water conservation or curtailment plan or both." Governor could present to the Commission and request that, for any such entity without a WMCP, it require these plans to be produced.

- WMCPs for smaller entities: Governor to direct WRD to produce and make available a scaled down, off-the-shelf WMCP for smaller entities, including those that may not have a WMCP trigger (e.g. home owners associations, mobile home parks, smaller special districts). This would be a plan that would be simpler and easier to implement.

Consider amendments to municipal water management conservation rules (Division 86) and/or drought rules (Division 19) to help rivers/fish in times of drought. Ideas include:

- Municipal Curtailment in Drought: Direct WRD to improve the "Municipal Water Curtailment Element" in the WMCP rules (OAR 690-086-0160) to specify that curtailment stages must include triggers related to river flows and fish needs. As it is now, the WMPC rules are vague and refer to severity of water shortage and water service difficulties, but have no direct tie to river flows or fish (unless a water permit has a condition such that those conditions could limit water use under the permit independently.). This could also be achieved by amending the drought rules to include triggers (OAR 690-019).

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- Require meaningful curtailment/conservation actions to be triggered at certain stages of drought: Direct WRD to improve the WMCP requirement to clarify what meaningful conservation/curtailment actions are required at various stages of drought. This could also be achieved by amending the Drought Rules (OAR 690-019).

- Conservation Target: Direct WRD to revise the WMCP rules or the Drought Rules to require attaining a conservation target (like in CA) during drought. Credit would be given to entities that have already achieved low water use rates.

- Full compliance of WMCP a pre-requisite to state funding: Make full compliance with WMCP, including hitting target leak rate (10 or 15%, depending on plan and stage of plan) a perquisite for qualifying for water project funding (e.g. 1069, etc.) unless that funding request is specifically and strictly for reducing leak rate or accomplishing other meaningful conservation.

F. AGRICULTUAL WATER CONSERVATION AND MANAGEMENT PLANS: Improve drought rules and/or WMPC rules so, at a minimum, Districts have to develop a drought curtailment plan that sets curtailment triggers and conservation measures (i.e. WMPC "light").

G. DROUGHT FISHING REGULATIONS: Establish proactive emergency regulation temperature triggers for fishing closures during drought, including protective triggers for thermal refugia. Details developed by ODFW.

H**. LEASING/PURCHASING OF WATER FOR INSTREAM USE:** Provide state funds for the specific purpose of leasing and/or purchasing water for instream use in areas under declared drought. Prioritize funding for streams that support listed fish and/or are of high ecological values. Additional ideas noted by DRC at 8/15/16 meeting (i.e. suspend/cut fees, advance approval of leases, etc).

I. EMERGENCY MINIMUM FLOWS FOR FISH: Similar to California's regulations on this, set emergency minimum flows for fish on streams of significant ecological value. The basic structure of the CA directive is as follows:

a. Voluntary cooperative agreements to maintain emergency minimum flows for listed fish.
b. If voluntary plans do not cover a significant percentage of the water diverted in the basin, then mandatory minimum emergency flows for listed fish.
c. Curtailment of diversions to meet minimum emergency flows. Flows vary by season and include some pulse flows.
d. Curtailment orders suspended if the identified listed fish are not present and/or there is a change in hydrologic conditions.

For further information on how the CA regulations work go to the following link:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/milldeerantelope.shtml#new information

J. FUNDING SCIENCE/DATA: Provide funding for data necessary to build resiliency against drought, i.e. USGS Groundwater Investigations, stream gauges, water use measurement devices, etc.

AMERICAN RIVERS

May 9, 2025

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Oregon's Integrated Water Resources Strategy 2025 – 2031 – Draft 2

Dear Integrated Water Resources Strategy Team:

On behalf of American Rivers, I am submitting comments on the Draft 2 version of Oregon's Integrated Water Resources Strategy. Rivers provide our drinking water, grow our food, and sustain our spirits. Today, our rivers are at risk as never before from climate change, pollution, drought, flooding, and loss of natural habitat. Nothing short of our health and safety are at stake. American Rivers works alongside communities that are hardest hit as we champion a movement to protect and restore the rivers on which we all depend.

We appreciate the organization of the integrated water resources strategy and the actions to address Oregon's water management needs. The following pages contain our detailed comments on the strategy's objectives and actions.

Thank you for your investment in the health of Oregon's people and watersheds.

Sincerely,

MC Klym

Melanie Klym, Northwest River Restoration Director

PO Box 5444, Eugene, Oregon 97405 | 503-827-8648 | AmericanRivers.org

AMERICAN RIVERS

Action 1A – Improve Water Resource Data Collection and Monitoring

- American Rivers supports the inclusion of Harmful Algal Bloom monitoring in waterbodies with high recreational use; we also recommend monitoring upstream of drinking water intakes.
- American Rivers supports the monitoring and evaluation of habitat conditions and watershed functions, especially the effects of lateral and longitudinal connectivity.
- American Rivers supports the evaluation of spiritual and cultural values of instream flows. We encourage you to consider other ways of knowing in addition to quantifying ecological flow targets.

Action 2A - Determine Instream Flow Needs, Quality and Quantity

- American Rivers supports the understanding that healthy streams are dynamic.
- American Rivers supports the need to protect ecosystem functions with instream flows.

Action 3C - Determine Unadjudicated Water Right Claims

- American Rivers supports the adjudication of tribal water rights to establish the priority dates of those needs.
- American Rivers recommends considering instream flow dedications for remaining unallocated water rights.

Action 3D - Authorize the Update of Water Right Records with Contact Information

- American Rivers supports the Water Resources Department in maintaining complete, accurate water rights records with correct contact information and geographic data.

Action 4A - Analyze the Effects on Water from Energy Development Projects and Policies

- Some environmental justice impacts, especially to sacred places, cannot be mitigated and should be avoided. American Rivers recommends early and frequent consultation with Tribes when considering where to site projects.
- American Rivers supports the additional authority and resources to include hydrologic and ecological harms in dam reviews.
- American Rivers encourages Oregon to recognize the methane emission from dammed reservoirs in consideration of climate change impacts. From the Hydropower Reform Coalition[1]: *“As a methane producer, hydro facilities should be required to assess, report, and mitigate emissions rather than being lumped in with wind, solar, and other energy sources considered “clean.””*

[1] https://hydroreform.org/reservoir-emissions/

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Action 4B - Develop Non-Traditional Hydroelectric Power

- American Rivers supports the requirements for fish screens, by-pass devices, and fish passage for hydroelectric water rights certificates.
- American Rivers supports adding hydroelectric generation at existing artificial delivery systems and municipal systems.
- American Rivers recommends consideration of dam age and condition, safety risks to downstream residents and recreational water users, and ecological impairment to determine whether modifying non-hydroelectric dams to produce power is in the public interest.
- American Rivers does not support the modification of non-hydroelectric dams to produce power unless the dams are brought into compliance with fish passage and dam safety requirements. The retrofit of existing dams should not be used to justify unsafe dams or dams that have outlived their useful purpose remaining on the landscape.
- American Rivers supports research into pumped storage technologies that lead to greater integration of wind and solar generation into the energy supply or reduce the impacts pumped storage hydropower has on river ecosystems.
- American Rivers does not support the development of new on-river dams, diversions, dikes, or reservoirs, although we encourage the development of pumped storage at previously disturbed sites where the project will have minimal environmental, cultural, and recreational impacts, such as:
    - closed loop projects at abandoned mines,
    - projects on reservoir systems with multiple existing storage impoundments, or
    - irrigation and navigation projects where pumped storage reservoirs can provide additional public benefits such as stormwater management or flooding mitigation.

Action 4C - Promote Water and Energy Savings

- American Rivers supports the integration of energy and water savings and multi-benefit projects. We recommend consideration of point of diversion consolidation to reduce the number of dams and diversions from our waterways while meeting water users' needs through improved water use efficiency.

Action 5A - Plan and Prepare for Drought and Wildfire Resiliency

- American Rivers supports identifying, assessing, and assisting those communities and ecosystems more vulnerable to drought and wildfire.
- American Rivers supports additional voluntary measures to improve streamflow and protecting minimum streamflows during drought declarations.
- American Rivers supports investment in nature-based solutions especially floodplain reconnection. Research on the Sprague River showed that a restored beaver meadow protected vegetation and maintained surface water during a wildfire: https://www.scientificamerican.com/article/beaver-dams-help-wildfire-ravaged-ecosystems-recover-long-after-flames-subside/

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Action 5B - Plan and Prepare for Flood Events

- American Rivers supports the recognition that dams and levee failures can cause catastrophic downstream flooding.
- American Rivers supports investment in flood risk mapping and channel migration zones to identify flood prone areas. We encourage Oregon to consider landuse policies similar to Washington state's to limit development within channel migration zones to help reduce flood and erosion hazards and costly repairs while preventing the loss of crucial floodplain habitat.

Action 6A - Improve Integration of Water Information and Land Use Planning

- American Rivers supports the protection of natural water bodies in the course of land use decisions and updating land use protections for water bodies incorporating best available data.
- American Rivers supports investment in flood risk mapping and channel migration zones to identify flood prone areas. We encourage Oregon to consider landuse policies similar to Washington state's to limit development within channel migration zones to help reduce flood and erosion hazards and costly repairs while preventing the loss of crucial floodplain habitat.
- American Rivers supports inclusion of environmental and social justice information in land use planning.

Action 6B - Encourage Low Impact Development Practices and Green Infrastructure

- American Rivers supports the use of green infrastructure and low impact development.
- American Rivers encourages the use of nature-based solutions and natural infrastructure in lieu of built infrastructure.
- American Rivers supports the evaluation and minimization of hydromodification from stormwater discharges.

Action 7A – Maintain, Upgrade, or Decommission Water Infrastructure

- American Rivers supports the recognition that, "Natural areas, including forest, floodplains, and rivers, provide valuable storage, flood abatement, climate resiliency, climate mitigation, and water quality benefits while also providing important habitat for fish and wildlife."
- American Rivers supports the recognition that, "When wells, dams, or levees have significantly deteriorated, the costs of repair may exceed the expected benefits, and proper decommissioning **and removal** may be a less expensive and more environmentally beneficial alternative."
- American Rivers supports the **removal of** deteriorated water infrastructure from waterways (in addition to decommissioning). We do not support leaving decommissioned infrastructure in place in waterways.
- American Rivers supports irrigation infrastructure modernization and the allocation of conserved water to remain instream. We recommend converting gravity irrigation system to pumped systems with removal of the diversion dams. Small solar arrays may be used to offset pumping costs. We support continued funding of irrigation modernization through OWEB and OWRD.
- American Rivers **strongly** supports the removal of dams that are at the end of their useful life, pose a public safety risk, or no longer serve their intended purpose. We support the replacement of dams still serving a purpose with a lower-impact alternative that restores the movement of cold, clean water and volitional passage for all native aquatic species.

- American Rivers supports the removal of levees that are at the end of their useful life, pose a public safety risk, or no longer serve their intended purpose. We **do not support** the creation of new levees except in areas of levee setback to reconnect functioning floodplains.

Action 7C - Support Dam & Levee Safety

- American Rivers supports the Dam Safety Program evaluating the condition of existing dams through regular inspections.
- American Rivers recommends that dam removal be required for dams which cannot meet needed safety or fish passage requirements.
- American Rivers supports dedicated funding for removal of dams.
- American Rivers supports inclusion of hydrologic and ecological harms that are ongoing or resulting from dam failure, in dam hazard ratings.
- American Rivers recommends the drowning risk for recreational waterway users be included in dam hazard ratings.
- American Rivers recommends requiring **removal** of decommissioned dams.

Action 8C – Promote Community Education and Outreach

- American Rivers supports the continued investment in Watershed Councils and Soil and Water Conservation Districts.
- American Rivers supports partnering with community-based organization to deliver water education to the public and providing resources to local interested organization to conduct education and outreach to the communities they serve.

Action 8D - Identify Water Research Needs and Partnerships

- American Rivers supports partnerships with state and federal agencies, tribes, public and private institutions to address research needs – especially ecological flow needs.
- American Rivers supports research initiatives that would address frontline communities' environmental and climate justice challenges.

Action 9A - Support Place-Based Integrated Planning and Other Water Planning Efforts

- American Rivers supports investment in place-based integrated planning. We recommend including tribal nations in the planning process.
- American Rivers recommends inclusion of functional floodplain reconnection, dam removal, and consideration of State Scenic Waterway designations in place-based integrated planning.

Action 9B - Coordinate Implementation of Natural Resource Plans

- American Rivers supports dedicating resources for state and local implementation of existing plans and the application of equity and social justice principals in plan reconciliation and updates.

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Action 9C - Partner with Tribal Governments, Federal Agencies, and Neighboring States in Long-Term Water Resources Management

- American Rivers supports partnering with neighboring states and tribes to continue or improve managing shared resources.
- American Rivers supports collaborative planning and consideration of co-management to develop water management approaches to protect species and avoid or minimize impacts to endangered or threatened species.
- American Rivers supports additional staff resources to implement the 2016 National Marine Fisheries Service Biological Opinion and 2021 Federal Emergency Management Agency Draft Implementation Plan relating to how floodplains are protected, restored and developed.
- American Rivers supports the coordinated and transparent implementation of Oregon's commitments to the Columbia Basin Restoration Initiative and the Resilient Columbia Basin Agreement.
- American Rivers supports the integration of water rights and Endangered Species Act requirements in the Klamath Basin.

Action 9D - Improve State Interagency Coordination

- American Rivers supports Interagency Permit and Grant Review and recommends development of programmatic permit conditions for river restoration (dam removal and functional floodplain enhancement) projects.
- American Rivers supports the creation of tools to help tribes, the public, local government, and community-based organizations navigate state agencies to address complex water issues.
- American Rivers supports the development and use of Oregon's Environmental Justice Mapping Tool.

Action 9E - Lead Meaningful Community Engagement

- American Rivers supports the implementation of best practices for engagement as identified in the State of Oregon Diversity, Equity, and Inclusion Action Plan and other documents, including cultural and language-specific needs.
- American Rivers supports the use of Oregon's environmental justice mapping tool and federal EJ Screen to evaluate potential impacted communities for state-led planning, engagement, policy development and management activities.

Action 10C – Improve Access to Storage

- American Rivers supports the enhancement of watershed storage capacity through natural processes using non-structural means (e.g., floodplain restoration).
- American Rivers supports the consideration of artificial recharge for storage and recommends inclusion of floodplain restoration as a recharge mechanism.
- American Rivers **does not** support the creation of new on-channel reservoirs. The 2008 inventory of potential new reservoir sites should not be implemented without evaluation of ecological and economic feasibility. American Rivers reminds the State of Oregon of the limited useful lifespan of above-ground storage dammed reservoirs due to the incoming sedimentation, degraded water quality, impaired fish passage, and increased safety hazards downstream and in the reservoirs.

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- American Rivers supports the requirements for fish passage and water quality in consideration of raising an existing dam's height.

Action 10F - Strengthen and Improve Oregon's Water Quantity and Water Quality Permitting Programs

- American Rivers supports investment in shared data, interagency coordination and consistency, and transparency.
- American Rivers supports the review of water rights permits for protection of fish, wildlife and habitats and water quality.
- American Rivers supports water rights transfers to consolidate points of diversions, improve irrigation efficiency, remove barriers (dams), and allocate conserved water for in-stream use.
- American Rivers recommends streamlined permits, such as programmatic permits, for aquatic enhancement projects which remove human-made obstructions such as dams, culverts, and levees from Oregon's waterways.
    - We recommend expanding the scope of the waterway enhancement removal-fill general authorization to allow removal of these human-made obstructions without a cumulative removal-fill volume limit.
    - We recommend developing a programmatic 401 water quality certification for obstruction removal to recognize the long-term benefits of natural sediment transport in balance with the short-term turbidity impacts during in-water work.
    - We recommend a programmatic fish passage approval form for dam removal in addition to the approvals focused on road-stream crossings.
    - We recommend adding a "dam removal" project type checkbox to the Joint Permit Application to improve efficiency of implementing the programmatic approvals above.
- American Rivers supports the consideration of river processes (hydromodification) in the National Pollutant Discharge Elimination System and Municipal Separate Storm Sewer System permits.

Healthy Ecosystems

- American Rivers supports the recognition that healthy ecosystems are important to human quality of life in addition to fish and wildlife habitat.
- American Rivers supports investment in floodplain restoration and reconnection.
- American Rivers supports the protection and restoration of wetlands; we recommend that the Department of State Lands recognize that wetlands associated with human-made obstructions, such as dams and culverts, do not need mitigation because obstruction removal restores natural riverine processes. The USACE recognizes that dam removal results in ecological function uplift and does not need mitigation.

Action 11A - Improve Watershed Health, Resiliency, and Capacity for Natural Storage

- American Rivers supports continued investment in the Oregon Plan for Salmon and Watersheds and The Oregon Conservation Strategy (now known as the State Wildlife Action Plan).
- American Rivers supports continued investment in the Private Forest Accord Grant Program.
- American Rivers supports including floodplain restoration and reconnection activities in this action.
- American Rivers supports consultation with Tribes to prioritize locations targeted for protection and restoration and restore access to First Foods.

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- American Rivers supports investment in restoration projects led by Tribes, low-income communities, and communities of color.

Action 11B - Develop Additional Instream Protections

- American Rivers supports the expansion of Scenic Waterway designations.
- American Rivers supports the expansion of Outstanding Resource Water designations.
- American Rivers supports continued investment in expanding instream water rights including instream transfers and leases, the allocation of conserved water, and conversion of hydroelectric rights to instream rights. The hydroelectric water right conversion should be required as part of hydroelectric dam decommissioning and removal.
- American Rivers supports updating ODFW Rules (OAR 635-400; last modified in 1989) to incorporate a broader range of techniques to determine flow amounts to protect ecosystem needs including consideration of temperature-based flows.

Action 11D - Protect, Restore, and Provide Access to Instream Habitat for Fish and Wildlife

- American Rivers supports the efforts to protect streams from degradation and restoring channel and floodplain functions.
- American Rivers recommends that the benefits to public safety and reduced economic liability of fish passage barrier correction be added to the discussion in this section; connecting to the discussion of the value of healthy ecosystems earlier.
- American Rivers supports the identification and prioritization of fish passage barriers for removal.
- American Rivers supports the restoration of river processes, including the movement of wood, water, and sediment, in addition to passage for all native aquatic species.
- American Rivers supports compliance with fish passage laws for all existing, modified, or new dams.
- **American Rivers supports continued investment in dam removal to restore river processes, improve fish passage, benefit water quality, reduce public safety risks and support the culture, health, and economic well-being of communities.**

Action 11E - Develop Additional Groundwater Protections

- American Rivers supports the recognition that surface water and groundwater systems are connected and interdependent.
- American Rivers supports the identification and protection and/or restoration of springs, cold water discharge to surface water, and wetlands.

Action 12A - Ensure the Safety of Oregon's Drinking Water

- American Rivers supports drinking water source protection.

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Action 12B - Reduce Use of and Exposure to Toxics and Other Pollutants

- American Rivers supports efforts to prevent blue-green algae (including Harmful Algal Blooms or HABs) from forming beyond natural background levels and support advisory/notification efforts.
- American Rivers recommends considering dam removal to reduce the frequency, duration and severity of harmful algal blooms.
- American Rivers supports monitoring recreational waters and informing the public when contaminants are present, including communications to reach non-English speaking, low-income, tribal, and rural residents and businesses.
- American Rivers supports updating Oregon's water quality criteria for toxic pollutants to protect aquatic life and human health based on the best available science.

Action 12C - Implement Water Quality Pollution Controls

- American Rivers supports the development and implementation of total maximum daily loads (TMDLs). We encourage Oregon DEQ to consider the cooling benefits of floodplain reconnection and groundwater recharge in the TMDL plans. We encourage DEQ to quantify the heat load from dammed reservoirs and include dam removal as an action to reduce heat loading.
- American Rivers recommends considering dam removal to reduce the frequency, duration, and severity of harmful algal blooms.
- American Rivers supports the use of green infrastructure for stormwater management.

Action 13A - Fund Oregon's Integrated Water Resources Strategy

- American Rivers supports funding the Integrated Water Resources Strategy.

Action 13B - Fund Water Resources Management by State Agencies

- American Rivers supports funding state agencies for water resources management.
- American Rivers supports enforcement of compliance with permits (water rights, water quality, fish passage, removal-fill, etc.) statutes, and regulations.

Action 13C - Invest in Planning, Feasibility Studies, and Project Implementation

- American Rivers supports continued investment in planning, project development, and project implementation.
- American Rivers recommends a dedicated fund for removal of obsolete dams and levees from waterways.

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The Confederated Tribes of the Grand Ronde Community of Oregon

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9615 Grand Ronde Road
Grand Ronde, OR 97347

May 8, 2025

Oregon Water Resources Department (OWRD)
725 Summer Street NE, Suite A
Salem, OR 97301

Submitted via email:
WRD_DL_waterstrategy@water.oregon.gov

RE: 2025 IWRS Draft 2 CTGR Comments

Dear OWRD:

On behalf of the Confederated Tribes of Grand Ronde (CTGR or Tribe), thank you for the recent consultation with OWRD Director Ivan Gall and staff and the opportunity to provide feedback on the 2025 Integrated Water Resource Strategy-Draft 2 (IWRS). We appreciate and acknowledge the work of all the agency staff and others to create and contribute to the content of the IWRS. The Tribe is grateful for an integrated approach and interagency coordination. This document represents preserving the life blood of our State.

Grand Ronde is a sovereign Tribal nation comprised of over 30 antecedent tribes and bands from ceded homelands that span much of western Oregon, including areas from southwest Washington to northern California between the peaks of the Cascade and Coastal Mountain ranges. There are seven ratified treaties of western Oregon that vest in the Grand Ronde Indian Reservation and we note that our 1853-55 Treaties predate Oregon's 1909 doctrine of prior appropriation law, which has historically excluded Oregon and Washington Tribes.

Water is a revered resource for the Tribe and provides a home to State listed Pacific lamprey, Eulachon smelt, and ESA listed salmon which are Tribal First Foods, among others. Preservation of instream water flows that support and conserve historic native aquatic species is imperative to the Tribe's future generations vitality & preservation of culture.

The importance of the IWRS role in overseeing *effective* instream flow management cannot be overstated. (Priority Task P 1.3b & P2.2e)

Further, it is a costly endeavor to protect water, as well as clean it up after it is contaminated, but only one of these options is beneficial to humans and ecosystems. The Tribes value stewarding the land, air, and water for future generations and note that *not enough protective advance measures* have been put into place historically, as evidenced by the excessive degradation in parts of Oregon's surface and groundwater systems. Today's profits will not pay for tomorrow's cleanup.

The Tribe is advocating for appropriate current and ongoing budget allocations for proactive water investments and protection as prioritized in this document. Less than 3% of the general fund for 15 water agencies in clearly inadequate for making progress towards protecting and conserving the most vital human resource: water. The Tribe urges the State to continue investments such as the 2023 Drought Resilience and Water Security Package to support adequate staffing as described in

Action 13A & B.
Each agency must request funds tied to priority actions and commit to progress. Further, the Governor's office must commit to keeping each agency's Director focused on this document and efforts, especially as there are staffing turnovers.

Generalized comments:

1) The Tribes agrees with the principal concepts for the Strategy's goals (page vi) and appreciate the Summary Sheets of Actions in Appendix D:
The Tribe suggests the development of a reporting dashboard to document progress over the document's implementation timeframe with identified timeframes and accomplishments. The dashboard should note opportunities for committee work, Tribal consultation milestones, and public involvement periods.

2) Chapter 1, 2 & 4: Oregon has been historically slow to adequately regulate, track, and monitor surface and groundwater. These systems enhancements and interagency collaboration *must be expedited* over the next five years. **The Tribe emphasizes early and frequent consultation with Oregon Tribes as a critical piece in successful planning and implementation and sharing of Indigenous knowledge.**

3) Chapter 3: The Tribe acknowledges the State's historic work and encourage ongoing work related to preparing for catastrophic weather events that can lead to water shortages, as well as community resiliency and emergency planning. **The IWRS should add a goal for additional long term water protection by working with the Oregon Legislature to amend the State Constitution's Bill of Rights to include clean and plentiful water as a human right.**

4) The current system allowing water rights transfer for new uses and to new areas without environmental review or Tribal consultation does not uphold the Tribes' treaty rights and is tantamount to ensuring salmon extinction. **The water rights permitting, and transfer policies must be redressed with expediency. Begin enforcement of water rights use lack of reporting. (Action 10F P1.1a, P1.1b, P1.2a)**

5) The State agencies need to collaboratively examine the policy levers for requiring and incentivizing various conservation, modernization, and restoration actions regarding private landowners' impacts to streams and **ensure sufficient financial investments are directed and prioritized to conserve ESA listed species.** For example, the Tribe would like to participate in an effort to identify cold water refugia along with TMDL temperature exceedances in conjunction with a priority gage installation in coordination with USGS, ODEQ, ODFW, and OWRD, etc. to prioritize grants in areas of critical importance for the salmon migration along with USACE improvements related to fish passability. (Action 11B P1.3a & 13C P3.1a, P3.2a, P3.2b, P3.2c)

6) The Tribe agrees that providing education & outreach to the general population of water users is important in many ways. For example, safe ways to recreate in and near water that is protective of humans, pets, and water quality. Helping establish an "Oregonian" ethic related to care and concern for natural resources at their home and business is key to long term water conservation success. People protect the things they love. The IWRS outlines a variety of key audiences such as young people who may be interested in professional careers in water or generally, people who own

private wells and/or septic tanks, people who own riparian/wetland land, people who live in areas with drought, non-English speakers, people who hunt and fish, people with water rights, people with farms, people in groundwater protection areas, people with threats to their drinking water security, the general public, and underserved populations, etc. and suggests that various agencies should help conduct education and outreach to these audiences or create a specialized website or clearinghouse. There is currently a statewide water campaign branded as *Follow the Water* that has a website, and various social media channels in an approachable, interesting and engaging manner. The steering committee, known as the Clean Rivers Coalition, is comprised of local municipalities, SWCDs, and includes the work of watershed councils and others who interface with the public on a more frequent basis than most State agencies. **Rather than duplicate effort, the agencies involved in this report could grow the *Follow the Water* work by each contributing funds and key audience technical materials to be distilled into digestible public information by the communications team.**

Specific comments:

7) The Tribe appreciates the acknowledgement of the need to consider spiritual and cultural values regarding in stream flow preservation (page 29).

8) Action 3C (page 35)—**Grand Ronde agrees that the need to resolve tribal and federal rights in Oregon is real and significant**. Given that there are remaining unadjudicated areas for surface water west of the Cascades, what actions, priorities, and opportunities is OWRD planning to implement in consultation with Western Oregon Tribes? This is an opportunity to work with Tribes to identify rights/needs/possibilities before the waters at issue are over-appropriated or identify remedies if over-appropriated.

Give remaining senior water rights to the ecosystem as first senior right holder.

9) Figure 3-1 (page 41)—Given the importance of this document as a reference, can figure 3-1 be updated to include 2020 to 2024 data?

10) Figure 3-3 (page 43)—There is no text summary of this figure within this section. As such, it is unclear if this figure is illustrative of impacts to humans, agriculture, groundwater systems, or all the above. Further, we presume these are drinking water wells and this would be important to clarify along with the time frames. For example, are these wells that have been reported as permanently dry or dry for at least X months a year, etc.? We also note that "drywell" in other water contexts means water injection.

11) Action 4A (page 50)—The Strategy makes specific reference to the USDOI report titled "Historic and Ongoing Impacts of Federal Dams on the Columbia River Basin Tribes". Even though it is not mentioned in the report, Grand Ronde <u>is</u> a Columbia River Basin Tribe per its Willamette Valley Treaty of 1855. The land ceded through that treaty is described, in part, as: "...northerly, to the Middle of the Columbia River at the Cascade Falls, and thence down the Middle of said river to the place of beginning." Even though they are not mentioned in the report, the **Willamette Valley Project dams <u>are also</u> Columbia River Basin dams**.

Grand Ronde has submitted a formal objection related to the disrespectful and harmful errors and omissions in the Department of Interior report. **The Tribe respectfully requests that OWRD amend its text in Action 4A to include the Confederated Tribes of Grand Ronde and the Willamette Valley dams, which are vital salmon migration and breeding grounds that are**

currently largely fish impassable and causing an accelerated path to extinction. **Whenever possible, dams should be removed or retrofitted to become fish passible.**

We implore OWRD and other state agencies to work expeditiously on gaining authority and resources to conduct periodic reviews as noted on page 51. Regarding environmental justice, the dams have caused multiple generations of trauma due to massive impairments to salmon runs interfering with the Tribe's ability to engage in its historic and usual and accustomed fishing areas. Furthermore, some environmental justices are forever; sacred place development for energy development without express consultation and approval of the Tribe whose original homeland is impacted should not be conducted.

12) Action 4B (page 51)—While any low- or no-impact development is generally acceptable to Grand Ronde, we will remind OWRD that the highly destructive hydroelectric dams now in place and responsible for the imminent extinction of salmon and steelhead were once lauded as the "wave of the future for electric power generation" and generally seen as low-impact by the Government at time of construction. Any development proposed must include full Tribal consultation and impact analysis. Furthermore, moving forward, hydropower facilities should be required to mitigate the impact from methane releases.

13) Action 4C & 12C (page 54) In addition to modernizing the energy use and failing wastewater treatment plants, **a goal should be added to the Strategy Action 10F to require modernization of treatment technology in wastewater permitting as updated by DEQ every five years.** Plants are not currently designed to remove persistent, bioaccumulative, and toxic compounds, but the technology exists and should be deployed to protect the remaining wild stocks of salmon that are even more sensitive to some of these compounds than humans. Frances Bothfeld's "Contaminants of Emerging Concern in Wastewater Treatment" provides a helpful summary of the pros and cons of each technology and comparison of tested removal rates. https://apps.ecology.wa.gov/publications/documents/2110006.pdf

14) Action 5A (page 57)—We note that consultation with Tribes on preparing for wildfire resiliency with frequent consultation and planning regarding co-management of state forests to **avoid catastrophic wildfire by using cultural management burns should be a priority.** Indigenous knowledge also underscores the importance of flood plains in prevention of the spread of catastrophic wildfires. Oregon development policy and land use planning at the local level should avoid developing and filling flood plains.

15) Action 6A Statewide Land Use Planning Goals (page 67)—The Tribe notes that this section references Goal 1 "Citizen Involvement." First, the Tribe requests that DLCD update the Goals to reference the 9 Federally recognized Tribes as Sovereign Nations that require consultation. Further, the State should convene a process structure for Tribes and local agencies to have consultation and review of Goal 5 inventories that are being updated and when urban growth boundaries are being evaluated. Furthermore, the **Tribe notes special attention be given to the State's wetland inventory to ensure that adequate reserves related to mitigation banks exist, along with adequate legal protections related to building are being given to prevent further depletion of these vital ecological systems.**

16) Action 6B (page 72)—The Tribe notes that a newly discovered significant threat to Coho & Chinook salmon and Steelhead comes from high traffic roadways in the form of 6PPD-Quinone leachate

from tire wear "dust". We underscore the importance of state funding to bolster low impact development/green infrastructure/porous-pervious[1] pavement as a known successful remedy for reducing this chemical prior to entering waterways in communities with high traffic state and county roads that drain to salmon bearing waterways. The state has the power to require the use of porous-pervious pavement which has **The Tribe requests a specific call out about 6PPD-Q and pervious pavement within this section to emphasize the importance of this discovery.**

17) Action 7A—Ensure the policies around wells, dams, and levees also consider when the cost of repair exceed the benefits of the use and require the removal of structures from waterways, whenever possible.

18) Action 9C—Again, this seems like an opportune time for OWRD to work proactively with Tribes, particularly in Western Oregon, on instream water rights to protect Threatened/Endangered/Sensitive fish and aquatics (salmon, steelhead, Pacific lamprey, western pond turtle, etc.). The Tribe has reviewed the notes from the Water Task Force Summary report and notes that it does not sufficiently describe tangible follow up elements towards ensuring that instream flows or groundwater is adequately protected. **The Task Force should be utilized as a separate Committee in the development and review of the State's overall water budget and water permits policy review and updates.**

19) The Tribe agrees that Actions 10C (tools for instream protections), 10D & 12A (support retiring of groundwater rights and rules), 10E (fund more water master field positions), 11B (page 132 popularize the use of instream voluntary transfers) and 13B P1.1d and P3.1c (ensure water right fees support agency staffing needs and technical assistance for reuse projects) are priorities. The Tribe does not support allowing new in-line water reservoirs with waterways as these are known temperature hazards for migrating salmon.

20) Appendix A Tribes in Oregon (page 2)—"Many tribes **have established longstanding** roots in Oregon…" this sentence intro describing the Native Americans in Oregon is awkwardly worded and rooted in western concepts of ownership and boundaries. Some additional important contexts that we put forward as more factually accurate and less editorial in style: Archaeological science has documented Tribes in Oregon since time immemorial[2]. Creation stories and other ethnographic information tells of the people being created in their homelands, not coming from somewhere else. At the time of colonial exploration in the 1790s, more than 60 Tribes were

11 McIntryre, Jenifer K., et. al. "Bioretention filtration prevents acute mortality and reduces chronic toxicity for early life stage coho salmon (*Oncorhynchus kisutch*) episodically exposed to stormwater runoff." Science of the Total Environment Vol 902, December 1, 2023. https://doi.org/10.1016/j.scitotenv.2023.165759
Holzer, Katie and Cara Poor. "Water Quality Benefits of Porous Pavement on Major Arterial Roads." Preprints.org August 8, 2024.
doi: 10.20944/preprints202408.0598.v1
2 News Staff, "Ancient Humans Occupied Oregon Rockshelter 18,250 Years Ago" Science News, July 7, 2023. https://www.sci.news/archaeology/rimrock-draw-rockshelter-12076.html

documented[3]. Today, there are only 9 Federally recognized Tribes, and the Chinook Indian Nation is fighting to regain Federal recognition[4].

Once again, thank you for this opportunity.

Hayu-masi (Many thanks),

Michael J. Karnosh

Michael Karnosh
Ceded Lands Manager

3 Cain, Eric and John Rosman. "Broken Treaties: An Oral History Tracing Oregon's Native Population" Oregon Public Broadcast , March 20, 2017. https://www.opb.org/artsandlife/series/brokentreaties/oregon-tribes-oral-history-broken-treaties/

4 Reyna, Luna. "Chinook Indian Nation Land Claim Settlement Awarded, Nation Could be Closer to Federal Recognition". Underscore Native News, Feb 23, 2024. https://www.underscore.news/justice/chinook-indian-nation-land-claim-settlement-awarded-nation-could-be-closer-to-federal-recognition/

From: Rick Eichstaedt
To: WRD_DL_waterstrategy
Cc: Ashley Russell; acraig@ctclusi.org
Subject: CTCLUSI Comments on Oregon's Integrated Water Resources Strategy
Date: Monday, May 12, 2025 4:16:54 PM

Hello –

These comments are submitted on behalf of my client, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI), on Draft 2 of Oregon's Integrated Water Resources Strategy. The Tribe has the following comments:

- Action 3C: Determine Unadjudicated Water Right Claims: CTCLUSI requests that his action be amended to require consultation with Tribes in determining how to proceed with addressing unadjudicated claims. Water adjudication proceedings are inherent adversarial. Efforts should be made early to work with Tribe to address concerns regarding adjudication and opportunities to reach agreement on the scope and extent of claims.
- Action 9D: Coordination with Tribes should be included in this section particularly to understand environmental impacts to tribal resources of concern and how water resource management of the State may impact compliance with EPA-approved Tribal Water Quality Standards.
- Action 10 F: This section should be revised to ensure that there is coordination with Tribes that have Water Quality Standards and that state actions further efforts to meet those standards, including fish consumption standards for Oregon Tribes.
- On page 122, please add "add Oregon Tribes " to the following sentence - "Water Right Permits and Certificates - In Oregon, reviewing water right permits is done in partnership with other state agencies.".
- Action 11A, on page 130, change "Collaborate with Tribes" to "Consult with Tribes."
- On page 152, this page should address where Tribes have their own EPA approved Tribal Water Quality Standards. Also, the Tribal Reserved Rights rule referenced on this page is currently being review for recission by the current administration.

Thank you for the opportunity to submit comments. Please notify the Tribe of additional drafts and the opportunity to consult on the document.

Thank you,

Rick Eichstaedt
Attorney for the Confederated Tribes of

Coos, Lower Umpqua and Siuslaw Indians

From: Robin Lee
To: WRD_DL_waterstrategy
Subject: comment on Draft 2, now called the 2025 IWRS
Date: Monday, May 12, 2025 5:23:48 PM
Attachments: Outlook-uaqa0vni.png

Gentlepersons:

I tried to wade through the 278 pages as well as some of the comments from the Tribes. Ugh! Wordy and Unwieldy. Spent 3.5 hours trying to hit the highlights, leading paragraphs, captions, summaries, etc.

Six times longer read than the U S Constitution! If you really want public input, simplify this document. One thing I noticed is that what started out as 'requiring' updates every five years was subsequently modified to require revisions every two years. It seems any allotted funding is absorbed by clerical processes and a growing staff. I can't see any efficiencies in that!

Frankly, the main thing about water that concerns me is the threat I hear that the State wants to put meters on wells. Couldn't find anything in your document about that.

Oh, and I don't buy the global warming fear-mongering, no matter how you phrase it. Facts show that it warms and cools regardless of our behavior. The earth was warmest in the dinosaur age. And carbon 'caps' will kill up not save us. Trees and plants need carbon to breathe and they give off oxygen for us to breathe.

Robin Lee, Medford

From: Robin Vora
To: WRD_DL_waterstrategy; HUNTINGTON Geoff * GOV; POWER Karin * GOV
Subject: Comments Draft Oregon's Integrated Water Resources Strategy (IWRS)
Date: Wednesday, May 7, 2025 1:44:30 PM

Thank you for the opportunity to comment on Oregon's draft Integrated Water Resources Strategy (IWRS). It appears to be comprehensive and shows a lot of work. But it remains more bureaucratic and less a document a decision-maker (e.g., Governor, County Commissioner) would use to make difficult decisions. While more studies and education certainly help make better informed decisions, more on-the-ground actions are needed to address critical water problems. The Executive Summary should include a short summary of actions a decision-maker should consider. Changes in Oregon's antiquated water laws are needed and the IWRS should be bolder in providing recommendations needed for changes in water law for the Governor and Legislators to consider, including a complete overhaul of Oregon's water laws, even if that requires an amendment to the State's Constitution.

The IWRS should address:

- Native American Treaty Rights and Uses where there are conflicts in Oregon such as the Klamath Basis. I didn't see any specifics that could provide a path forward in that conflict. I missed reading about treaty rights scanning the main body of the document, where it should be integrated up front, and not just be relegated to an appendix.
- The definition of waste should be improved. For example, it should include inefficient irrigation practices allowed because of senior water rights (e.g., flood irrigation of lawns and hobby farm pastures). Wasteful practices should result in removal of water rights.
- Rules to restore depletion of groundwater need to be provided directly. The State should not allow groundwater depletion. Surface and groundwater availability are inescapably connected, and additional water rights cannot be granted when water is over allocated. For example, urban growth requiring more use of groundwater needs to be limited by what is available in places such as Deschutes County. Expanding cities will need to purchase water rights and this should not be complicated by seniority of water rights. A plan to rectify overdraft of water rights in places such as Harney County needs to be outlined.
- It should be made easier to transfer water rights to streams on a permanent basis, including when irrigation districts own water rights. All streams should have first priority for water needed to maintain viable aquatic ecosystems, including recovery of native endangered species, and some recreation uses. The State should set up a large fund to purchase water rights where there are critical environmental issues.
- Specific plans to rectify groundwater pollution need to be provided, including in places such as the Umatilla basin.

Directly taking on such difficult issues would be controversial but is needed to address problems now. The State should not just postpone difficult decisions behind more planning, lengthy documents, requesting additional staff, and studies.

Thank you for the opportunity to comment.
Robin Vora

1679 NE Daphne Ct., Bend OR 97701

Oregon Association of Conservation Districts

May 5, 2025

To: Oregon Water Resources Department

From: Oregon Association of Conservation Districts (OACD)

Via: WRD_DL_waterstrategy@water.oregon.gov

Re: Integrated Water Resource Strategy (IWRS), Draft 2 Comments

OACD represents Oregon's 45 Soil and Water Conservation Districts (SWCDs), special districts governed by elected boards. The Districts protect and enhance soil quality, water quality and quantity, and habitat by supporting voluntary conservation in partnership with private landowners and managers as well as federal, state, and nonprofit partners.

This version of the IWRS is very good as it comprehensively lays out water issues in Oregon and the directions that we need to take to address them. However, the big question remains on how to get sufficient funding to do what needs to be done. This will need to be accomplished by mobilizing commitment from the citizens of Oregon, the natural resource agencies and the legislature. The IWRS identifies actions that will help in this regard, but we remain concerned that funding for natural resource issues will continue to be insufficient.

In the prior version of the IWRS we were concerned that discussion of climate mitigation was largely absent. We are pleased that this version recognizes the water energy nexus and the role that water management plays in climate mitigation.

Appendix D provides the details of the actions, and each sheet lists potential partners. We noticed that Soil and Water Conservation Districts are not listed as potential partners, yet we can make valuable contributions to many of the action items. Actions items where we can be most helpful are 1A, 1B, 1C, 2A, 3A, 4B, 4C, 5A, 5B, 6A, 6B, 8A, 8B, 8C, 8D. 9A, 9B, 9C, 9E, 10A, 10D, 11A, 11B, 11C, 11D, 11E, 12A, 12B, and 12C.

We appreciate the effort to develop agency priorities as presented in Appendix E. The prior draft agency priorities (fall 2024) was not well developed, and we submitted extensive comments. We are pleased to see that many or our comments were addressed, and the current version is much better. We particularly appreciate the focus on promoting robust water planning processes, protection of critical habitats, water data, basin assessments, instream flow studies, agricultural water quality management

planning, incentives for water conservation, watershed restoration, and funding for natural and working lands.

We offer one suggestion on the priorities. Task P.1.d calls to evaluate water right fee models, and this should be expanded to examining a larger set of fees that support water programs. Given the challenges in funding water work, an evaluation of the wide range of fees and fee models is warranted.

We greatly appreciate the effort and good work that has gone into preparation of the IWRS. Oregon's Soil and Water Conservation Districts look forward to doing our part to put this into action.

Thank you for the opportunity to provide input.

Stan Dean, Advocacy Committee Chair
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1433 Fircrest Court
Waldport OR 97394
21 April 2025

Crystal Grinnell
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301-1271

Dear Ms. Grinnell:

I'd like to submit some comments regarding the 2025 Integrated Water Resources Strategy. I believe the current draft is much better than the last one, and I hope that my comments are helpful. My focus is on surface drinking water sourced from forest lands.

Page 125: *"Most of Oregon's municipal water systems rely on water that originates from forestlands, including those managed for wood production. At the state scale, data collected from the Department of Environmental Quality's ambient monitoring network indicates that public forestlands have the highest percentage of excellent or good water quality sites, compared to agriculture, urban areas, rangelands, and mixed land uses.[25]"*
This last statement is misleading because data from DEQ's ambient monitoring network only looked at "dissolved oxygen (percent saturation and concentration), biochemical oxygen demand (BOD), pH, total solids, ammonia and nitrate nitrogen, total phosphorus, temperature and bacteria (E. coli)". Pesticides used in forestland management practices were not evaluated.

Page 135: *"Diseased or dying trees, on a large scale, are unable to provide the watershed benefits of filtering and storing water. The Oregon Department of Agriculture and Oregon Department of Forestry coordinate on monitoring and response to invasive species on forestlands."*
A common practice to deal with diseased or dying trees is to clearcut the forest, which does nothing to restore the watershed benefits of filtering and storing water. It increases run-off, which increases the organic load and need for additional chlorine, which brings trihalomethanes above safe levels in surface drinking water (see Seal Rock Water District water quality reports).

Page 143: Action 12A Ensure the Safety of Oregon's Drinking Water includes: *"Protect drinking water sources (e.g., proper well construction, onsite septic system maintenance, responsible land management, nutrient reduction, riparian/upland/forest restoration, watershed land acquisition)."*
"Limited water supply options on the coast have led many coastal communities to prioritize acquisition of their watersheds to protect the quality and reliability of their water supply."
Not all coastal communities can acquire their watersheds. When logging permits are granted, additional consideration should be given to the requirements for clean drinking water at downstream water municipalities. To my knowledge, this is not currently done beyond small buffer zones along streams. Pesticides are not routinely monitored at these water municipalities either.

Page 143: *"The Department of Environmental Quality has completed source water assessments for public water supplies that use surface water as their source."*
As a one-time study over 10 years ago?

Page 144: *"The Oregon Healthy Authority administers and enforces drinking water quality standards for public water systems."*
Administers and enforces drinking water quality standards for public *surface* water systems as well?

Page 146: *"Equipment failures, harmful algal blooms, E. coli outbreaks, natural hazards including drought (Action 5A), floods (Action 5B), and earthquakes (Action 5C), and chemical releases/spills (also see Action 12B) are just some events that can contribute to drinking water emergencies. The Oregon Health Authority requires public water systems to develop and maintain an emergency response plan."*
Do "chemical releases" include pesticide applied during forest management activities?

Page 147: *"Oregon's Pesticide Management Plan for Water Quality Protection outlines the roles, policies, and legal authorities of each government agency with responsibilities to protect Oregon's water resources from pesticides and the process by which these activities will be coordinated. Under this plan, the Oregon Department of Agriculture created an interagency team, the Water Quality Pesticide Management Team (WQPMT), composed of representatives of the Department of Forestry, Department of Environmental Quality, Oregon Health Authority, Oregon Department of Fish and Wildlife, and Oregon State University. The goals of the WQPMT are to:*

- *Select and prioritize pesticides of interest and pesticides of concern;*
- *Establish guidelines and reference points;*
- *Conduct watershed vulnerability assessments;*
- *Design, conduct, and guide monitoring efforts (including the Pesticide Stewardship Partnership Program monitoring);*
- *Recommend and facilitate management options; and*
- *Develop communication strategies."*

Page 149: *"Update and implement Water Quality Pesticide Management Plan."*
Pages 152-153: *"Coastal Nonpoint Pollution Control Program – The Coastal Zone Act Reauthorization Amendment (CZARA) established the national Coastal Nonpoint Pollution Control Program requiring coastal states to address nonpoint source pollution. The Departments of Land Conservation and Development and Environmental Quality lead the state's management of the program. Oregon has not met CZARA requirements since 2015 due to forestland management issues. New rules and rule revisions to the Forest Practices Act in 2022 are expected to result in improved water quality associated with private forestland management along the coast."*
The IWRS 2025 report should identify the challenges that these types of plans have encountered. Specifically, what are the forestland management issues? How have these prevented implementation of the WQPMT goals and CZARA requirements?

Thanks for your consideration.

Best wishes,

Ursula Bechert, DVM, PhD