Public Comments on December 22, 2011 Discussion Draft
Oregon's Integrated Water Resources Strategy
Water Resources Commission Meeting
April 19-20, 2012

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Note: Personal information has been removed from the following public comments, i.e., an individual's personal email address, physical address, and/or phone number.

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January 25, 2012

Integrated Water Resources Strategy Team
Oregon Water Resources Department
725 Summer Street NE, Suite A
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To Whom it May Concern:

In general, I think WRD has done an outstanding job in creating the IWRS document.

Below are my comments relating to the Draft Recommended Actions in the IWRS December Discussion Draft:

Critical Issue A - Further Understanding Oregon's Limited Water Supplies and Systems

On Page 21, below the figure, it states that Surface water interacts with groundwater in three basic ways. Those ways are correct. However, this statement does not reflect the ecological connections between surface water and groundwater – such as those identified on pages 54 and 55 of the IWRS document. The groundwater dependent species, such as stone fly larvae, are critical to stream ecosystem health and have been found by University of Montana (Flathead Lake) researchers up to a mile away from the stream. This indicates that clean groundwater resources, even at large distances from a stream, may be critical to stream health. Projects such as Aquifer Storage and Recovery could potentially impact these groundwater dependent ecosystems and should be evaluated fully.

Critical Issue B – Improving Water-Related Information

On page 29, under Groundwater Investigations, there is mention that there is a lack of data regarding sources of contamination, along with resource issues. I think it is important to note here that, in addition to human-caused contamination, there are areas in Oregon with wide-spread, naturally occurring arsenic, fluoride, and boron which have not been well characterized. This information is important to provide public safety information for private well owners. In addition, OHA has real estate transaction data showing area-wide nitrate contamination of groundwater supplies that have not been well characterized or communicated in many areas of Oregon.

In the second paragraph of this section, DEQ should be mentioned as a partner in USGS-WRD groundwater investigations in the state, to ensure some groundwater quality investigation aspect and to avoid duplication of efforts.
Action 1A – Fill in Knowledge Gaps

Paragraph 2 - DEQ should be included as a partner in USGS-WRD groundwater investigations in the state, to coordinate efforts, enhance information sharing, and ensure some groundwater quality investigation aspect. This will avoid duplication of efforts.

Paragraph 4 – This is a fine goal, and is indeed required by the Groundwater Protection Act of 1989. However, without any Action associated with this goal, it will not be accomplished. I suggest this goal be included with the Actions described under Paragraph 2.

Areas of the state where large portions of the population are dependent on private wells for their drinking water supply should be considered for priority investigation of groundwater quality and quantity.

Part II – Understanding Out-of-Stream and Instream Needs
Critical Issue D – Further Define Out-of-Stream Demands

Page 43 – Domestic Use needs are characterized as accounting for about one percent of water demands in Oregon. With this statement, these water uses are belittled and made to seem insignificant. The best estimates provided by OHA and DEQ on the populations served by domestic wells is approximately 700,000 Oregonians or approximately 18% of the Oregon population.

Action 2A – Fill in Knowledge Gaps – It is important to have a more accurate number for domestic wells in use. This is an underserved and relatively unprotected population. Perhaps Action 6A addresses this need.

Action 3B – Complete Groundwater Studies - Include DEQ in this effort.

Part III – Understanding Coming Pressures
Critical Issue F – The Water and Energy Nexus

I did not see mention in this Section of the increasing use of heat pumps, which are touted as a green heating option. Heat pumps typically do not "use" water, but circulate water (or oil) in an open or closed loop system from the groundwater to the home (or office) and back again, utilizing the average 52 degree temperature of the groundwater to assist in either heating or cooling a building standing in 30 degree or 90 degree weather.

The main concerns about these systems are:

- Some heat exchange systems use oil, rather than water, in the pipes for heat exchange, to either heat or cool a building. In the event of a leak in the pipe, this oil could enter and contaminate a groundwater aquifer. I do not believe there is regulation in place requiring monitoring or leak detection of heat exchange systems that use oil.
- Some heat exchange systems utilize multiple heat exchange wells and piping systems to generate the heat exchange capacity necessary – particularly for larger buildings. In large systems, groundwater temperatures can be elevated significantly and to the point where they are no longer useful for heat exchange. In that case, another network of wells is installed. These well networks create swiss cheese in the aquifer and have the capacity to create pathways for contamination from surface activities to the aquifer. More regulation of these thermal exchange systems is necessary to protect our valuable groundwater resources.
- Heat exchange systems that utilize the cooler/warmer air in the subsurface rather than penetrating groundwater are subject to less regulation than water wells. Yet networks of these "dry wells" can also create pathways for contamination from the surface.
- I would like to see an Action included to research potential concerns and create groundwater protection regulation for the construction of these well systems where currently regulation only exists for individual wells.

Critical Issue J – Education and Outreach
Action 8C – Promote Community Education and Training Opportunities

Bullet 2 – Rather than a training on "How to Test Water Quality", it would be helpful to have a training on "What Water Quality Tests You Need For Your Well" and "How to treat water with elevated arsenic, nitrate, lead, fluoride or boron" and "How to prevent contamination of your well" and "Caring for your Septic System". I have been conducting these trainings in Southern Oregon with a DEQ partner and have found there is little information available to well owners and much interest.

Critical Issue L – Place-Based Efforts
Action 10A – Undertake Regional (Sub-basin) Water Resource Planning - This approach is a good way to break down the large task of water management into manageable pieces. My concern is that the present model of watershed basin management is very surface water oriented and groundwater concerns tend to be overlooked since they are less well researched and far less obvious. In addition, because of the lack of information on groundwater resources, rarely do groundwater concerns reach a point where they can compete with the better researched surface water concerns. Hence, groundwater concerns rarely meet the "priority" criteria necessary for projects to be funded, even if other projects are funded in the basin. *It should be clearly defined that groundwater resources and concerns are a required piece of Regional Sub-basin Water Resource Planning and*

Actions. If not, they will (in most cases) continue to be overlooked, and Oregon's groundwater resource will not have the attention and protection it deserves.

Areas of the state where large portions of the population are dependent on private wells for their drinking water supply should be considered for priority investigation of groundwater quality and quantity.

Critical Issue M – Water Resource Development
Action 11B – Improve Access to Built Storage. While Aquifer Storage and Recovery (ASR) is a seemingly simple means of storing water during wet periods for use during dry periods, there are a myriad of potential complications in "fooling with mother nature":

- Quality - It is essential that the quality of water proposed for injection into an existing aquifer (with an existing quality of water) be evaluated. In some cases, proposals include the injection of chlorinated water. Chlorinated compounds can be formed in the subsurface, which are hazardous to human health. Careful water chemistry evaluations should be conducted prior to approval of any ASR project.

- Physics – When a volume of water is introduced into a vadose zone (or unsaturated soil/rock above an existing aquifer), that water 1) displaces air, 2) possibly will cause some soil grains to move or pore spaces to expand and 3) will most likely cause some displacement of the existing water in the aquifer. This potential expansion of the subsurface and displacement of existing water could cause fracture expansion, movement at the surface and any number of unintended consequences.

- Quantity – Water in an aquifer is usually moving at some rate, in some direction. New water introduced to an aquifer can cause the water to move faster and possibly in new directions (depending on fracture structures, etc). The design of an ASR system should attempt to recover the injected water (water of a different chemistry than the natural aquifer chemistry), rather than simply the same quantity of water injected. Some monitoring of groundwater movement and chemistry should accompany ASR projects to ensure that this is the case.

Much care must be given to evaluation of ASR proposals before approval.

Critical Issue N – Healthy Ecosystems and Public Health
Action 12A – Improve the Safety of Oregon's Drinking Water

Bullet 5 – Increase Domestic Well Testing. This action item suggests more information/guidance be given to well testers. I think that more information and guidance should be given to well *owners* – at property transfer, at well drilling, and

any other way. Many well owners do not think to test their water, may not know there is area-wide arsenic or high fluoride levels in their area. In addition, they may use toxic cleaning liquids which enter the ground through their septic systems, or over-irrigate their crops, sending nitrates and pesticides down into the water table. Rural well owners need information, provided directly to them.

Thank you for consideration of these concerns. Overall, the IWRS Document is a fine product and I wish you the very best in its implementation!

Sincerely,

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AOC | Association of Oregon Counties

Date: March 12, 2012

To: Oregon Water Resources Commission

From: Association of Oregon Counties

Subject: AOC comments on the Integrated Water Resources Strategy Discussion Draft 12-12-11.

The Association of Oregon Counties represents all of Oregon's 36 counties. Individually and as a whole, the 36 county governments share in the State's stewardship responsibilities. There are many such responsibilities, but none more vital to the long-term social, economic, and environmental well-being of the entire State and each of its citizens than a thoughtful, forward-looking, and balanced strategy for management of Oregon's waters.

Consequently, AOC has avidly supported the development of the statewide Integrated Water Resources Strategy. As you know, Commissioner Dennis Doherty has been a key member of the Policy Advisory Group. AOC and its member counties intend to continue to make helpful contributions as the IWRS is adopted and implemented.

Counties care about virtually all the issues treated in the IWRS. We particularly have a stake in the integration of water and land use policies, and the gathering of reliable data on water supply and outlook. AOC, however, will focus its comments on two sets of issues that are the most critical to the direction of water policy in this State: Critical Issue K and its Recommended Actions #9.A-9.D; and Critical Issue L and its Recommended Actions #10.A-10.B.

Critical Issue K: Funding for Oregon's Water.

Nothing will happen without appropriate funding: not the state or regional IWRS; not state water management activities; not community feasibility studies for or implementation of water conservation, storage, and re-use projects. It is that simple.

The draft IWRS notes the progressive investments that other States are making in long-term water planning and development (investments that Oregon has not made). Moreover, AOC notes the extent to which our Water Resources Department is dependent on the volatile state general fund, because we engage each legislative session to promote a WRD budget that is at least barely adequate. Further, since management of Oregon's waters is assigned by law to the State, we want to note that local efforts, projects, and problem solving could be encouraged and empowered with seed money provided by state grants and loans, and with an information clearinghouse related to this available funding.

In short, AOC wholeheartedly agrees with pages 93 to 99.

Critical Issue L: Place-Based Efforts.

The draft IWRS does not remove or jeopardize already existing water rights, wastewater or stormwater permits, or other local, state, or federal approvals, nor does it relinquish any existing authorities. Nevertheless, the draft "changes the game" significantly.

How? By encouraging bottom-up integration and by granting local latitude to reach the right solution for long-term water quantity and quality for particular sub-basins. AOC could not agree more.

If they choose to exercise it, county governing bodies have a key role in the new integration to convene stakeholders to work through broad-based, sustainable regional water planning. AOC is in the process of informing county leaders of this role and will assist with suggestions for protocols. A critical element in success of these efforts will be technical assistance from the State and the availability of water-related information as stated in IWRS Recommended Action 10.A.

The draft IWRS cites successful local planning efforts as examples of the wisdom of place-based work. County leaders have been directly involved in these efforts. AOC hopes to encourage more examples and more involvement. With Critical Issue L and its related Recommended Actions, the IWRS will provide the platform to accomplish this.

AOC fully supports the language of pages 100 to 111.

If you have any questions about these comments, please feel free to contact Gil Riddell at AOC.

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To: Water Strategy Project Team
Oregon Water Resources Department

Sent electronically to: waterstrategy@wrd.state.or.us

Dear Project Team members,

Please accept the following comments from the Baker County Board of Commissioners, at the recommendation of the Baker County Natural Resource Advisory Committee.

Natural Resource Advisory Committee Members

Name	Area of Expertise
Jan Kerns	Production Agriculture
Craig Ward	Economic Development
Laurene Chapman	Public-at-large
Lane Parry	Timber Management
Mike Ragsdale	Motorized Recreational Use
Dick Fleming	Energy
Alice Knapp	Social and Gathering
Lyle Defrees	Timber Production
Russ Elms	Non-motorized Recreational Use
Steve Edwards	Environment
Jan Alexander	Mining
Martin Arritola	Livestock

There has been a lot of time and effort invested in the development of the draft Integrated Water Resources Strategy document. Two consistent themes come through:

1. More water is needed in Oregon;
2. More money is needed to accomplish a project of this scope.

There are numerous references throughout the document to the need for data-gathering, as well as consolidation of present date into one data base. We strongly urge that the very top priority for Oregon be to gather, organize, evaluate and share data on water:

1. Where have we been (uses and projects);
2. Where are we now; and
3. Where do we want to go in the future?

No plan can be successful in reaching any determined goal or goals, without a good starting point of known data; i.e. how much water falls on the entire state; how much falls in the various regions; how much is appropriated for agriculture in the various regions; how much is in the Columbia that is available for future uses in Oregon; and,

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what impact on water quantity do Washington, Canada and the various federal biological opinions have?

Baker County has some key issues of concern with the strategy in its present form. We feel that the following points must clearly be stated:

1. There will be no change to the Oregon Water Code;
2. New instream rights must not take on a higher priority than the year of issuance, unless it is transferred instream through the Allocation of Conserved Water provisions;
3. More focus by the Water Resources Department, the state legislature, and other interested parties on developing increased storage ability to augment the demands on surface and groundwater sources;
4. More emphasis on the role and importance of water to agriculture as a major contributor to the Oregon economy, and to the economies of the individual counties.
   Agriculture, highly significant to the economy of Baker County, is both irrigated and non-irrigated. Crops grown under irrigation include cattle, potatoes, wheat and other small grains, hay, mint, field corn, pasture and occasionally some grass seed. Although all of the above crops require irrigation to be successful, potato production requires availability of late season water.
5. Strong recognition of prior, present and planned voluntary conservation projects on agricultural lands for both water quantity and water quality enhancements. Many were cost share projects through the SWCD's; NRCS and Watershed Councils. Each required private investments. In addition, many other projects were fully funded by the landowner to make those improvements. We feel there needs to be much stronger recognition to that work. Recognition must also be given that these are all voluntary conservation efforts.

   In Baker County, from 2003 to 2006, seven (7) river miles of the Powder River running through the valley floor from Baker City to Haines were fenced for a total of 14 miles of fenced riparian area.
   A total of 88 off-stream stock water troughs were installed, which removed around 8,000 head of cattle from watering in the river. Riparian tree planting was done, as well in-stream fish weirs. Total cost was $3 million dollars, which did not include $350,000 for a new, huge fish screen structure required by ODFW. The project involved 13 private landowners.

We feel that the document does not give enough focus to:

1. Importance of agriculture to the Oregon and Baker, economy;
2. Importance of agriculture to the viewshed of open, green landscapes;
3. Importance of agriculture to the support and welfare of wildlife -- for feed, shelter and habitat.
4. Importance of productive agricultural lands as part of nature's filtration system, and the "sponge" to hold water during high moisture events such as heavy rains and thunderstorms or rapid snow melt.

Baker County has additional specific comments about individual portions of the document.

1. **Page 50**. A strong statement must be included in the section on the Oregon Water Code which clearly states that nothing in the IWRS will impact existing water rights under the Water Code.

2. **Page 50**. Action Item #2 should be the very top priority for this strategy. Any plan must have the base numbers or data as its starting point. Without that, no valid evaluation may be made on the success or failure of implementation of any actions. There must be something to "measure against".

3. **Page 60 and 61**. We support strong efforts be made to facilitate hydropower generation coupled with the many existing pressurized mainline systems conveying water (conduit exemptions). Technical assistance as well as financial help may be needed to get many to completion due to the complexity of the projects, and regulatory map that must be negotiated. As ODFW approved fish screens will be a requirement of these projects, both financial and technical assistance will be required there also.

4. **Page 64.** While the document correctly identifies the cost/benefit situation on moving from flood to sprinkler irrigation for water saved vs. increased electrical costs; it fails to address other highly probable negative impacts on the eco-system. Flooding provides re-charge to not only the sub-surface aquifer, but also provides return flow of cooler water to the conveyance ditch or stream. Flood waters also indirectly provide subsistance for wetlands through surface entry, seeps and groundwater. Diminution of return flow water could also reduce the footprint of the riparian area by changing the amount of water available for riparian function.

5. **Page 88.** If curriculum is developed for an Environmental Literacy program in Oregon schools,
the role of agriculture must be included in it. Without including agriculture and the role water plays in production of food, a key component of the water function role in relation to the environment will be missing.
6. **Page 95.** The document does a good job of identifying the problems for implementation of the strategy due to budget problems at both the state and federal levels. However, it fails to address that those same budgetary constraints are impacting county governments, as well as their private citizens and businesses. The continued practice of increasing fees to cover costs is becoming an undue burden on citizens and patrons of agencies.

7. **Page 112/113**. Allocation of Conserved Water. Baker County strongly urges caution here for the following reasons:
    a. Reducing the availability of out-of-stream water will have negative impacts on existing rights. Junior rights and users at the end of the ditch will have less water available for their adjudicated uses;

b. Return flows will be negatively impacted;
c. Careful evaluation must be done to determine how many acre feet or cfs were in the original permit and how much of the actual permit amount is being used. A 25% reduction on the difference, on a senior right, can have a severe negative impact on all the permit users.
d. What is planned to mitigate the above concerns – both economic and stream/ditch environment?
e. There needs to be funding for the increased cost of regulating the instream water.

8. **Page 117**. It is imperative that Oregon makes progress towards more stored water, especially in the more arid areas of the state in Eastern and Southern Oregon. This must become a top priority for the state.

9. **Page 129**. Recognition needs to be given to the pressures of an ever growing population in Oregon, and the need for land for them to occupy. Communities require flood protection.

   At the time of settlement, the Grande Ronde valley in Union County was primarily a slough. The Baker valley had vast expanses of slough and a wandering Powder River. Settlers did many practices that contained the water so that land could be utilized for food production.

10. **Page 129**. We assume the document is talking about the federal forests, state forest and private timberland. These need to be distinguished into two categories – public and private, as management constrictions are greatly different on the two.

    The biggest impediment to the future of the quality and quantity of water coming from the federal forest watersheds is their degraded condition. They are prime targets for huge conflagrations due to the dead, dying and downed timber fuel load. For example, the Red Mountain fire in the Elkhorns of the Baker Valley (2008) is contributing to degraded water quantity and quality in that watershed through siltation and lack of water retention.

    We are glad to see the statement that "Federal forestlands, particularly in drier regions, have *massive ecological restoration needs*." Restoration needs must be identified, and must include allowing logging, and developing diversity in the species. This needs to be adopted as public policy. Without it, headwater quality and quantity will continue to be at risk of being degraded from fire.

11. **Page 130**. We would like more clarification on what is meant by the words "Awareness is growing that keeping forests in productive forest use should be a primary goal."

    Does this include logging? If so, recognition needs to be made that the basic infrastructure of much of the Oregon timber/logging industry is now gone due to the closure of federal forests with the listing of the spotted owl, and the East side screen which includes the 21" dbh (diameter at breast height) rule on the eastside forests. It will take many years to rebuild a viable timber industry due to the dismantling of mills, selling off of idled trucks, and skilled loggers who lost jobs.

Changing this public policy will not be easy – especially on the federal forests. Perhaps it will be easier to change policy in Oregon for state-owned forests first. The public needs to understand that vibrant, actively growing forests sequester carbon. Unmanaged forests, emit vast amounts of carbon when fire strikes, as well as entire forest eco-system functions are lost for many years.

Public policy must demand a holistic approach to eco-management, rather than target-specific approaches. All segments of an eco-system are inter-related and inter-dependent.

12. **Page 131**. See comment #7 above about the negative eco-system impacts of instream transfers, particularly when they are senior rights. Again, there must be consideration given to a more holistic approach rather than a single target, as well as mitigation measures to out-of-stream users on that creek, and the extended "local" riparian/wetland environment.

13. **Page 132**. Oregon Conservation Strategy. Is this official state policy? If so, which agency?

    We are very concerned about the statement "....hope to *engage citizens* in monitoring key species and attributes of ecosystems and by measuring the effectiveness of conservation actions."

    As page 133 states "Monitoring species, habitats, and conservation actions is a large and complex undertaking."

    Protocols must be established, and uniformly followed, for the data to be relevant and accurate. To "engage citizens" in any facet of monitoring will not yield scientifically valid data, and will be viewed by the agricultural community, and the public, as suspect.

    Monitoring is not something that can "engage citizens". It is a scientific activity – and must not be a volunteer activity, if it is to have any scientific reliability.

14. **Page 139**. Although it may be perceived as good for the environment to make selective purchases that reflect one's commitment to environmental protection – bullet point #3 has no place in state policy.

15. **Page 140, Action 12.D**. We applaud all 4 of these actions, because they involve a healthy agricultural community, as well as productive forests.

    We do caution that emphasis on instream protection will predictably negate bullet points 1 and 3, due to the change in present conditions of water application. We see this as "an impossible to meet challenge" – take water out of the bigger application environment which is feeding the wider riparian footprint and the wetlands, while robbing those entities of available water for their continuation. We believe unintended negative consequences will be created.

    We believe Action item 12.D and 12.E will work in opposition to each other in the bigger environmental holistic picture.

16. **Page 141, bullet point #1**. Establish additional instream water rights for flow amount to calculate the TMDL.

This is an interesting "theory" project – but in many cases in the arid regions of eastern and southern Oregon, there simply is no water by mid-summer to do anything – irrigate or mitigate TMDL for temperature. They are arid for reasons outside of man's control.

Again, we must strongly reiterate our position ... new, instream water rights must have a priority as of their approved /accepted filing dates (comply with Oregon Water Code) unless they are transfers under the Allocation of Conserved Water statutes. It is highly unlikely that any instream Allocation of Conserved Water right transfers in the arid regions of the state will be made due to the extreme shortage of surface water in those regions.

It should be understood by the Project Team that technology in agriculture, as well as industry, is rapidly changing. We are adapting new technologies that focus on conservation – conservation of all inputs to protect the bottom line as well as responding to new markets and consumer trends. No one can stay a viable business without profitability.

Baker County agriculture, like Oregon agriculture, is rapidly adapting to changes in markets, product development, technologies, and consumer needs and desires. We are striving to operate in a "sustainable manner" – whose definition includes economic sustainability. Water, like land, is the underpinning of any agricultural enterprise. To denigrate or diminish those resources is economic suicide.

Conservation projects are voluntary. All the work that has been done on the ground to conserve and enhance water quality and quantity by the various state-wide agricultural efforts needs to have "top billeting" in this document. Agriculture has been, and will continue to be, a partner "at the table" in conservation efforts.

In conclusion, we wish to state several principles on behalf of our Baker County citizens:

1. Irrigation water is very important to our economy.
2. Water is managed and conserved very well here, and the county government supports continuation of those efforts.
3. We cannot agree with the Integrated Water Resources Strategy document, in the present form, for the following reasons:
   a. The focus is too narrow;
   b. The cost is too high – both for public and private dollars.
   c. It is full of "wish lists" – but is not a "plan".
   d. The essays incorporated in each chapter, while interesting, only contribute "information". They should be in a chapter by themselves. We suggest instead, inserting in their place illustrations of projects that are on-the-ground as positive examples of ways to enhance water quality and quantity – from all of the sectors who use water – agriculture, forestry, municipalities, and industry. Those examples can demonstrate positive, documented results from proactive actions.
   e. It does not give recognition to the importance of the role of agriculture to the economy.

The total "water story" of Oregon is really quite good. That side of the story also needs to be told.

Baker County Board of Commissioners

Fred Warner Jr., Chairman

Tim L. Kerns, Commissioner

Carl E. Stiff, M.D., Commissioner

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March 15, 2012

VIA E-MAIL

Integrated Water Resources Strategy Project Team
Oregon Water Resources Department
725 Summer St. NE, Suite A
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Re: December 2011 Draft Integrated Water Resources Strategy

Dear IWRS Project Team:

Thank you for the chance to comment on the December 2011 draft Integrated Water Resources Strategy.

I am interested in water issues because I like to spend time outdoors on rivers and streams. I have rafted many of the state's rivers and was once an avid angler (although not so much these days). As a lawyer, I have represented WaterWatch of Oregon on water-related cases, beginning in 1997 with *In re Water Use Application S70543* (new permits proposed for tributaries to the Middle Fork of the Malheur River), and including the "Coos Bay" case involving a municipal water right application on Tenmile Creek in Coos County. I also have represented private clients on water-right matters, particularly in opposition to "alternate reservoir" permits in Clackamas County. From approximately 2000 through 2010, I was a member of the WaterWatch board of directors.

My comments below are categorized as (A) general comments and (B) comments directed at specific pages of the draft document. I am including only the key points I would like to make because I understand you are receiving many comments and are nearing the end of this process.

GENERAL COMMENTS

1. The draft is well organized and well written.

2. The draft does a nice job of recognizing the value and importance of keeping water in the stream, and of the need to balance those values against demand for out-of-stream uses.

3. The "techniques and technologies" essays are interesting. However, they tilt toward particular policy biases, and some arguably constitute advertising for particular services and/or organizations (including nonprofit and public organizations). As such, they do not seem to belong in the body of the state's official water management plan. Each word in the plan should be an important statement of *state* policy and should be subject to thorough review and vetting. The essays do not meet that standard. They arguably are disclaimed at the beginning. However, that just makes me ask, "so what are they doing in the plan?" They should be placed with the rest of the comments submitted in the process. If they are left in the plan, OWRD should at least charge for the advertising space to help solve Critical Issue K.

4. The draft is short on quantified outcomes. Action items are phrased mostly in terms of "encourage" and "promote" such that it will be difficult if not impossible to say whether the plan has been implemented. I recognize the difficulty in creating such "measures of success," especially at this point. However, it seems to me that this could be done in at least a few places. (E.g., percentage of stream miles for which tributary-specific water availability data will be available in the Water Availability Reporting System; percentage of stream miles for which instream water rights will be in place; percentage of diversions and diverted water that will be measured.)

5. The draft plan should provide for examination of existing standards and procedures for day-to-day permitting decisions to determine if those standards and procedures adequately further the broad goals of the plan, including protection of the numerous in-stream values identified in the plan. In my experience, existing standards are too vague and discretionary, and many permitting procedures are too routine and cursory, resulting in permits being issued without adequate information (in part because of the "information gaps" identified in the plan). Moreover, permitting decisions assume perfect compliance with permit conditions even though a severe lack of resources for measuring, monitoring and enforcement makes that assumption completely unrealistic.

SPECIFIC COMMENTS

6. Page 16 (conflict resolution). The draft plan describes improved "conflict resolution" as a "guiding principle." However, this theme does not seem to get picked up elsewhere in the plan. In my experience, OWRD could save itself and other parties significant time and money by being more flexible and pro-active in conflict resolution. Once OWRD issues an order or a PFO (also in my experience), it does not consider revising its position based on arguments of permit opponents unless the applicant consents. OWRD then employs state resources defending the order or PFO, giving the applicant little incentive to compromise. OWRD should consider whether this

approach best furthers the overall objectives of the strategy, including the funding objectives.

7. Page 33 (discussion of instream water rights). The discussion of instream water rights should give some sense of the portion of fish-bearing streams that have instream water rights and the portion that do not. Also, a significant issue is the number of instream applications that have been filed but put on hold because of protests or other issues. That issue should be mentioned, along with the number of such applications and the length of time they have been pending.

8. Pages 35-37 (data gathering actions). Data gathering aspirations should be more specific. For example, what portion of stream and river miles will have "hydrographs"? What portion will have specific water availability modeling? What portion of diversions will be measured? What portion monitored remotely? What portion of stream flow will be monitored remotely? Given the increasing value and importance of water resources, OWRD should at least aspire to measure and monitor the entire system, including all diversions and impoundments. At the very least, the plan should state a more ambitious goal in that area.

9. Page 40 (integrate management). The plan should require OWRD to better incorporate agency comments in existing permit procedures. As one ODFW biologist noted in internal comments for the IWRS process: "standard conditions are too general to us as stand[-]alone recommendations and unique conditions are not always translated into the permits."[1] OWRD caseworkers seem limited in the permit conditions they recommend to particular pre-approved boilerplate conditions that may or may not capture the advice of another agency. For example, on in-channel reservoir applications, ODEQ and ODFW regularly recommend: (a) that flows be "by-passed" in a way that does not impact water quality; (b) that no appropriation take place when downstream waters violate water quality standards; and (c) that reservoirs not release warmed water in summer months. OWRD regularly responds by inserting only its standard water quality condition in the permit, which says:

> The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

This condition obviously fails to incorporate the advice. It does not require by-pass that does not affect water quality. It does not limit appropriations to times when water quality standards are met downstream. It does not restrict releases of warmed water. Moreover, the condition (which also should be addressed in the IWRS strategy to protect water quality) is inadequate to protect water quality because: (1) it assumes water-quality monitoring that is not likely to occur in most small streams; (2) it is triggered only by a "decrease" in water quality and not by recognition of pre-existing water quality problems;

[1] Information for Integrated Water Resources Strategy (IWRS) Policy Advisory Group, North Willamette Watershed District (3/12/10) (submitted with previous comments from this writer).

(3) it is triggered only by water quality problems due to "reduced flows" (not thermal warming of water passed through reservoirs); and (4) it permits but does not require restriction of the use when water quality standards are not met (i.e., the "may" is not a "will"). As a matter of historical fact, OWRD rarely if ever invokes this standard condition (the writer is aware of no occasion when it has). Indeed, OWRD regularly issues permits with this condition even where downstream waters already are known to violate water quality standards.[2]

10. Page 50 (long-term water demand forecasts). The draft plan correctly recognizes that future demand projection should not be a simple, straight-line projection that assumes constant per-capita or per-acre consumption. Future demand is a function of numerous factors, including conservation – in response to price signals or otherwise. As a result, population growth does not need to result in more water consumption. See http://www.waterandwastewater.com/www_services/news_center/publish/article_001891.shtml (U.S. Dept. of Interior reports U.S. using less water than 35 years ago); http://www.watersupplyforum.org/home/resource/conservation/ ("Seattle, Tacoma, and Everett each use less water today than they did 40 years ago despite significant population growth").

Other parts of the draft strategy should recognize that growth does not necessarily mean more out-of-stream water demand. For example, there should be some discussion regarding the amount of water tied up by undeveloped municipal permits, whether there is a realistic prospect of that water being used in the future and, if not, whether it makes sense under the strategy to allow municipal water providers to continue to retain permits for that water as opposed to allowing allocation of the water to other, and potentially higher and better, uses (including instream uses). Also, questionable future demand raises questions about whether planning for further community water supply projects is really the best use of limited funding.

11. Page 50 (measurement). The plan should quantify future measurement goals in terms of both percentage of permits and percentage of water diverted. Given the value of the state's water resources, it is difficult to understand why the state would not aspire to someday have all diversions measured.

12. Page 56 (peak and ecological flows). It is good to see the strategy recognize the importance of peak and ecological flows.

13. Page 85 (regionalization). It is good to see the strategy encourage regionalization of water supplies. Among other things, regionalization can relieve stress on important ecological resources by allowing water to be supplied from less-sensitive resources currently tapped by another supplier in the same region. Some particular strategies to encourage regionalization would also be helpful.

[2] As just one recent example of OWRD's failure to incorporate comments from other agencies, see the agency comments and PFO for Application R-87708.

14. Page 99 (funding). The plan should include some specific funding strategies. In particular, the state needs to move away from the old-west mindset that public water resources should be given away for free to encourage settlement. The state should consider fees for new withdrawals and storage and should consider some sort of ongoing management fees for existing rights. This would also have the positive effect of updating ownership records and producing voluntary cancellations (rather than pay the fees) of unused rights.

This section also seems a little pessimistic and self-defeating by suggesting that none of the strategy can be implemented without more FTEs. In fact, it seems like the state should be able to accomplish some goals of an integrated strategy with existing staff. Perhaps the strategy should identify what can be done with existing staffing and what cannot.

The emphasis on funding community water supply projects seems misplaced. Nothing in the rest of the document suggests that this is the highest and best use for additional funds relative to the numerous other needs identified in the draft strategy (including date-gathering needs).

15. Page 140 (improve watershed health). In addition to encouraging restoration of previous environmental damage, this section should discourage new permits that exacerbate the damage. The narratives in the draft plan do a good job of describing water quality problems caused by past channel modifications and destruction of riparian areas, but the plan describes these problems as though they are purely historic occurrences and purely a "restoration" issue. For example, the draft plan devotes significant verbiage to whether "ecosystem service" markets are a good way to stimulate restoration. Meanwhile, however, OWRD continues to grant numerous new permits for in-channel impoundments on small tributary streams, even though such impoundments modify stream channels, destroy riparian areas (through inundation and associated land uses) and warm stream flows by exposing them to increased solar radiation. These new permits are partially if not completely offsetting whatever gains are being made with the much-touted restoration projects (through "ecosystem service" markets and otherwise).

ODFW (and ODEQ when it has staff available) sign off on these in-channel reservoir applications, after cursory paper reviews of sparse applications, based in part on theoretical but unrealistic assumptions that the reservoirs will only impound flows in the winter (although no measurement is required and there are no resources for monitoring and enforcement) and because they cannot say for sure what impacts the reservoir will have (because of the "information gaps" identified in the plan and because they don't have time to visit the site or gather data), even though that lack of information should lead to denial of the permit instead of issuance. As one ODFW biologist said in an internal memorandum:

> [W]e are being forced to make long-lasting decisions on water use with very little information on current conditions, let alone future conditions (in light of climate change,

future demand, etc.).[3]

OWRD believes it adequately addresses water quality concerns in these permits by including its standard water quality condition. However, as discussed in Comment 9, that condition is inadequate to protect water quality. (The dams also reduce fish passage even if they have fish passage facilities that comply with ODFW rules because the rules do not require passage to the same extent as the natural stream and because there is no follow-up to ensure proper maintenance of the fish passage.)

The IWRS should devote more attention to on-going, day-to-day permit decisions such as these (v. just theoretical and abstract policy). The plan should direct OWRD to limit new permits, and to err on the side of protection of water quality and instream values, where "information gaps" and limited resources prevent OWRD from realistically determining that new permits will not aggravate water quality, in-stream flow and fish-passage problems (given realistic assumptions about compliance with permit conditions).

16. Page 140 (instream water rights). The plan appropriately calls for additional instream water rights. To further this goal, and in recognition of state funding challenges, the state could consider legislation that would allow anyone to file, and fund, an application for an instream water right. This would relieve funding pressure on the state by allowing private parties to pay the cost of gathering necessary scientific information. It would not lead to unsubstantiated rights because the applicant would have to prove that the amount of requested instream flow is necessary to sustain the identified instream values. Although this suggestion perhaps sounds radical, it makes sense that, if private parties can apply to appropriate public water for private use, private parties should be able to apply to protect instream flows for public use.

Thank you for considering these comments.

Very truly yours,

Brian Posewitz

Brian J. Posewitz

[3] Information for Integrated Water Resources Strategy (IWRS) Policy Advisory Group, North Willamette Watershed District (3/12/10) (submitted with previous comments from this writer).

Central Oregon Cities Organization

Bend, Culver, La Pine, Madras, Maupin
Metolius, Prineville, Redmond, Sisters

March 12, 2012

Dr. Brenda Bateman, Project Manager
Integrated Water Resources Strategy
Oregon Water Resources Department
725 Summer Street NE, Suite A
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Dear Dr. Bateman,

The Central Oregon Cities Organization (COCO) is pleased to provide comments on the Integrated Water Resource Strategy Framework. As you are aware, COCO along with our other partners in the Deschutes Basin have been extremely active in water supply planning and innovative management for over a decade, with some of the most active instream and out-of-stream and large scale conservation projects underway in the state. The IWRS draft reviewed is an impressive work and staff and other participants should be commended for this effort.

In Central Oregon, the realization that essentially no new water is available for allocation in the Deschutes is a huge motivator! With the basin's surface water being fully allocated since the early 1900's, mostly for irrigation, and with groundwater in the upper basin hydrologically connected to protected lower river flows, all new groundwater uses now require mitigation to protect the potential effects of groundwater pumping on surface water rights over 60 miles away in the Lower Deschutes. Mitigation typically must come from surface water, so therein lies the challenge – how to conserve and better manage what we have. In addition, reintroduction of listed species into the upper basin, along with other critical regulatory processes such as the TMDL process, are all key drivers to integrate these necessary investments as we move forward.

These very real limitations on new water supply have forced folks together to understand a complex hydrological system and with it, the need to come to terms with how to best manage and improve the efficiency of its current uses, so that we can continue to meet existing and future needs both instream and out. As with the IWRS

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Framework, consistently good work will require long term stable and adequate funding to meet the required changes in current water uses.

We also appreciate the Department appointing Patrick Griffiths, the Water Resource Manager from the City of Bend to the Policy Advisory Group during the process, as he has kept our group updated about the process along the way.

General Comments

Like building a house, the final product is only as good as its foundation, and we think the IWRS provides a solid framework and a great place to begin building. But, just as one would not build the same house for the coast, the mountains or the desert, we are pleased to see key recognition that Oregon is a diverse state and so are its watersheds – each with a varied but compelling set of current conditions and future needs.

The key for the state will be to continue to build on this strong foundation from which watersheds can adapt to the individual conditions that make these varied regions of Oregon so unique and the solutions so varied.

Central Oregon was started and built by agricultural success and the first water rights were issued for these purposes and today still hold the largest share of water rights in the region. This is true throughout the state. According to the IWRS document, with only 6% of the water being used for municipal purposes state wide, it is clear we must work with the entire water community, in a cost effective way, as more opportunities exist to conserve and produce more efficiencies at a lower cost with the largest users in the near term, though every water user must do their share. Only by creating a robust process and governance structure, will water supply and restoration projects be created that won't end up stalled, not built, or worse, protracted litigation.

All water users, Ag or Muni, are struggling with high costs related to repair and replacement of aging infrastructure, and with this reinvestment, opportunities exist to increase reliability and supplies for all new needs, instream and out.

We feel strongly that starting with the lowest cost projects first is the appropriate course of action while keeping a close eye on equity, as water uses change into the future and a common set of environmental, efficiency and water quality standards begin to apply to all water uses, no matter their priority date or use. The key again – finding equitable ways to pay for these changes, as we are all in this together. Possibly the statement we agree with most as stated in the principles section – on implementation: "… do not lose commonsense approach; develop actions that are measurable, attainable and effective."

Lastly, municipal uses provide some of the most efficient water delivery in Oregon and show significant economic benefits from municipal areas. From drinking water, to fire protection, to water for industry and commerce, water is a key foundation for continued economic success in Oregon, and *certainty of supply is paramount to cities*. Funding these future supplies is complicated by differing water rates, capital improvement plans that vary from region to region, and complications of financing, bonding and debt repayment – but all are tied to certainty of water rights, often with projects that have timelines in decades, not years, and new supplies cannot continue to be held up to fix

water allocation decisions made 100 years ago as is often the case. A common state framework for planning has never been more critical as pathways and processes that give certainty to new water supply is vital to meeting all future needs.

Specific Comments

Vision

We believe the vision is a good representation of the balance required to meet all needs. The Oregon Water Commission's statement about the need for working together is well understood within the Deschutes Basin.

Goals and Objectives

Again, COCO agrees with them as stated and would point to the mission statement within the Deschutes Water Alliance (DWA) that holds all the water needs as co-equal: agricultural, urban and instream and only by understanding each will solutions be found and trade-offs and priorities understood in a broader context.

Critical Issues

The critical issues outlined are all important, but cannot all be critical at once. None can be addressed without funding, so we feel a funding plan should rise to the top of the list.

The list should also be further prioritized. Second, notably absent within the critical issues, but embedded in the regional and placed-based approaches discussed elsewhere within the framework (Recommendations 1B, 7A, 10A, 10B), each basin will need to convene and agree to some type of governance structure that recognizes and acknowledges the key roles and responsibilities of its stakeholders and the unique issues faced within its agreed upon boundaries. Without this, equity related issues will arise and funding will either be wasted due to redundant efforts, or worse, stalled, due to trust related disagreements over competing priorities or missions as indicated in some studies on the issue (see research paper done in the Walla Walla Basin in Washington, *Managing Many Waters: An Assessment of Capacities for Implementing Water and Fish Improvements in the Walla Walla Basin)*.

After funding and governance, rounding out the top of the prioritized list should be consistently collected and interpreted information that stakeholders agree with and more importantly, understand and support.

We would also point out any list of critical issues will mostly likely be prioritized differently in every basin of the state, mostly dependent on where the basin is at on the continuum from "natural" conditions, to fully developed/managed conditions (read: no new water to allocate) and all the challenges that come with change.

The state must realize it cannot do all the work, or pay for all the work, nor can basins wait for the state to set the detailed priorities for each and every basin. In addition, though mentioned elsewhere within the framework, we would add a side bar within the critical issues section about federal water management implications: its role within large water projects located around the state; its role within the water related federal

regulations – from Endangered Species Act, to the Clean Water Act; its role in managing federal lands that water flows through; and its role in enforcing all the related mandates. This federal role cannot be understated and each become key drivers related to all the critical issues listed in the framework. Waiting for an ESA or CWA crisis is reactive and often the most expensive way to solve problems.

The Department may want to consider modifying the list of "critical issues" and issues with the "key" symbol, and create a new category (though already used in past budgeting efforts) of "core services." For example, without the core services of measurement and certain capacities to do in-depth scientific study and analysis, planning at any level cannot proceed. This provides a foundational, stepwise approach to planning information.

Recommended Action 1A

Our basin is completing all of these recommended actions and agree with the list, but would emphasize the need for developing better tools aimed at creating relevant modeling scenarios, that is, complete ongoing data collection with a purpose! Without a tool for modeling scenarios, various actions often cannot proceed as various stakeholders cannot determine long term effects of the various proposed actions. Any tools developed and used must have stakeholder buy-in or it will be ineffective (i.e. again, this reinforces the need for agreed upon governance model and related processes that give assurances and provide a framework of trust). From climate change to groundwater to energy development, the models must be developed transparently and be developed at the appropriate scale to help guide decision making and prioritized investment justifiable at a regional, state and federal scale.

Recommended Action 1B

Critical Issue D – Further Define Out-of-stream Demands

Page 40, Agricultural Water Use
under the heading: Agricultural Water Use, Deschutes County, Jefferson County and Crook County should be included in that list as within them over 180,000 acres are irrigated and are the largest water users in these counties. These counties are active participants in our Deschutes Basin work and valuable members.

Page 44 – Municipal Use
No in depth mention of the provision of fire protection services is included here and should be. All urban and suburban water systems are designed in large part to provide fire flows of water from 1500 gpm to 3000 gpm depending on zoning. Large portions of system reservoir capacities are necessary to provide the requisite pressure and instantaneous service at any time throughout the year. Fire related provisions in municipal systems are often an overlooked and underappreciated cost embedded in potable water systems. Insurance benefits accrue to every citizen and city in Oregon due to these reliable fire protection systems. It may be helpful to adapt AWWA "Tap Water Delivers" talking points as appropriate to better describe some not-so-obvious benefits of potable water service in this section for the municipal sector.

Recommended Action 2A – Fill In Knowledge Gaps – Long Term Water Demand Forecasts

Bullet 1: Demand forecasts are important. We are concerned the methodology may not fit all basins and in fact may contradict more detailed planning efforts done by some sectors if not included and adapted. For example, as demand forecasts are created, the municipal drinking water industry has many different standards for demand forecasting which suppliers use given their unique situations. Some suppliers serve large industrial users while others are dominantly residential. Some suppliers are prominently urban while others are rural. The types of demands are going to vary dramatically and a uniform approach is untenable. In addition, often one of the biggest factors for predicting future water demands is the cost of the water, its wastewater and energy implications tied to the water use, and ultimately these costs are tied to long term capital and financial plans that have significant implications. Assumptions used in demand forecasting methodologies done by any group must respect these existing financial realities.

Recommended Action 2B - Measurement

While we support these concepts, as municipalities we both measure and report today, and we note that the current lack of staffing related ability for the Water Resources Department to use this data, as nothing is done today with municipal water use reports. Without the ability to analyze this information it is rendered useless. COCO also recognizes the equity issues embedded in the measurement issue and it must be addressed. This would be an example of "core services."

Equity Example: Exempt wells in the Deschutes Basin are not required to measure or report use, though all other groundwater uses must not only measure and report, but new uses must provide expensive mitigation to protect surface water resources. These equity issues must be addressed going forward.

Critical Issue E – Further Define Instream Needs

Many of the instream flow goals (and related junior instream water rights filed by various state agencies to represent and protect further appropriation) in place today were set by ODFW in the 1970's and 1980's using methodologies that are now outdated, and do not represent changing information or current stream conditions. Funding is the key ingredient required and defining instream needs are directly tied to ongoing measurement and monitoring. Maybe most frustrating are the conflicting management plans by state, federal and tribal agencies which often play into the complexity of agreement on any one flow goal for a reach or basin. Recognizing the economic importance of water instream is a start, but it points directly to the share of this economic benefit which should be available and used to manage, refine and define instream needs.

Recommended Action 3B – Needs of Groundwater Dependent Ecosystems

Though work by the Nature Conservancy and USFS is noted and appreciated on GDE, much of this work needs further refinement and review by broader stakeholder groups.

More knowledge is welcome, but context is key. As with any other goal, it must be included on a list of prioritized actions or gridlock may occur in water management. In the Deschutes Basin, this groundwater work ties to sophisticated computer modeling efforts that often does not translate well to measureable or manageable policies which can actually be measured or practically implemented on the ground. Management decisions often cannot wait for multi-year studies to conclude with a definitive answer that many stakeholders do not agree with, let alone fully understand. This begs the need for an ongoing governance structure to carry the understanding and context forward as decision makers come and go over time.

Recommended Action 4B – Take Advantage of Existing Infrastructure to Develop Hydroelectric Power

COCO supports this action and encourages OWRD to work closely with ODFW to rethink the current permitting and related funding strategies and policies to not only achieve critical goals for fish passage, screening as well as other fish protection but do it do it more equitably with agreed upon priorities set by the basins, so these requirements do not preclude these energy generation opportunities.

Recommended Action 6A- 6B – Improve Integration of Water Information Into Land Use Planning

Many land use rules seem to overlap and often seem to provide redundant direction into water issues. These goals are well intended, but they do not provide concrete examples. Changes in land uses from the parcel level, to larger scale expansions of urban growth boundaries can have major effects on water uses, both current and future. This can have different results but an example is where municipal water providers are on the hook to provide water services, and can impact other special districts who may see a reduction in assessed acres as in the case of irrigation districts, to other impacts depending on the services involved. Often those that stand to profit from the land use change are not paying full cost of the impacts, or the processes or providers involved cannot account directly for them for a variety of reasons. Sequencing and planning periods between legal processes are often conflicting. Once again, these land use processes often occur outside the water planning and management realm and do not have existing process entry points that are coordinated, or that can legally bring the stakeholders together early in the process. Meeting one legal requirement, may thwart timelines and process steps with another.

Lastly, data and analysis is required for integration and this is costly in both time and money. Finally, impacts must be mitigated – often funds do not exist that equitably pay the impacts and gridlock often results causing expense, litigation and this once again begs for a governance structure that will better work with these complicated issues.

It is not clear in the last bullet what state agency coordination programs are being referred to for keeping up-to-date. This may be better left to regional governance groups and may not be cost effective to be done on a state level basis.

Recommended Action 7A – Encourage Regional (Sub-basin) Approaches…

This appears to be the basis for developing better water governance structures at the regional level, especially when working with public funds, both capital and operating dollars, which often end up competing between these multiple municipal and local governments – raising costs and once these artificial constructs are removed, more rationale management and cost decisions can be made. This begs the need for local control which we support. We are fine with labeling this "place based approaches." Actual planning delineations should be left to some basic standards, but ultimately be an area that the local participants agree.

Recommended Action 9A – Fund Development and Implementation of IWRS

As stated before, COCO agrees none of the IWRS framework can be implemented properly or consistently without ongoing funding. It appears potential new fees to fund general service activities at OWRD are being discussed by the commission and we support this work. COCO, in general, supports fee for service type of programs but will not support a specific fee which is then applied to a general statewide benefit unless equitable policies exist for returning money to regions that prove capable of completing fully vetted projects that meet approved goals. Funding for ongoing governance and capacity to deal with the complexities of water is a critical need. Models may exist in other state programs to help accomplish this, but planning work done at the regional level needs regional involvement and oversight.

We feel strongly that there are a variety of state funds now used to do many things related to water, from OWEB to ODEQ to Business Oregon. Some type of ***"bundling"*** of these funds to better integrate the agreed upon results of projects / management, may prove helpful as many water related proposed actions have multiple benefits, including restoration, so using OWEB or other funds to fund capacity could be further enhanced and better coordinated.

Critical Issue L: Place Based Efforts

COCO strongly supports the concept of continuing to develop a regionally or "place-based" approach to water supply planning and ongoing management. We may be leaders in this approach within the Deschutes and would suggest capacity funding is critical for its success as noted repeatedly. The Deschutes Water Alliance (DWA) memorandum of understanding could provide a model for regional governance, but much more is needed in terms of funding and staff capacity to see its full effect. The convening group should have a mission that engenders trust and long term cooperation.

Recommended Action 10A – Undertake Regional Integrated Water Resource Planning

COCO agrees with the statements in the first bullet, but in the second, question whether the state should be funded to be the provider of technical assistance. This may be more efficiently provided by the region or its selection of qualified consultants on an as-needed basis while following a state framework related to the issue at hand. The state may never be able to expect to be funded in the future to provide these types of services but has a role in collecting and sharing information for the public in cost effective ways.

Recommended Action 11A – Increase Water-Use Efficiency and Water Conservation

COCO generally agrees that conservation is a key part of future water supply for the state. The challenge is that the cost effectiveness vs quantity produced is often overlooked in a regional water supply context. In the Deschutes, cities continue to support conservation efforts. But often the amount of water conserved is limited and expensive. Who pays for conservation and who benefits is also often overlooked.

Thank you for the opportunity to provide comments on this critical work. COCO remains committed to working collaboratively with the department on the implementation of this strategy. If you have any questions regarding any of the suggestions above please feel free to contact me.

Sincerely,

Mayor Lon Kellstrom
Chair, Central Oregon Cities Organization

Cc
Doug Riggs – COCO Lobbyist,
Patrick Griffiths – City of Bend – COCO Water Committee, IWRS PAG member

CITY OF GRESHAM

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March 14, 2012

Brenda O. Bateman, Ph.D.
Senior Policy Coordinator Water Resources Department
725 Summer St., NE
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Dear Dr. Bateman:

The City of Gresham appreciates exhaustive effort that has been expended in the development of the Integrated Water Resources Strategy (IWRS) for the State of Oregon. With the issuance of the draft IWRS in December 2012, the City would like to offer support for this document and provide some suggestions.

The IWRS is a good document that has blended a significant amount of public input on complex water resource issues dealing with water resources, both quantity and quality as well as habitat issues. It will provide an excellent framework for many years to come, as well as listing specific activities by policy area that provide direction for the next State biennial budget process for the key implementing agencies.

Although the IWRS is ambitious, and there are not resources to fully implement all of the actions listed immediately, the intent of the document was never to be limited to existing resources, but to provide a framework for the future. The emphasis is positive, far reaching, and very much based on a collaborative problem solving model.

Key Action items of importance to the Consortium and its members:

1. The City supports the Vision, Goals and Objectives, as well as the list of critical issues and th Guiding Principles.

2. Critical Issue C: Further Understanding our Water Management Institutions – we support all of the three action items in 1.B including mapping major water – related institutions, updating the Oregon permitting guide, and increasing/maintaining field presence. The latter action item has been identified by stakeholders and management staff at WRD as being the top budget priority area.

3. Critical Issue D: Further Define Out-of-Stream Demands - Action2.A – updating Oregon's long term water demand forecast is an area where Consortium member shave been engaged and continue to emphasize that one size does not fit all when it comes to water demand forecasting. We support the involvement list of who should be at the table including local entities.

Action 2. C on determining pre-1909 water rights is important, including the need to prioritize which basins the State can address. All of the Portland area is located in un-adjudicated basins (Willamette and Sandy). However, it is clear that such processes would be very time consuming and expensive. So while it is important to keep these listed in the IWRS, the timing for these will be in out years.

4. Critical Issue G: Climate Change – Action S. B bullet 6 contains language on the need for water infrastructure to address climate adaptation by evaluating storage, transmission, and back- up supplies as well as supporting conservation, re-use and other efficiency projects. The City supports addressing climate change and this action is specifically addresses that need.

5. Critical Issue I: Water-Related Infrastructure – Action 7A. supports encouraging regional (sub-basin) approaches to water systems, Action 7B. supports the use of asset-management as a tool to evaluate maintenance and upgrading infrastructure facilities, advocating continued funding, and improvements to dam safety. These are all actions that water utilities recommended for inclusion in the IWRS.

6. Critical Issue K: Funding Oregon's Water – Action 9A-D is supported by the City. The City and its customers benefit from a fully funded water management program as implemented by the primary state agencies such as WRD, DEQ, ODF&W and other agencies.

7. Critical Issue L: Place-Based Efforts – the inclusion of this critical issue and the Actions listed in 1OA are very important to the stakeholder concerns that local and regional solutions were going to be very important in order to solve complex and difficult water resources problems and to implement many aspects of the IWRS.

8. Critical Issue M: Water Resource Development – The action items for this issue include 11A. on increasing water-use efficiency and conservation and the actions listed are all ones that the City supports. We also support the recognition in the IWRS draft of the need to have adequate regulatory programs in place to ensure that source waters are adequately protected as these systems are developed.

10. Critical Issue N: Healthy Ecosystems and Public Health – Action 12A. is the one most related to Oregon's municipal drinking water program and implementation actions include domestic well testing and the development of a statewide emergency response system that can quickly respond to drinking water emergencies. The City suggests that language be added on this latter action since there are no details provided in the draft. We suggest the following language: "Encourage all water providers to join the Oregon Water/Wastewater Agency Response Network which is a state-wide mutual aid agreement specific to water and wastewater agencies that provides access to equipment and personnel. Partner with other regional networks and organizations such as the Regional Disaster Preparedness Organization (UASI Region) and Regional Water Providers Consortium on development of regional emergency preparedness, response and recovery and coordination of resources." Action 12D. relates to the encouragement of strategies that improve watershed health, resiliency and capacity for natural storage. Action 12F relates to recognizing and dealing with invasive species, and Action 12H. provides language about assisting in the development of ecosystem markets, and while the language seems useful, there may be a need to discuss this action further to seek further clarification so that the role of such markets in water resource management is understood.

The draft IWRS selects eight Key Actions, the City offers some comment on the key actions. The WRC should consider the addition of two other actions to the list of key actions.

Key action suggestion #1 – Specifically action 11.A. on water conservation should be considered as a key action since water efficiency has and will continue to be critical to meeting future water needs in Oregon. The City has a strong commitment to water conservation as a means of meeting future municipal water demands. Another observation is that while action 2A. on long-term water demand

forecasts is important and may have been called out in HB 3369, then extaction 2B on water use measurement would seem to be equally, if not more important in the near and longer term. Many municipal water providers conduct their own water demand forecasts on a much more specific and detailed basis than any general forecasting that might be repeated using the model created for the WRD. Knowledge gaps how water is currently being used make it very difficult to understand water availability and how the current water rights structure fits into meeting future needs. Municipal users are required to annually report their water use; this requirement should be spread to the other major user sectors sooner rather than later.

Key action suggestion #2 –A second action on place based solutions, specifically 1OA, should be included as a key action. Throughout the public involvement process for the IWRS, as well as the deliberations of the Policy Advisory Group, the need for place based (or sub-basin integrated planning) has been emphasized as an important means of water management planning and implementation. We would agree with the emphasis on this action as a way to solve complex water resource issues.

The City is very supportive of the draft IWRS in general and offers some specific actions that are of importance to water providers, as well as a few areas of specific comments and suggestions. We have appreciated the willingness of the WRD to work with Cities as you have throughout this process. If I can provide any additional assistance or clarification of this letter, please contact me at (503) 618-2687 or brian.stahl@greshamoregon.gov.

Sincerely,

Brian R. Stahl, Water Division Manager
Department of Environmental Services
City of Gresham, OR
1333 NW Eastman Parkway
Gresham, OR 97030

— CITY OF PORTLAND —
ENVIRONMENTAL SERVICES
1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ▪ Dan Saltzman, Commissioner ▪ Dean Marriott, Director

March 15, 2012

Water Strategy
c/o Oregon Water Resources Department

Attention: Oregon's Integrated Water Resources Strategy Discussion Draft

The City of Portland Bureau of Environmental Services (Bureau) provides Portland residents with water quality protection, watershed planning, wastewater collection and treatment, sewer installation and stormwater management. Many of the recommendations in the Integrated Water Resources Strategy support our work, and we appreciate the opportunity to comment on this document.

A few recommendations for changes to the document are listed below; but overall the Bureau supports the integrated approach and comprehensive nature of the effort. The State agencies involved in producing this strategy have done a commendable job in pulling together many complex issues and disparate groups into a thorough and integrated look at all the issues surrounding water in Oregon. The Bureau also appreciates the changes made to improve the recommendations from the draft issued in the summer of 2011.

Critical Issue A, page 25: The definition of invasive species at the bottom of the page is incorrect. According to the Oregon Invasive Species Council, an invasive species is "a non-native species whose introduction does, or is likely to, cause economic or environmental harm *or harm* to human health. An invasive species can be a plant, animal, or any other biologically viable species that enters an ecosystem beyond its native range." (italics added, the part in italics was left out of the definition in the draft document).

Critical Issues D, Recommendation 2.A. and E, Recommendation 3.A.: Because this document represents an integrated approach to understanding and meeting Oregon's water needs, these two recommendations need to be cross-referenced. Future out-of-stream (2.A. "Update the State's long-term water demand forecasts") and instream needs (3.A. "Conduct Base Flow Needs Studies") must be looked at in an integrated manner. By separating the recommendations, the State runs the risk of continuing to consider each separately. Similarly, the recommendation to "Quantify and model the economic value of water, both instream and out-of-stream, in Oregon" (2.A.) and "Develop models/studies on the economic value of water, both insteam and out-of-stream, in Oregon" (3.A.) are the same recommendation and need to have identical names and be cross referenced.

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For disability accommodation requests call 503-823-7740, Oregon Relay Service at 1-800-735-2900, or TDD 503-823-6868.

Critical Issue F, page 61: Our August 2011 comments encouraged the document to point out the need for hydroelectric projects to follow all existing laws and regulations pertaining to fish passage and water quality. Thank you for making the statement about ODFW's fish requirements in this draft. We also support the change in recommendation 4.C. to encourage greater energy efficiency and renewable power production at wastewater treatment plants. We agree that cooperation is better than new requirements in achieving this goal.

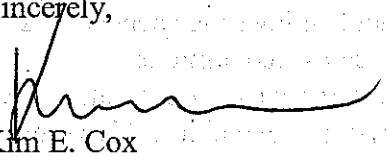
Critical Issue G, page 68: Sea level rise will have impacts beyond just coastal Oregon. Many rivers are tidally influenced along the lower reaches, including the Willamette River in the Portland metropolitan area. Sea level rise is expected to have impacts to river levels and flooding in these inland communities.

Critical Issue H, Action 6.A.: The discussion on page 75 of the conflicting requirements between drinking water well and UIC regulations is a good start in identifying the problem. However, the document should also acknowledge that there are no provisions for well drillers to consider UICs that are known to be nearby when the driller is locating a well. Nor are there requirements for UIC owners to be notified (in fact, the information about a new well site is confidential for a year after drilling). Getting more information about UIC locations is a necessary first step, but the recommendation also needs to include a reexamination of both UIC and well regulations to ensure consistency and prevent conflicts.

Critical Issue N: This section contains an excellent discussion of ecosystem health and resiliency. We support all of the actions associated with this critical issue.

Thank you for the opportunity to provide input. If you have any questions related to our comments please contact Alice Brawley-Chesworth at 503-823-4913 or alice.brawley-chesworth@portlandoregon.gov.

Sincerely,



Kim E. Cox
Environmental Policy Division Manager
City of Portland
Bureau of Environmental Services

Confederated Tribes *of the*
Umatilla Indian Reservation
Department of Natural Resources
Administration

46411 Timíne Way
Pendleton, OR 97801

www.ctuir.org ericquaempts@ctuir.org
Phone: 541-276-3165 FAX: 541-276-3095

March 26, 2012

Ms. Brenda Bateman
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301
waterstrategy@wrd.state.or.us

Dear Ms. Bateman:

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Department of Natural Resources (DNR) appreciates the opportunity to submit the following comments on the Discussion Draft, dated December 22, 2011, of "Oregon's Integrated Water Resources Strategy." My participation in the advisory board that has been involved in the development of the Strategy has been rewarding and productive. This substantial document clearly reflects a major effort and serious commitment. The CTUIR is impressed with the work of the Oregon Water Resources Department, other state agencies, and all the policy advisory group members that contributed to this undertaking.

It appears that most, if not all, of the issues have been properly identified in the December Draft. We anticipate that we will continue to review it, as well as plans for its implementation, as we monitor how adequately issues are addressed and resolved in the future. The fact that many important issues are identified in the first place is a major step forward in Oregon water management. Now the principal task is to provide the funds and other resources to carry out the Strategy.

Tribal Co-Management Role

The December Draft has made improvements regarding the issue of tribal roles, responsibilities, and authorities. There is still room for a few more. On Page 13 there is the passage:

> "Quite a bit of work remains to characterize Oregon's water resources and its future needs. Much of the work will be led by state and federal agencies, who already have established protocols and responsibilities in these areas. However, much of the desired information will be gathered through surveys, literature reviews, and local data gathering. Much of the processing, analysis, and sharing could be led by universities, non-profit organization, local governments, tribes, and private research firms. Look for the 'Research' symbol, signaling Recommended Actions that need additional research assistance from partners."

Tribes do not engage in merely "processing, analysis, and sharing." Tribes also have "established protocols and responsibilities" in the areas of "characteriz[ing] Oregon's water resources and its future needs." Tribes should be clearly identified as water co-managers in certain situations, conducting similar "work" as that of state and federal agencies. On Page 38, "Water Quality Institutions," it should be noted that tribes may also have authority under the Clean Water Act to adopt and implement water quality standards on reservations.

Prioritizing Basins

The earlier draft did not prioritize the river basins that need further study nor did it give timelines for completing the needed studies. The December Draft gives a list of prioritized basins that need groundwater studies (Pages 29, 38) but no timelines are provided. We suggest that those timelines, with accompanying rationales, be provided in the next revision.

Purposes Served by Satisfying Instream Needs

Pages 52-57 discuss "Critical Issue E: Further Define Instream Needs." The discussion is limited; it does not sufficiently address the tribal purposes served by having sufficient quantities of water intream. The December Draft states that water instream "supports Oregon's economy" and "is needed for ecosystem health." It does not say that instream water is needed in order to fulfill the Treaty of 1855, as an obligation pursuant to it, for tribal members to exercise their rights to fish as secured by the Treaty. Without enough water instream to support viable fisheries the Treaty is reduced to a nullity. Furthermore, the CTUIR River Vision, incorporated into the Strategy, identifies critical data needs for measuring water quantity and quality (River Vision, Box 1, Page 11).

Furthermore, in terms of "support[ing] Oregon's economy[,]" the December Draft (Page 53), on "Commercial Fisheries," severely underplays the former importance of commercial fisheries to the Indian and non-Indian economies. There is no mention of tribal commercial fisheries and there should be. Not only coastal, but also Columbia River, commercial fisheries should be targeted for improvement, principally for restoration of Indian fisheries. This section seems to understate and downplay the benefits of restoration of fish for commercial use. Pages 54-55, on the other hand, do contain a good section on groundwater-dependent ecosystems.

Water Rights Adjudications, Settlements

The December Draft, Page 51, Recommended Action 2C, "Determine Pre-1909 Water Right Claims," states:

> "Complete areas of the state that have not undergone the adjudication process (see map), including reserved water right claims that still exist for tribal or federal lands. Establish priorities for conducting surface water adjudications. [WRD – Federal – Tribes – local partners]
>
> Settle federal reserved claims, including tribal claims, in basins that were previously adjudicated. Establish priorities for this work. [WRD – Federal – Tribes – local partners]"

The December Draft does not appear to specifically address a situation where there is a "flawed" adjudication, such as the Umatilla River. It also does not adequately emphasize or specify the need and value of collaborating with the CTUIR (or another similarly-situated tribe) in a water rights settlement process as a means to 1) resolving basin water rights and supply issues and 2) leverage federal funding that will be desperately needed for any water supply projects.

Hydropower

Regarding Critical Issue F: The Water and Energy Nexus, "Adding Hydroelectric Capability to Existing Infrastructure," Page 60, it must be noted that adding hydro capability is not always benign, especially when it excessively drives or dictates the timing and quantity of water releases through the facility without regard to instream/fish needs or restoration, or the new power generation provides the dam owner with another reason/excuse to maintain a dam that should be removed for the benefit of stream/fish restoration.

Coordinated Water and Land Use Planning

The section, Critical Issue H: The Water and Land-Use Nexus, Pages 73-79, contains a good discussion of the connections between water and land use planning and management. Water use impacts on land use and vice versa have been difficult for the state/counties/cities to address for a variety of reasons. The section is a good start on identifying the issues involved and ways to begin addressing them, including better coordination between OWRD and DLCD.

Derelict Dams and Other In-Water Structures

Recommended Action 7B, Page 86, "Properly abandon infrastructure at the end of its useful life[,]" says to "[r]emove infrastructure where feasible, restoring surrounding sites. This pertains to dams, wells, culverts, and other infrastructure. [public and private partners]." This is helpful as far as it goes, but it could perhaps be strengthened by language similar to what we suggested earlier (thinking specifically of the Boyd Project on the Umatilla River): "Infrastructure, dams and other facilities and structures that have been abandoned or are otherwise non-operational and in derelict condition should be identified and removed/ decommissioned, and the sites occupied or affected by them should be restored to pre-project conditions. Necessary funding mechanisms should be identified and established to enable and facilitate such efforts."

Funding

Recommended Actions 9A-D, Page 99, contain good suggestions for funding the development and implementation of the IWRS, but how much is needed? There are no dollar estimates provided. Was this intentional or just not addressed because of perceived difficulties in making reasonable estimates of the cost? This should be strengthened.

Local and Regional Coordination

Critical Issue L: Place-Based Efforts, Pages 100-111, contains a good discussion acknowledging the importance of local and regional partnering and planning, and significantly identifies tribes as major players. The CTUIR appreciates the inclusion of the section on the River Vision and First Foods. Recognition by Oregon state agencies and the Policy Advisory Groups of this management approach is significant and beneficial for future planning and implementation.

Water Conservation

In terms of Critical Issue M: Water Resource Development, Pages 112-126, water conservation continues to be a thorny issue. Water conservation is a "popular" concept locally, statewide, and nationally. However, often ignored is tracking the conserved water and reallocating it to meet instream needs. Prior water conservation activities tend to further dry up streams rather than increase instream flows, because the "saved" water, which formerly drained back to streams, is spread to new out-of-stream uses or irrigated lands with improved irrigation efficiencies. Over the past 40 years, water conservation practices in the Umatilla Basin have reduced summer/fall return flows to the Umatilla River, thereby adding to the deficit in meeting instream needs.

Water Quality

Recommended Actions on this issue are sound and extensive, and we appreciate including one, under Action 12B Reduce the Use of and Exposure to Toxics and other Pollutants (Page 139), based in part on a prior CTUIR comment (prompted by the situation with the leaking Liberty Ship in the Columbia River):

> "Continue to identify and address hazardous or contaminated sites. Sites, facilities, or structures originating with industrial, military, transportation, energy or other uses may be in such condition that they pose a serious or imminent hazard of emitting or discharging substantial amounts of toxics or other pollutants. These should be identified and all immediate legal means and enforcement mechanisms should be employed to prevent such emissions or discharges before they occur. Provide technical and financial assistance to clean-up already contaminated aquifers. [DEQ – EPA – public and private sector partners]."

Conclusion

The CTUIR DNR thanks you and all the other OWRD staff who have developed and refined the Integrated Water Resources Strategy to reach this important milestone. Following the Strategy will play a significant role in helping us to better protect and enhance our First Foods that begin with water. All Oregonians will benefit from improved water management and allocation. Thank you for your consideration of our comments.

Sincerely,

Eric Quaempts
Director, Department of Natural Resources

From: Dave McTeague
Sent: Wednesday, March 14, 2012 6:28 PM
To: waterstrategy
Subject: Comment on Water Resources Strategy

Please include **Instream Values** -- The Strategy must include strong provisions for increasing instream protections for fish and river health. Streams and rivers must not be dewatered to the point they cannot support aquatic life. We need more instreat water rights with seniority, not less.

We need Adequate Funding to support instream flows and for improved water management, including water measurement, and adequate field and scientific agency staff to provide agency capacity to understand and meet Oregon's future instream needs.

We need **Data Collection** that will support better management of Oregon's waters, including specifically, money for studies of the state's groundwaters. This has been on the water reform agenda for decades.

Dave McTeague, Milwaukie, Oregon

From: David Farris
Sent: Tuesday, March 13, 2012 9:19 PM
To: waterstrategy
Subject: Draft water planning

I write to urge maximal protection for in-stream water uses. The foundation of a vibrant economy is a vibrant ecosystem, broadly defined. A world full of human spoils is nothing if it depletes what is beautiful; if it deletes any God-created species, however seemingly insignificant.

Toward this end, please ensure in-stream flows. Please absolutely protect scientifically established minimum flows in all turns of the wet year/dry year cycle. Please give zero value to ornamental water uses such as lawn irrigation and private showplace fountains. (At least make these very, very expensive.)

Thank you,

David Farris MD
Portland

From: David S Davies
Sent: Sunday, March 11, 2012 11:56 AM
To: waterstrategy
Subject: Water Strategy

I am writing to support:

1. Agency efforts to identify, establish, protect and restore instream flows, including both minimum dry season flows and the higher flows needed to maintain river habitat.

2. The funding needed to collect the data to support better management of Oregon's waters, including specifically money for studies of the state's groundwaters.

3. Prioritizing support for improved water management that would help pay for increased measurement , replace lost agency capacity to understand Oregon's future instream needs and meet those needs.

David S Davies
Portland Oregon

March 12, 2012

Brenda Bateman, PhD, Project Manager
Integrated Water Resources Strategy
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Dear Dr. Bateman:

This letter presents comments from the Deschutes Water Alliance (DWA) on the draft document *"Oregon's Integrated Water Resources Strategy"* (OIWRS). The DWA is working collaboratively in the upper Deschutes Basin to clarify water needs and issues of its members and to develop solutions for responding to them. These efforts include development of the integrated regional water management plan for the upper Basin. Development of this plan is consistent with the recommendation in the draft OIWRS for "Place-Based Approaches" to undertake regional (sub-basin) integrated, water resource planning. The DWA looks forward to continued interface and coordination with the Oregon Water Resources Department relative to development of solutions and the IRWMP for the upper Deschutes Basin.

Overall, the discussion draft of Oregon's Integrated Water Resources Strategy, dated December 22, 2011 represents a positive step forward in the state's endeavor to create a strategic framework to improve the management of water for both instream and out-of-stream purposes. The document acknowledges the challenges associated with managing the state's water and recommends increased understanding of water demand for all uses and offers water resource development options to meet these various needs.

The twelve recommendations offered here do not constitute a strategy but rather a framework of important actions that should be considered in water resource planning. The document does not attempt to prioritize the twelve recommendations or to understand the inherent tradeoffs between them associated with their implementation. Still, it represents a good list of potential actions.

In general, the DWA supports the IWRS recommend actions, but would like the sponsoring state agencies to consider the following comments about particular recommendations.

#4 The Water & Energy Nexus
Action 4.B Take Advantage of Existing Infrastructure to Develop Hydroelectric Power.

- Adding power generation facilities to already-existing infrastructure is an important way to produce green energy and generate revenue. In fact, the revenue stream from these facilities can help finance not only hydro facilities but also improve infrastructure to conserve water and enhance streamflow. These projects create the opportunity for creative solutions to be developed that can serve multiple needs, and it is important that

they be viewed broadly for their potential multiple benefits rather than narrowly as simply producing an energy benefit. Also, it is important that they not create unintended disincentives for advancing instream objectives in a plan. They need to be carefully considered as an important tool in the context of an integrated water management plan where potential disincentives can be mitigated by other actions in the plan. In the case of dams that adversely affect ecological conditions downstream, dedicating a portion of hydro revenue generated at the dam to a river restoration mitigation fund can generate a balanced set of benefits.

- In the Deschutes Basin we have had experience with adding hydroelectric power to existing water rights by building hydroelectric plants off-channel at the end of pipelines or at water drops miles away from the source of water, the Deschutes River. We believe this approach to clean energy, and conserved water made possible by the pipelines replacing open irrigation canals, should be encouraged in the IWRS. Where there is no impact to stream flow , such as with these in-conduit hydroelectric projects, the IWRS should support them and discourage disincentives such as encouraging dedication of a portion of hydroelectric revenue for in-stream uses. Hydroelectric revenue supports additional conservation projects.

#6 The Water and Land-Use Nexus

Action 6.A Improve Integration of Water Information into Land-Use Planning (and Vice Versa).

- The water and land-use nexus is a particularly important one in the Deschutes basin where cities overly irrigation districts and the groundwater mitigation complicates the development of domestic water supply by cities. The appurtenance of water rights to specific lands means that any land use change that impacts irrigated land will also affect water management. The land-use change process needs to understand potential impacts to affected jurisdictions in order to avoid unintended consequences for irrigation districts, municipalities, and counties as well as missed opportunities for streamflow enhancement.

#9 Funding

- Actions 9.A – 9.D recommend funding for studies, activities, projects, and the IWRS itself.

- The DWA strongly recommends that before jumping to specific actions, funding should be focused on the development of regional water management plans where water demands and supply options can be reconciled and truly integrated plans that benefit all water uses can be developed. Local capacity is in very short supply to develop these water management plans and to sustain the ongoing planning work needed to maintain them over time. An integrated strategy needs to be developed in each major watershed in the state. In most regions of the state, there are many important projects already identified some of which have potential sources of funding. Virtually no funds are available, however, for the critical water management planning that can guide, not one, but a series of projects over time while creating assurances for both instream and out-of-stream water uses.

Deschutes Water Alliance Membership

The Confederated Tribes of Warm Srpings, Deschutes County, Crook County, Jefferson County, Central Oregon Irrigation District, North Unit Irrigation District, Ochoco Irrigation District, Three Sisters Irrigation District, Swalley Irrigation District, Arnold Irrigation District, Crook County Improvement District, City of Bend, City of Redmond, City of Prineville, City of Madras, City of Sisters, City of Culver, City of LaPine, City of Metolius, Avion Water Company, Deschutes Valley Water District, Deschutes River Conservancy

#10 Place-Based Approaches

- Both Actions 10.A and 10.B are of the highest priority.

- The DWA believes that it would be a mistake for the state to attempt top down water management planning. The state can offer resources and planning standards (e.g. all plans need to consider instream and out-of stream needs), but should leave the development of the plans to local jurisdictions. Each of Oregon's eighteen major watersheds has a degree of uniqueness. What will work in one place will not necessarily be the appropriate solution in another. The state should create the proper incentive (such as funding) for the regions to produce integrated water management plans – plans that are appropriate for and can actually be implemented in the particular locality.

- In the Deschutes Basin we are proud of having formed the Deschutes Water Alliance (DWA) through a Memorandum of Understanding among Deschutes, Jefferson and Crook Counties, the Confederated Tribes of Warm Springs, all of the cities and irrigation districts in the 3 counties, and the Deschutes River Conservancy. The DWA also has a number of non-voting members from state and federal agencies. The DWA is engaged in developing a regional water plan for the Basin, that addresses urban, agricultural and in stream needs. This plan is consistent with the IWRS recommendation for "Place-Based Approaches" to undertake regional (sub-basin) integrated, water resource planning. The IWRS should be supporting efforts such as ours throughout the State.

#11 Water Resource Development

- Actions 11.A, 11.B and 11.C are well articulated and are likely to form the supply backbone of any comprehensive water management plan.

- Conservation, storage, and re-use will inevitably be important to striking the proper balance between meeting instream and out-of stream needs. There are a number of other water supply tools, however, used in the Deschutes Basin that are not explicitly prioritized by the IWRS. First and foremost, water marketing is omitted. This entails the voluntary, market-based movement of water rights, either temporarily or permanently through land to land transfers or instream transfers. It is an important tool to employ in an integrated water management plan that strives to meet multiple uses of water both instream and out-of-stream. Water marketing should be added to the water resource development recommendation.

Sincerely,

Allen Unger, Chair
Deschutes Water Alliance

Deschutes Water Alliance Membership

The Confederated Tribes of Warm Srpings, Deschutes County, Crook County, Jefferson County, Central Oregon Irrigation District, North Unit Irrigation District, Ochoco Irrigation District, Three Sisters Irrigation District, Swalley Irrigation District, Arnold Irrigation District, Crook County Improvement District, City of Bend, City of Redmond, City of Prineville, City of Madras, City of Sisters, City of Culver, City of LaPine, City of Metolius, Avion Water Company, Deschutes Valley Water District, Deschutes River Conservancy

From: Dorothy Toppercer
Sent: Wednesday, March 14, 2012 7:50 AM
To: waterstrategy
Subject: Integrated Water Resources Strategy Comments

I want to express support for the following essential water management strategies in the Strategy, it's Five Year Workplan, and related 2013 funding requests:

1. **Instream Values** -- The Strategy must include strong provisions for increasing instream protections for the full suite of river flows needed for fish and river health. Express support for agency efforts to identify, establish, protect and restore instream flows, including both minimum dry season flows and the higher flows needed to maintain river habitat and trigger biological responses in aquatic species.
2. **Support Adequate Funding** -- The Strategy's Five Year Workplan and associated funding requests must include, as priorities, funding and actions that will protect instream flows. Express support for prioritizing future agency funding requests to provide for improved water management, including water measurement, and adequate field and scientific agency staff to provide agency capacity to understand and meet Oregon's future instream needs.
3. **Data Collection** -- Express support for funding needed to collect the data that will support better management of Oregon's waters, including specifically, money for studies of the state's groundwaters.

Thank you!

Dorothy Toppercer

Portland, OR

From: Gary Fiske
Sent: Friday, March 02, 2012 11:48 AM
To: waterstrategy
Subject: Comments on IWRS Discussion Draft, December 2011

My comments focus on Recommended Actions 10A and 11A, particularly as those actions relate to resource planning activities by municipal water suppliers.

Action 10A. Undertake Regional (Sub-Basin) Integrated Water Resource Planning

My first observation is that, while for some purposes regional plans are desirable, that should not preclude single-utility standalone plans. Often, there are significant political and institutional barriers to doing effective regional plans. If the state is only encouraging planning at a regional level, that may result in no plans at all. The state should also encourage water suppliers to do their own integrated resource planning, encompassing both supply-side and demand-side resources, where appropriate.

In order to develop rigorous and defensible water resource plans, the right analytical tools are critical. Plans should consider the ability of different resource scenarios to maintain acceptable levels of system reliability under different hydrologic conditions and subject to important environmental constraints. Doing this requires the right analytical tools. The state may want to consider offering a set of alternative tools from which water agencies or regions might choose the one(s) most appropriate to their needs.

Action 11A. Increase Water-Use Efficiency and Water Conservation

I believe that this Action is stated incorrectly. The objective should not be merely to increase water conservation. Rather it should be to assess the value of conservation in order to maximize net benefits to water ratepayers, to the environment, or to the broader society. Choices must be made based on one or more of these criteria, and it should not be assumed that more conservation is always better. While undoubtedly many water utilities and/or regions would benefit from increased investment in water use efficiency, the 'more is better' presumption is not the right place to start.

If the state is truly serious about conservation planning, it should recognize that the current WMCP requirements do not result in carefully-crafted plans that inform difficult choices among alternative conservation programming. (Of course, these conservation plans must be part of the broader integrated resource plans referred to above.) Once again, analytical tools are of critical importance. Here it is fortunate that there are some excellent existing tools that are publicly available:

> The Alliance for Water Efficiency's (AWE) Water Conservation Tracking Tool is a state of the art Excel-based model to project savings and costs of portfolios of conservation programs, and analyze the economic viability of each program. The Tracking Tool is available to AWE members. Membership fees are nominal.
>
> The Water Research Foundation / California Urban Water Conservation Council Avoided Cost Model provides a framework for water providers to estimate their avoided supply costs. These avoided costs are used by the AWE Tracking Tool to project conservation program economic benefits.

Oregon should look to its neighbor to the south for ideas on how the state might work with local water suppliers to enhance conservation planning. California has been a leader in this regard, and while much of what California has done will not be appropriate for Oregon, there are still very good ideas to be had. For

instance, the California Urban Water Conservation Council's Memorandum of Understanding includes a set of water conservation Best Management Practices developed and refined over the past 20 years; the Council has also sponsored much research to develop defensible estimates of program savings and costs, the building blocks of careful program evaluation.

I would be happy to discuss or expand on any of the foregoing.

Best,
Gary Fiske

Gary Fiske and Associates, Inc.

Confluence Water Resources Planning Model: http://www.confluence-water.com

From: Gaylene Hurley
Sent: Tuesday, March 13, 2012 6:38 PM
To: waterstrategy
Subject: Comments on Oregon's Integrated Water Resources Strategy

Dear Sirs:
I am writing to express support for the following water management strategies in the Strategy, it's Five Year Workplan, and related 2013 funding requests:

• Instream Values -- The Strategy must include strong provisions for increasing instream protections for the full suite of river flows needed for fish and river health. That includes support for agency efforts to identify, establish, protect and restore instream flows, including both minimum dry season flows and the higher flows needed to maintain river habitat and trigger biological responses in aquatic species.

• Support Adequate Funding -- The Strategy's Five Year Workplan and associated funding requests must include, as priorities, funding and actions that will protect instream flows. I support prioritizing future agency funding requests to provide for improved water management, including water measurement, and adequate field and scientific agency staff to provide agency capacity to understand and meet Oregon's future instream needs.

• Data Collection -- Funding is needed to collect the data that will support better management of Oregon's waters, including specifically, money for studies of the state's groundwaters.

Thank you.
Gaylene Hurley

Medford, OR 97501

From: Susan Hammond
Sent: Thursday, March 15, 2012 12:44 PM
To: waterstrategy
Cc: Helen Moore; Glenn Barrett
Subject: Oregon's Integrated Water Resources Strategy Comments to Oregon's Discussion Draft proposal 12/22/11

We would like to voice support for the comments developed by Glenn Barrett, policy Advisory Committee member, on behalf of Water For Life, Inc., dated March 12, 2012.

Thank you for your consideration.

Hammond Ranches, Inc.

Diamond, Oregon 97722

Susan A. Hammond

From: Ron Hochstein
Sent: Wednesday, March 14, 2012 4:46 PM
To: waterstrategy
Subject: IWRS Comment

To whom it may concern,
I would like to comment on Oregon's Integrated Water Resources Strategy. I have built three irrigation ponds on my property over the years. It has become harder and more expensive each time. The Oregon Resources Department claims that it is striving to understand and meet its water needs, now and in the future. If that is true, then they should be helping small businesses instead of impending them. I can spend $20,000 on engineering and it might take them a year or more to decide-and they can still say no.
Sincerely,
Ron Hochstein
Hochstein Nursery LLC

From: Jean Edwards Muir
Sent: Thursday, March 15, 2012 11:53 AM
To: waterstrategy
Subject: Instream water flows please

Dear Water Resources Department,

I learned that you are preparing a water resources plan. My husband and I have a commercial blueberry farm of 47 acres in western Washington County. We strongly support instream water flows for the following reasons:
1. We irrigate from surface water in the McKay/Dairy Creek watershed. There are increasing state and federal regulations regarding water quality used for food crops (known as the GAP 'good agricultural practices' program).
2, We, as well as all other commercial berry farmers (and other food crop growers) are going through extensive process of farm-by-farm GAP certification regarding potential sources of irrigation water contamination of our crops. Food safety, consumer protection and contamination due to Salmonella, e.coli, and other pollutants in the market place is why we are being required to have GAP certification. Irrigation water is the central piece of the GAP program.
3. Surface water in our area is already seasonally polluted due to low flows, high stream temperatures, run-off and other problems during the irrigation season. I'm certain this is the case elsewhere in the state.
4. Instream water volumes need to be kept at sufficient levels to cleanse our surface irrigation water sources, especially during the irrigation season. Dilution would keep food safety issues at bay.
5. If our irrigation water is found to be a problem to food safety, we expect to either be prohibited from selling our blueberry crop, and/or be required to install expensive water purification systems before we can use stream water to irrigate our berries.
6. Water treatment would be an extreme economic hardship on us, since we have been told that, at a minimum, the cost for a treatment system at our blueberry farm alone would start at $10,000.
For these reasons, we cannot tolerate lowering of the water quality in our surface irrigation water.
If you would like to discuss this, we would be happy to explain, or answer your questions. I also have other farmer neighbors that would support this request.

Thank you
Jean Edwards Muir
Hillsboro, OR 97124

From: Joe Moore
Sent: Thursday, March 15, 2012 2:24 PM
To: waterstrategy
Subject: comment on Oregon's Integrated Water Resources Strategy Discussion Draft

My name is Joe Moore. I'm a registered voter in Oregon City.

I'm writing to ask that the Integrated Water Resources Strategy include strong protections for instream waterflows, including both dry season minimum flows and wet season high flows.

I also ask that the Strategy be funded adequately and fully. There should be enough funds to provide for good management, measurement, and field and agency staff.

There should also be adequate funding to support better data collection, specifically, money for studies of the state's groundwaters. The draft document mentions that because of inadequate funding in the past, knowledge of the state's groundwater resources is lacking. With the increasing national controversy over hydraulic fracturing for natural gas and oil, studies of groundwater should not be given short shrift.

Thank you for your consideration.

Joe Moore

Oregon City, OR 97045

09 March, 2012

To the Oregon Water Resources Department:

I want to share my thoughts on The Strategy Five Year Plan for Oregon's water resources.

1. You must protect instream flows needed for fish and river health.

2. You must prioritize and include actions that will protect instream flows in The Strategy's five year work plan.

3. The workplan should prioritize funding for groundwater studies, streamflow gauges and other data gaps that will help manage Oregon's water resources.

Instream protections must be a coequal priority in as the state moves forward in implementation and funding of the Strategy.

Thank you for considering my comments.

Sincerely

John Brinkley

Eugene OR

From: Kate Cleland-Sipfle
Sent: Saturday, March 10, 2012 6:52 PM
To: waterstrategy
Subject: Strategy for Water Conservation in Oregon

I write to ask you to proceed with the fullest possible support for maintaining river flows adequate to the life cycle of river fish and the health of the rivers. Please provide for the funding to monitor and maintain comprehensive management of our water supply, including groundwater and precipitation studies.

Kate Cleland-Sipfle

Ashland, OR 97520

LEAGUE of Oregon CITIES

P.O. Box 928 • Salem, Oregon 97308
(503) 588-6550 • (800) 452-0338 • Fax: (503) 399-4863
www.orcities.org

March 12, 2012

Dr. Brenda Bateman, Senior Policy Coordinator
Oregon Water Resources Department
725 Summer Street, NE, Suite A
Salem, Oregon 97301

Subject: Oregon's Integrated Water Resources Strategy, Discussion Draft dated December 22, 2011

Dear Dr. Bateman,

Thank you for the opportunity to comment on the draft Oregon Integrated Water Resources Strategy (IWRS) dated December 22, 2011. The comments I will be sharing are on behalf of the League of Oregon Cities. The League is comprised of 242 cities. The cities of Oregon are home to approximately 80 percent of the state's population.

I want to begin by complimenting the Oregon Water Resources Department, the Oregon Water Resources Commission, and the agencies that have worked to develop this comprehensive and strategic plan. You have a document that will serve the state well as a comprehensive, long-term blue print for identifying Oregon's critical water needs, and a vision and framework to meet the needs of Oregonians and Oregon's environment for many years to come.

The League of Oregon Cities recognizes that this is a living document and it was conceived as a result of coordinated, collaborative partnerships that include representatives of all levels of government, private and non-profit sectors, tribes, stakeholders, and the public. It will be important as we move forward with the critical work needed to implement the key elements of the IWRS to maintain this type of structure.

It is important to acknowledge that the IWRS, while supporting a statewide strategy and resources, wherever possible appears to encourage and empower Oregonians to implement local solutions, recognizes regional differences, and takes into consideration the success of existing plans, tools, data and programs. You have created a document that reflects a common sense approach to solving critical issues.

Comments on the Critical Issues:

In August of 2011, the League of Oregon Cities submitted specific suggestions and comments on the IWRS draft recommended actions. A review of the current draft of the IWRS indicates that

you have taken our comments and suggestions to heart and addressed them appropriately. Thank you for being responsive to the League's concerns.

Critical Issue F – The Water and Energy Nexus

Action 4.C Promote Strategies that Increase/Integrate Energy & Water Savings
The Governor is in the early stages of developing a 10-Year Energy Plan to promote conservation strategies for water and energy. When this plan reaches full development, it is important that this portion of the IWRS be expanded to include specific action items and information to address the water energy nexus as it relates to the Governor's plan. It is also critical that the Governor's 10-Year Energy Plan reflect the vision, goals, and principles embedded in the IWRS. The League is committed to partnering with the Oregon Water Resources Department and the Oregon Water Resources Commission to ensure that the linkage between these efforts is realized.

Critical Issue K – Funding for Oregon's Water (general)

The League of Oregon Cities realizes the importance of operational funding for the natural resource agencies, and water/wastewater infrastructure and program needs. The natural resource agencies compete poorly in this economy for General Fund monies and this is unlikely to change in the near future. The goals, objectives and recommendations in the IWRS will need adequate funding and it is imperative that the Oregon Water Resources Department and the Oregon Water Resources Commission lead conversations to address critical funding issues. The OWRD will need to rely on the collaborative partnerships it has nurtured over the past 2 years to move forward with these difficult conversations. The League encourages you to begin this undertaking as soon as possible. The process will need to be inclusive and transparent and any new revenue recommendations should be equitable and broad based.

In addition, the state should identify those Critical Issues and Strategic Actions where progress can be achieved with limited resources. This information will be beneficial to the Legislature so that they may make informed policy and funding determinations.

Critical Issue M – Water Resource Development

Action 11.A Water Use Efficiency and Water Conservation
The League strongly recommends that Action 11 A be added to the list of Key Actions. Municipalities have a history and record for achieving water use efficiencies and a strong commitment to conservation. Water efficiency is a critical component in meeting and managing future water needs in Oregon.

Action 11.B Improve Access to Built Storage
The League of Oregon Cities is working with a diverse group of interested parties and stakeholders, as well as the Bureau of Reclamation, the US Army Corps of Engineers, and the Oregon Water Resources Department to obtain federal funding for a small scale re-allocation study for the Willamette River Basin Project. We strongly support the bulleted statement under this section that advocates for the re-allocation of the water in the Willamette Basin Storage

Project and for the establishment of a process for the re-allocation of water. The League would also like to commend the Oregon Water Resources Commission for making this a priority and for their adoption of the "Resolution Supporting Water Storage and Allocation in the Willamette River Reservoir System".

General Comments:

It will be important for the Oregon Water Resource Department and their partner agencies (Oregon Department of Agriculture, Oregon Department of Environmental Quality and Oregon Department of Fish and Wildlife) to develop an implementation plan which includes prioritization of Critical issues and a timeline for instigating work and a target for completion.

The IWRS includes a variety of "guest essays" that are beneficial tools for anyone interested or engaged in the document and the ongoing work it represents. Many of the essays are data and technology driven. It would be helpful to periodically review and update these essays to keep them relevant.

Again, thank you for working with the League of Oregon Cities to address our concerns and to implement our suggestions into the IWRS. The League welcomes the opportunity to work with you, your staff, and other partners as we move forward with this document and the work it represents.

Sincerely,

Robin Freeman

Robin Freeman
Intergovernmental Relations Associate
League of Oregon Cities

Cc: Shirley Kalkhoven, Chair LOC Water and Wastewater Policy Committee

Attachments: Water Resources Strategy OEC Comments.docx

From: Peggy Lynch
Sent: Tuesday, March 13, 2012 3:40 PM
To: waterstrategy
Subject: LWVOR Comments on Dec. IWRS Draft

The League of Women Voters of Oregon has appreciated having a representative on the Policy Advisory Committee(PAG) for the Integrated Water Resources Strategy. The broad representation of the PAG has allowed for a wide-ranging conversation about water in Oregon. The participation of agency Directors and other staff has enhanced the work, as has the technical committees that have included federal agencies.

We believe this first water plan for Oregon is a good first step---IF funding allows for data collection, measurement, field staffing and other actions called for in the plan. We pledge to work with others to see that our legislature understands the importance of implementing this plan--for the economy, the environment and the health of Oregonians.

As you know, the League updated its positions on water quantity and quality in April of 2011 from positions first developed in 1969, 1977 and 1985. We also have positions on climate change, energy, hazardous materials and land use relevant to this plan. It is because of the study of our members and the positions they have approved on these issues that allows us to comment on this draft plan. On the whole, we support the December draft with comments made by Peggy Lynch at the March 8th PAG mtg. and using the comments made by the Oregon Environmental Council as additional input. Please add the League's name in support of their comments.

We urge each agency beyond the Water Resources Department to also commit to the actions called for in the work plan that are under their purview. To be successful, this plan must truly be integrated....and implemented by all our natural resource agencies.

Again, thank you for allowing the League to participate in development of Oregon's first water plan. We look forward to following the process through approval and then implementation.

Peggy Lynch
Natural Resources Coordinator for the Action Committee
League of Women Voters of Oregon
1330 12th Street, Suite 200
Salem, Oregon 97303
503-581-5722
lwvor@lwvor.org

From: Michael Tripp
Sent: Tuesday, March 13, 2012 12:25 PM
To: webmaster
Subject: Public Commentary on HB 3369

Please record this email as my public comment on HB 3369. I was unable to use the waterstrategy link previously provided by WRD; I trust you can forward this to the appropriate office before the March 15th commentary deadline.

I strongly urge prioritization of strategies that improve instream flows within the context of HB3369. These efforts of course require funding for successful execution.

Improving the health of our rivers not only provides economic benefit through recreational fishing, wildlife viewers and water recreationists, but also provides real benefit for riparian landowners. A majority of Oregonians support these priorities.

Michael Tripp
Conservation Chair, Deschutes Trout Unlimited

From: michele adams
Sent: Wednesday, March 14, 2012 11:48 AM
To: waterstrategy
Subject: OR IWRS comments

Hello WRD,

Thanks for accepting comments on the draft Integrated Water Resources Strategy.

I appreciate Oregon's ability to protect instream flows. Leaving adequate water instream to support healthy ecosystems is vital to preserving the resource - I believe instream water is a beneficial use deserving equal priority. Having a Strategy that respects natural ecosystem processes to preserve adequate instream flows and seasonal flow variability, when authorizing allocation of water resources would be awesome.

I also believe the WRD needs additional funding to adequately manage water. It needs more science and field staff to collect and analyze data to determine instream flow requirements for optimal beneficial use and for water resources oversight. It also could use additional resources to better understand and account for groundwater.

For rivers,
Michele Adams
Portland, OR

Working with more than 90 community wastewater treatment agencies to protect Oregon's water
107 SE Washington, Suite 242
Portland, Oregon 97214
(503) 236-6722 www.oracwa.org Fax (503) 236-6719

15 March 2012

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

e-mailed to: waterstrategy@state.or.us

Oregon's Integrated Water Resources Strategy – Discussion Draft

The Oregon Association of Clean Water Agencies (ACWA) is a statewide organization of wastewater treatment and stormwater management utilities, along with associated professionals. Our 125 members are dedicated to protecting and enhancing Oregon's water quality.

The work done so far has been impressive, given the limited resources available to the agencies involved. We appreciate the focus on integrating water quantity and quality into a larger framework. With the limited budgets and resources available to the various agencies, it will be important to choose very carefully which recommendations will be priorities for implementation. We appreciate the improvements in the final document, and our key issues raised in our comments on the draft strategy have been addressed.

In these budget-constrained times, careful focus must be given to how these excellent recommendations and careful work completed to date can be implemented in a thoughtful, affordable manner. ACWA members remain partners with the State Agencies focused on this effort and look forward to collaboration to implement the recommendations.

We have a few additional suggestions:

- We would suggest continued improvement on the UIC provisions. Additional scientific study of UICs is concluding that these stormwater management systems can be designed and operated to protect groundwater. Use of UICs for relatively-clean stormwater restores natural hydrology, limits 'flashiness' of urban streams, and provides for natural treatment of metals and bacteria. A stronger statement focusing on the conflicts that arise when private well drillers install new wells near UICs would be useful. There are no provisions for well drillers to consider UICs when locating a well or for UIC owners to be notified (in fact, the information about a new well site is confidential for a year after

drilling). The recommendation should also include a reexamination of both UIC and well regulations to ensure consistency and prevent conflicts.

- Regarding the use of eco-system trading programs, you might want to add a discussion of the recent success in incorporating water quality trading into the National Pollutant Discharge Elimination System permit for the City of Medford. In partnership with The Freshwater Trust, the City of Medford will use stream restoration techniques to meet its temperature requirements, providing substantially greater environmental benefits for substantially less cost to ratepayers.

Thanks again for this very important document. We look forward to collaborative efforts to tackle the priority key recommendations in partnership with the many stakeholders interested in Oregon's water quality and quantity issues.

Please let me know if you have any questions regarding our comments- I can be reached by phone in Portland at 503/236-6722 or by e-mail at gillaspie@oracwa.org.

Very Truly Yours,

Janet Gillaspie

Janet A. Gillaspie
Executive Director

cc: ACWA Board
Susie Smith
Greg Aldrich, Oregon DEQ

Comments on the
Integrated Water Resources Strategy December 2011 Discussion Draft
Submitted by Jeff Stone, Executive Director
Oregon Association of Nurseries
March 15, 2012

On behalf of the Oregon Association of Nurseries I am placing these comments into the record on the progress of the Integrated Water Resources Strategy (IWRS) development process as evidenced by the December 22, 2011 Discussion Draft document (Discussion Draft). These comments supplement our extensive line-by-line evaluation submitted by the association on August 31, 2011 with respect to the initial IWRS Draft Recommended Actions document dated June 23, 2011.

The Oregon Association of Nurseries has been heavily involved with the last two gubernatorial administrations regarding the desire and need for a meaningful integrated water strategy for the State of Oregon. Simply put, a complete rehabilitation of how the state looks at water policy is needed for economic and environmental sustainability. We applaud the stakeholders who participated in Governor Kulongoski's H20 process. Likewise, we wish to recognize the time and effort put in by the stakeholder members of the IWRS policy advisory group—a group where we were pleased to have a production nursery representative.

We laud the enormous amount of work put into this strategy. However we feel the main components of a meaningful water strategy have been lost in the attempt to knit together the disparate views on the edges of the water community. We prefer that the IWRS focus on elements that would help the state take a significant step forward in achieving economic and environmental sustainability. These core elements include holding harmless vested water right holders, enhancing water supplies in the face of climate change, meeting environmental and economic needs, and developing non-politicized methods to fund the future water needs of the state.

Oregon Nursery Industry Background

The nursery and greenhouse industry remains the state's largest agricultural sector despite a severe economic downturn. Oregon's nursery growers ship nearly 75 percent of their products throughout the country– with over half reaching markets east of the Mississippi River. Nursery association members represent wholesale and Christmas tree growers, retailers and greenhouse operations.

Our members have spent generations as stewards of the state's natural resources. We believe that economic vitality can go hand in hand with sustainability and long-term environmental health. The development of a state water policy preference for the enhancement of statewide water supplies is consistent with those beliefs and something that we support.

Change that Honors our Cultural and Legal Institutions.

The OAN and its members understand that we live in an evolving world. As proud stewards of Oregon's natural resources, our growers have been leading the way in innovative and forward-looking conservation actions for decades. Examples of our pioneering efforts include leadership in the development of the SB 1010 agricultural water quality management program in 1993, the voluntary container nursery runoff management program in the mid 1990s, and in recent years the Climate Friendly Nursery Program. The majority of our growers use highly efficient irrigation delivery systems, and many recapture and reuse their water many times over.

This leadership and stewardship, however, is based on a solid legal foundation that establishes and protects growers' legal rights to use their land and water in innovative ways. Our industry members have had the courage to try new production methods and ideas in large part because they have the certainty of legal protections.

This is critically important in the water rights arena. Regardless of whether we are discussing water supply for agricultural or municipal use, stability and planning for the future depend on legal certainty developed over the last 150 years in Oregon. We are a prior appropriation state. Oregon's citizens have relied on that fact in their investment, development, and growth decisions for the majority of our history. The vested legal rights created and protected by the prior appropriation doctrine must be a critical centerpiece to any integrated water resource strategy planning effort.

General Comments on the Recommended Actions

The OAN appreciates that the Water Resources Department has been given a broad mandate under HB 3369 to produce an integrated water resources strategy. This creates the very real challenge of producing a strategy document that accomplishes the broad legislative mandate while simultaneously containing focused, concrete, and implementable strategies. In order to have practical value, the strategy document must strike the proper balance between the aspirational goals developed through the public comment process and the legal, economic, physiographic, and climatic realities in which the strategy will be deployed. Moreover, the strategy must be structured to recognize the *entire* legislative mandate contained in ORS 536.220, including the centerpiece of the state water resources policy contained in ORS 536.220(2)(a), "**that plans and programs for the development and enlargement of the water resources of this state be devised and promoted** and that other activities designed to encourage, promote and secure the maximum beneficial use and control of such water resources and the development of additional water supplies be carried out by a single state agency."

We are concerned that the Discussion Draft's Recommended Actions do not reflect the development of an overall strategy that will ultimately be of practical value to the citizens of Oregon. As WRD moves forward, it is our hope that it keeps this "practical value" goal in mind, so that this very significant commitment of Department resources ultimately results in a strategy document that is useful in the future management of the state's water resources.

Issues Facing the OAN Community

The nursery industry is a water intensive agricultural industry. Our members are concerned about water availability, water quality, and energy costs associated with the use of water. While our growers hold surface rights, many are also heavily dependent on groundwater as an abundant and pure source of water. Two of our key issues are the development of future storage solutions and the management and development of Oregon's groundwater resources—especially in the Willamette Valley. The OAN believes that the Recommended Actions fail to adequately address these issues as stand-alone topics. We therefore believe the Recommended Actions should include separate bulletins for both storage development and groundwater.

It is Time for the State to Begin Enhancing its Water Supply Options

Although few people in Oregon realize it, our state is in the midst of a water crisis. Every year, the holders of water rights for both consumptive uses and instream uses are told there is not enough water in our streams or our aquifers to satisfy their rights. In addition, many others are routinely told that there is no water available for new appropriations. The Discussion Draft discusses the strong possibility that climate change will cause more of our precipitation to fall as winter rain instead of snow. That means the gradual release of snowmelt throughout the spring and summer months will be significantly impacted. As a result, our surface streams will run low much earlier in the year—imperiling both instream and consumptive uses.

If our state does not prioritize the development and enhancement of additional water supplies now, at the early stages of this crisis, we will find that we have waited too long. When we talk about water supply enhancement, we are talking primarily about storing water when it is available for use later in the year when it is not. Of course, water conservation is a key component of any future supply scenario, but that only scratches the surface of what the state will need to develop to sustain its future instream and consumptive demands.

In 2006, the State of Washington passed a Columbia River water supply development bill, together with a companion measure that approved the issuance of $200 million in general obligation bonds to help finance water supply enhancement in the Columbia River Basin. In the last year, the Washington Department of Ecology has begun issuing new uninterruptible water rights in that basin for the first time in many years. That program carries benefits for both instream and consumptive uses and passes muster with

the federal agencies responsible for the protection of federally listed threatened and endangered species. Why is it that Oregon continues to sit on the sidelines watching our neighbors put their natural resources to use in an economically and ecologically sound manner? Oregon is falling behind and must take some real steps to address water policy to secure our economic competitiveness.

We are Losing the Opportunity for Economic Development

For 2010, the Oregon Department of Agriculture estimated that the value of agricultural exports was $1.37 billion. That traded sector component (exports) of agricultural production brings fresh dollars into our state that would not otherwise be here—driving economic development that does not come from simply passing a dollar from hand to hand inside Oregon.

However, that tremendous value to our state's economy is largely dependent on the availability of irrigation water. The Oregon nursery industry, like many other agricultural sectors, is water dependent. According to the USDA's National Agricultural Statistics Service 2008 Census of Agriculture, approximately one-quarter of Oregon's farm land is irrigated--1.75 million acres out of a total 6.95 million total acres in production. But of this total, the irrigated ground accounted for 85% of the value of all Oregon non-grain food crops. Without access to water for agricultural production, this significant component of Oregon's economy cannot be sustained, much less grow.

In addition, as stewards of the state's land and water resources, our rural landowners have a commitment to healthy ecosystems. The vast majority of these folks are multi-generational farmers, having grown up swimming and fishing in the streams and rivers that run through their properties. They drink water from the aquifers. They depend on a clean, reliable source of water for their crops. They value the environment in which they live and work every day.

They also appreciate the need for healthy fisheries and the economic value that those fisheries bring to our state. They just believe that with careful management and creativity, it is possible to have a healthy, robust agricultural economy and a healthy, robust fishery in the same watershed. That is why the OAN supports a water supply enhancement strategy that offers benefits for both instream and consumptive demands.

Create a Fund that Meets Needs not Political Whims

Over the past month, the Oregon Legislature began a meaningful discussion over use of water in the Columbia River Basin. While much of the focus was on diversions for use in agricultural and economic growth in northeastern Oregon, the main drive by the OAN was to establish groundwork for a significant focused discussion over water supply enhancement and a way to pay for it. The IWRS should place a priority on water supply enhancement, including the storage of winter flows, keeping a strong tie to traditional federal and state environmental protections. The IWRS should also prioritize the

development of a funding mechanism that actually promotes, not prevents, successful private-public partnerships for the creation of water development projects.

While the IWRS was created out of House Bill 3369, it would be a tremendous error in judgment to adopt the arduous and unrealistic environmental protection standards established in other sections of that bill for water development projects in the Columbia River Basin. The state should focus on a fund that encourages investment in new water projects rather than erecting a contorted barrier of costly and unrealistic public interest reviews promoted by the edges of the environmental community.

The OAN firmly believes that it is possible to create such a fund that will promote water supply enhancement and protect the environment. The creation of a workable fund would not only embrace the very ethic of what is Oregon--stewardship of natural resources–but require those who desire to improve their economic destiny to put resources in play. Fairness should be the rule–not political whim and recalcitrance.

Conclusion

We believe the state needs to step forward with a bold strategy to protect our future economic and ecological interests. We believe it is time for the state to prioritize the enhancement of water supplies throughout the state. The OAN has drafted a possible starting point for a water supply enhancement discussion and intends to call on those who desire to move water policy into the 21st century to join us in a concrete and focused discussion about how to achieve that goal.

We look forward to working with other stakeholders, the Governor's office, and the Water Resources Department to press boldly forward to address the need of a visionary water policy for the state. We have a problem and it is time to solve it.

Oregon Cattlemen's Association
O C A

3415 Commercial St. SE, Ste. 217
Salem, Oregon 97302
Phone: (503) 361-8941 • Fax: (503) 361-8947

March 15, 2012

TO: Oregon Water Resources Department

FROM: Oregon Cattlemen's Association

Subject: Oregon's Integrated Water Resources Strategy, Discussion Draft, December 22, 2011

The Oregon Cattlemen's Association (OCA) appreciates the opportunity to comment on the December 22, 2011 IWRS Discussion Draft. We also appreciate the time and effort extended by the members of the Policy Advisory Group tasked with developing the IWRS as directed by the Oregon Legislature in HB 3369.

HB 3369 (2009) established policy and direction for the Oregon Water Resources Commission and Department to develop an Integrated Water Resources Strategy (IWRS). The policy directive established in ORS 536.220 is to be implemented by the IWRS with supporting goals and objectives, but with the priority "…to meet Oregon's in-stream and out-of-stream water needs" stated in ORS 536.220 (3)(a). It is OCA's concern that the policy highlights the in-stream and out-of-stream water needs which seems to override the state's historical policy of "establishing and supporting beneficial uses."

With this said, the IWRS has followed Legislative direction provided in ORS 536.220 (3)(a) – (d) which states in part; "The Water Resources Department shall develop an integrated state water resources strategy to implement the state water resources policy specified in subsection (2) of this section. The department shall design the strategy to meet Oregon's in-stream and out-of-stream water needs." And, "…develop data on an, ongoing basis to forecast Oregon's in-stream and out-of-stream water needs, including but not limited to in-stream, underground water, human consumption and water supply needs, for the purpose of developing and updating the integrated state water resources strategy."

Although the Draft IWRS follows the ORS 536.220 requirements, the format of the "Draft Document" leaves the reader rather exasperated. The 185 pages include a large amount of informative and useable material but the "Strategy" is not placed in a concise format for immediate discovery and usage. In fact the "Strategy" is buried or not recognizable. The objectives, critical issues and recommended actions are necessary to formulate a "Strategy" but in Part 1, for example, the objective is background information with only two recommended actions. This occurs within all the major sections without clearly spelling out the "Strategy."

Under the “Critical Issues” titles the draft is explaining and describing water situations in Oregon for the most part. The “Recommended Actions” for the most part point to the possible “Strategy” items that will need to be addressed in the next 5 years, 10 years and beyond. From the “Recommended Actions” the “Strategy” should be placed in time. The “Recommended Actions” are not all possible due to funding challenges and state water priorities. The “Recommended Actions” should also be listed according to economic, environmental, and social priorities as indicated in ORS 536.220, and by funding feasibility.

During this economic downturn it will be necessary to design a different “Strategy” than during good economic times. Furthermore, the “Draft” needs to include a “Strategy” that adheres more closely to the Legislative directive in ORS 536.220 (1)(a - c) and (2)(a and b) which emphasizes “The maintenance of the present level of the economic and general welfare of the people of this state and the future growth and development of this state for the increased economic and general welfare of the people thereof are in large part dependent upon a proper utilization and control of the water resources of this state, and such use and control is therefore a matter of greatest concern and highest priority.”

It seems that the Legislature and Executive Branches can talk the need for good economic plans but they seem to fall short of adopting and implementing economic plans. Yes, there are competing interests but, if we don’t move full steam in the direction of economic development, as the priority, while protecting environmental and social interests, we will fall woefully short of protecting environmental and social interests, much less implementing an IWRS Strategy.

Overall the IWRS Draft Document is a good information guide on water in Oregon with the “Strategy” not fully identified or expressed. A reformatting is needed with all the support material and information in several sections and the “Strategy” or “Strategies” in a section of its own. Also, as was mentioned several times during the Policy Advisory Group meetings there needs to be a section especially dedicated to the accomplishments that have been made in water quantity and quality in the last 25 years or more.

All is not bad concerning water issues in Oregon today, but you might not be able to see that reading this document. Furthermore, it is important to include credible, science based information when referencing the issues of water quality, water quantity, peak and ecological flows, ecosystem service markets, and climate change. There will need to be future research addressing these issues with baseline data to support or those issues will only further polarize the economic, environmental and social issues, and communities in Oregon.

Oregon Environmental Council Comments on Draft Integrated Water Resources Strategy
March 10, 2012

The Oregon Environmental Council is pleased with the progress that has been made by the Policy Advisory Group and the agency staff in developing this strategy. Following are some comments that could improve the recommended actions. We look forward to working with you to implement the strategy once it is adopted

Introduction
We agree with the identification of groundwater, climate change, funding and institutional coordination as cross-cutting issues. Upon reviewing the document, we find that some groundwater recommendations should be strengthened to adequately address its importance.

Critical Issue B: Improving Water-Related Information
Under Action 1.A Fill in Knowledge Gaps, in the bullet on monitoring and evaluating surface water quality, a sentence should be added describing the need to continue and expand toxics and pesticides monitoring, in addition to conventional monitoring. Also, the action should note that there is a need to expand monitoring and understanding of pollutants of concern that do not yet have water quality standards. This was included in the June 23, 2011 draft recommended actions under Action 1.B, but it appears to be missing in the latest draft.

In the bullet on monitoring groundwater quality, step f) should be added: actions necessary to address identified problems.

Under Action 1.B, add "Fully integrate water quantity into DEQ's TMDL requirements. This was included in the June 23, 2011 draft recommended actions under Action 1.B, and the advisory committee has had extensive conversations about the need to improve this connection, but it appears to be missing in the latest draft.

Critical Issue D: Further Define Out-of Stream Demands
Under Action 2.A Fill in Knowledge Gaps – Long Term Water Demand Forecasts, the first bullet is about updating the state's long-term water demand forecast. This should include updating demand forecasts to account for the anticipated effects of conservation and efficiency improvements.

This section should include developing standards for water demand forecasts. The state should not base long term plans on local demand forecasts that use inconsistent methods that sometimes overestimate future demands.

Critical Issue E: Further Define Instream Needs
Under Action 3A, the bullet about developing elevated flow need requirements should clarify that this includes ecological flows to sustain the life stages of fish and

wildlife, as well as peak flows that perform functions such as maintaining river channels.

Critical Issue H: Water and Land-Use
The first bullet regarding Goal 6 should be strengthened. The state should go beyond providing technical assistance to communities interested in implementing this land use goal. Rather, the state should develop rules to advance implementation across the state.

The second bullet, "Protect Water Sources in the Course of Land Use Decisions" has a bullet about UICs. The recommendation to improve location information of UICs is not adequate to address the problem. A notification and approval system needs to be established so that new water wells are not drilled nearby existing UICs. At the very least, nearby UIC owners should be notified when a new well is proposed. DEQ requirements already prevent building new UICs within the two year time of travel of drinking water wells, but not vice versa.

Critical Issue I: Water-Related Infrastructure
Action 7B: Develop and Upgrade Water and Wastewater Infrastructure

This section does not mention irrigation district infrastructure. Irrigation districts manage much of the state's water, and many have antiquated, leaky systems that not only use excess water but make it difficult for their patrons to adopt more efficient practices. Updating irrigation district infrastructure is at least as important as municipal infrastructure, but it gets less attention and funding.

Critical Issue L: Place-Based Efforts
The details we discussed at the last PAG meeting added some much-needed clarity to the place-based planning proposal. What still needs to be clarified is the benefits and incentives participating basins will be eligible for. Finalizing the requirements, planning template, and incentives should be done in a rulemaking process.

Critical Issue M: Water Resource Development
Management should be added to this action title, as discussed at the last PAG meeting.

Action 11A: Increase Water Use Efficiency and Water Conservation:
This action is a high priority for water resources management and development.

The fourth bullet merges together the name of one action and the description of another action from the last draft. Conducting a statewide conservation potential assessment would identify how much water the state could save by adopting certain conservation practices at different levels, e.g. if 20% of inefficient hand line sprinklers were upgraded to low pressure sprinklers, you could save x amount of water. It is useful for long term planning and demand forecasting, and it was recommended by the consultant who conducted the OWSCI study. The text of the

bullet describes identifying stream reaches that can benefit the most from conservation. This would be a hydrologic assessment, and it could help OWRD and partners target conservation outreach activities to areas where the greatest benefit to stream flows are likely to be achieved. Both studies are needed, so there should be two bullets: a statewide conservation potential assessment and a basin by basin hydrologic assessment of conservation's likely benefits to and/or impacts on stream flows.

Critical Issue N: Healthy Ecosystems & Public Health
The last bullet under Action 12A describes the incredibly low rates of compliance with the Domestic Well Testing Act. Rather than "encouraging" increased testing, state agencies should put systems in place to enforce the law, ensuring that well testing must be done before sale of a property is completed.

Under Action 12.B Reduce the Use of and Exposure to Toxics and other Pollutants:

The first bullet about the toxics reduction strategy is of critical importance and we are glad to see it included in the IWRS. Implementation of the toxics reduction strategy should involve local governments, such as cities and counties, in addition to state agencies.

In the fourth bullet regarding revising purchasing practices, the word “consider” should be removed to strengthen the statement.

Under Action 12C, the second bullet regards nonpoint source pollution. The second bullet reads "build upon the existing work... and contamination of surface water." At the end of the sentence, add "to achieve water quality standards."

In the third bullet regarding stormwater in urbanized areas, DEQ should consider bringing more cities into the phase II MS4 permit program. For too many cities, stormwater management is still unregulated.

Action 12E: Develop additional instream water rights. This is currently the only part of the strategy that addresses the relationship between TMDLs and stream flows. Better integration of water quantity and quality would require more than just applying for instream water rights for the flows used to calculate TMDLs. TMDL development should include an assessment of whether stream flow augmentation could achieve water quality targets more effectively than implementing other BMPS without restoring streamflows. This should be one of the options considered during TMDL development.

If you have any questions about these comments, please contact Teresa Huntsinger at teresah@oeconline.org.

Oregon Water Resources Congress
1201 Court St. NE, Suite 303 | Salem, OR 97301-4188 | 503-363-0121 | Fax: 503-371-4926 | www.owrc.org

March 15th, 2012

Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301
Submitted via email to: waterstrategy@wrd.state.or.us

Subject: OWRC Comments on "Oregon's Integrated Water Resources Strategy Discussion Draft"

Thank you for the opportunity to comment on Oregon's Integrated Water Resources Strategy (IWRS) Discussion Draft released December 22, 2011. The Oregon Water Resources Congress (OWRC) represents irrigation districts, water control districts, and other local government entities that deliver water supplies to over 560,728 acres of farmland, roughly 1/3 of all irrigated land in Oregon. As agricultural water suppliers, OWRC members are keenly aware of the need to conserve and wisely manage Oregon's water resources and commend the Oregon Water Resources Department (WRD) and the other natural resource agencies for their leadership in developing the IWRS. OWRC's Board President, Jay Chamberlin, served on the IWRS Policy Advisory Group (PAG) and our organization will continue to provide input as this process moves forward.

The IWRS draft document is thorough in its summary of the numerous issues impacting Oregon's water needs and contains many promising ideas for meeting current and future water demands. However, there are a few areas that could benefit from further revision or clarification to address the concerns of the irrigated community that OWRC represents.

General Comments

The IWRS is ambitious and we compliment staff for their efforts in amalgamating a broad spectrum of stakeholder feedback about Oregon's water needs and potential solutions. There is inherent difficulty in recommending actions to meet to all of Oregon's water needs that can be broadly accepted, and more importantly, actually be implemented. While this document presents some good ideas, the IWRS, in its current version, is too broad in its scope to be successfully implemented, particularly given the lack of funding resources. Something similar to the draft five-year work plan that was presented at the March 8, 2012 IWRS PAG Meeting should be included to provide a starting point for implementation activities. It would also seem prudent to incorporate suggestions from the PAG and the public and then release another draft for comment.

OWRC agrees that the IWRS should be voluntary, incentive-based, and most importantly, preserves existing water rights and other rights and authorities that are essential to water resources management. The doctrine of prior appropriation has over 100 years of success in Oregon and needs to be upheld throughout the IWRS. Statements recognizing the importance and protecting sanctity of Oregon's water code should be added in every section that proposes action related to water rights.

The guest essays provided throughout the document are somewhat out of place and may confuse readers that have not been actively following the IWRS. It should be clearly noted that these articles are not part of the IWRS or have some sort of disclaimer. The location of the articles seems to interrupt the IWRS at times and might be better placed at the end of each section or in the Appendix.

The use of the "key" symbol is not particularly helpful. A work plan (as mentioned above) would be more helpful.

Action 1.A Fill in Knowledge Gaps — Physical Water Resources
OWRC agrees that additional data on water resources is needed and supports increased funding for streamgages, modeling, and other information gathering. However, there is some language included in the sub-bullets describing the recommended action that is a bit concerning. The second sentence under "Monitor and Evaluate Surface Water Quality," on page 35 states "update water quality standards," which is an action beyond simply monitoring and evaluating and as such it should not be included in this section. As stated on pages 29-33, there are already a variety of regulatory tools in place to protect water resources and increasing regulatory will not yield greater understanding of the resource. Proposing updated water quality standards is an action that would better fit in Critical Action N: Healthy Ecosystems & Public health, provided that the data shows that such action is warranted.

Action 1.B Further Integrate Water Resource Management in Oregon
OWRC is supportive of clarifying agency roles and permitting responsibilities, including updating the state's on-line permitting guide. The updated permitting information should include links to agency application forms, review standards and applicable rules. The on-line resources should specifically include copies of any internal guidance memoranda used by agency staff to interpret and apply agency rules. Although duly adopted administrative rules are readily available to the public, internal memoranda are not typically made known to the public and yet they can play an important role in determining whether an application will be recommended for approval or denial.

Action 2.A Fill in Knowledge Gaps — Long-Term Water Demand Forecasts
OWRC agrees that more information about long-term water demand is needed. However, the benefits of irrigation and the agricultural economy it supports are greatly understated in the accompanying section. Oregon's irrigated agricultural industry provides a bounty of food and fiber products that are sold and consumed in Oregon and around the world—and without adequate water, none of this is possible. There are several statistics on agricultural water use scattered throughout pages 42-43 but little

mention of how those numbers relate to one another or what those numbers really mean (i.e. list examples of harvested crops). This section would be greatly improved with a more narrative description supplemented by a few relevant statistics. Water is essential to all life and the importance of meeting the wide array of water demands, particularly for food and fiber, cannot be overstated.

Action 2.C Determine Pre-1909 Water Right Claims

OWRC is concerned that the three measures within this recommended action carry enormous staffing and budget implications and could lead to further litigation. Although the goals are commendable, the reality is that these measures cannot be realistically implemented in the broad manner that they are represented. The recommendations should be revised to reflect legitimate budget expectations. The Klamath Basin adjudication alone has already taken more than 30 years and consumed millions of dollars – and it is not yet finished. The priority of this activity should be reevaluated in the context of the 36 other recommended actions.

Action 3.A Fill in Knowledge Gaps – Flows Needed (Quantity & Quality) to Support Instream Needs

OWRC agrees that additional information about instream flows is needed. We are particularly concerned that peak and ecological flow requirements may be established without data or analysis of the costs and benefits. Including "develop elevated flow needs requirements" in the recommendation seems to be putting the cart before the horse as solid data is needed first to support any new additional instream flow requirements. As noted on page 56, peak and ecological flows are not well understood and therefore more information needs to be developed prior to recommending any new flow criteria. The functions, benefits, risks, and statewide applicability need to be fully analyzed before proceeding with any new ecological flow regime.

Additionally, the tone in the accompanying chapter (Critical Issue E) seems to be weighted towards convincing the reader why instream flows are important rather than simply identifying information gaps in understanding instream needs. This section, particularly the headings, needs to be revised to match the previous section on out-of-stream needs. Statements supporting the need for additional instream protections should be moved to Critical Issue N: Healthy Ecosystems & Public Health.

Action 4.B Take Advantage of Existing Infrastructure to Develop Hydroelectric Power

OWRC is highly supportive of the recommendation to add power generation facilities to already-existing infrastructure such as irrigation pipes, canals, and wells, through the use of the state's existing statutory procedures for expedited permitting. Unfortunately, the recommendation and report do nothing to address the significant challenges and constraints that are identified in the accompanying essay. Lack of clarity and consistency in the "certain conditions" required by the Oregon Department of Fish and Wildlife pose a significant barrier to developing in-conduit hydropower. Until these issues are addressed, water users will be unable to effectively participate in the program and develop renewable energy.

Action 5.B Assist with Climate Change Adaptation and Resiliency Strategies
Climate change adaptation strategies need to include evaluation of new or increased storage facilities to address loss of natural storage from snowpack, to protect communities from flooding, and provide instream flows during summer months.

Action 7.B Develop and Upgrade Water and Wastewater Infrastructure
OWRC is very supportive of the recommendation to develop and upgrade water infrastructure. However, the accompanying section could benefit from additional detail about the infrastructure needs of irrigation districts and other agricultural suppliers. Irrigation infrastructure encompasses all the components necessary to get the water from its source to the farm or other district water user. These components include:

- Storage facilities such as dams, the reservoir behind the dam (and any recreation facilities associated with it), regulating reservoirs, and wells;
- Diversion and delivery systems such as canals (lined and unlined) and pipelines; pumps and pumping stations; headgates, headworks, and valves; spillways; siphons; drains; penstocks (for power) and transmission lines; and telemetry systems;
- Measurement devices such as weirs, flumes, meters, gauging stations, and data loggers;
- Environmental enhancements such as fish passage, fish ladders, and fish screens.

Each of these infrastructure components are vital to delivering agricultural water supplies and are facing rehabilitation, upgrade, or replacement challenges just as much as drinking water and wastewater facilities. Funding is needed for both asset evaluation and implementation of identified needs.

Action 9.A Fund Development and Implementation of Oregon's IWRS
As mentioned earlier, the IWRS is currently too broad and needs to be further refined with short and long-range priorities, estimated resources needed, and timeframe for each priority action. As part of the prioritization process, identify "low-hanging fruit" that can be addressed with minimal resources. Recognizing that budgets tight for all sectors for government, it would also be beneficial to identify leverage points where different types of funding could be combined to address a priority action (such as state and federal or cross-agency funding).

Action 9.C Fund Communities' Feasibility Studies for Water Conservation, Storage & Re-use Projects
OWRC is highly supportive of continued funding to for local communities to conduct feasibility studies. As proponents of the original SB 1069 legislation, we are very cognizant of the need for this type of funding, however; there also needs to be a workable mechanism for funding implementation of viable projects, which is elaborated on below.

Action 9.D Fund Communities Implementing Water Conservation, Storage & Re-use Projects

Grants and loans for implementing viable water conservation, storage, and reuse projects is a crucial component to the IWRS and meeting Oregon's water needs. Unfortunately, the funding program created under HB 3369 is far too restrictive and provides minimal utility to agricultural water suppliers. A new or modified funding program that is based on established regulatory authorities and environmental methodologies is needed so that good projects can move forward.

Action 10.B Partner with Tribes & Neighboring States in Long-Term Water Resource Management

The recommendation to protect Oregon's interests in the Columbia, Snake and Klamath Basins is too vague to be useful. Specific actions for the Columbia River should address issues such as those raised in amended version of HB 4101 (2012 Session) relating to the need for increased access to water for irrigation and economic uses. This includes an overdue review of OWRD's "Division 33" rules and specific actions to increase access to funding for new project development. The review should include an assessment of existing programs, such as issues with HB 3369 as discussed above, to evaluate whether changes are needed to make the programs more workable.

Action 11.A Increase Water-Use Efficiency and Water Conservation

OWRC members are actively developing innovative methods for irrigation efficiency and water conservation. However, we would like this section to clarify that efforts to "prioritize agricultural efficiency" are voluntary and still firmly rooted in the doctrine of prior appropriation. And as stated in previous IWRS comments, there are irrigation districts around the state improving their systems, not just in central Oregon as listed on page 112.

Action 11.B Improve Access to Built Storage

OWRC strongly supports improving access to water storage and sees this as one the most crucial recommended actions. However, limiting new storage to only "side-channels…[with] no known listed fish species," is far too constraining to meet the water storage needs of Oregon. There may be opportunities for on-channel projects with minimal environmental impacts that should not be automatically precluded from analysis. Additionally, storage needs and possible solutions are grossly underemphasized in the accompanying section. Exploring built storage needs to be a fundamental part of the IWRS, recognizing that new storage projects must be done in an environmentally sensitive matter. Moreover, the work that WRD has already completed in evaluating potential above and below-ground storage opportunities should be expanded upon or at least emphasized to a greater degree in the IWRS.

Action 12.B Reduce the Use of and Exposure to Toxics and other Pollutants; Action 12.C Implement Water Quality Pollution Control Plans; and Action 12.E Develop Additional Instream Protections

As stated earlier, any new water quality regulations, policies, or management plans need to be grounded in a solid understanding of Oregon's instream needs and the benefits and costs to Oregon's economy and environment as a whole. An evaluation of the environmental and economic costs and benefits and likelihood of success should also be included, particularly related to peak and ecological flows.

In summary, OWRC has a few concerns about some of the recommended actions and language in the December 22, 2011, IWRS Discussion Draft but remains supportive of the overall IWRS process. The IWRS represents an important step forward for the State of Oregon in ensuring adequate water supplies and OWRC will continue to be involved as the IWRS evolves. Again, thank you for your efforts in developing this draft document and for the opportunity to provide comments. If you need any additional information please contact us.

Sincerely,

April Snell
Interim Executive Director

OREGON WATER UTILITIES COUNCIL
Pacific Northwest Section, American Water Works Association
150 E. Main St., Hillsboro, OR 97123
Office: 503-615-6770, Fax: 503-615-6595
E-mail: nikii@ci.hillsboro.or.us

March 15, 2012

Brenda Bateman, Project Manager
Integrated Water Resources Strategy
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Dear Ms. Bateman,

The following are comments from the Oregon Water Utility Council (OWUC) on the Discussion Draft of Oregon's Integrated Water Resources Strategy (IWRS). OWUC is a subcommittee of the American Water Works Association and represents over 40 Oregon municipal water suppliers representing municipal water supplied to over 85% of the population in Oregon.

I would like to first congratulate you and your staff at the department for your exceptional work on the IWRS. OWUC members also appreciate the collaboration and work of the entire project team. The Draft Strategy is very comprehensive and thoughtful. It provides an excellent framework to address the complex water issues facing our state.

Specifically, I'll offer the following comments on the Critical Issues:

Critical Issue C: OWUC supports all facets of Recommended Action 1.B. In particular, increasing the field presence of state's water-related agencies is of particular importance.

Critical Issue D: While OWUC supports long term demand forecasting, municipal demand forecasting is a complicated exercise which is unique to utilities and regions. OWUC members have a wealth of experience in this sector and would welcome working with the state in implementing Action 2.A.

Critical Issue F: OWUC supports Action 4.B. There are many potential opportunities to develop hydropower by taking advantage of municipal water systems that would have no negative environmental repercussions. This practice should be promoted.

Critical Issue G: OWUC supports the need to consider Climate Change effects on the availability and deliverability of water supplies and in particular supports bullet 6 under Action 5.B.

Critical Issue H: OWUC very much supports the source water protection sentiments within the 2nd bullet under Action 6.A.

Critical Issue I: Water related infrastructure is an issue of key concern for Oregon's municipalities and OWUC supports all aspects of Actions 7.A and 7.B.

Critical Issue K: While OWUC supports adequate funding for the state's water management activities, we'd like to highlight Action 9.C as a particularly effective program.

Critical Issue L: Innovative local and regional strategies are critical to meeting Oregon's water related challenges. OWUC agrees that Action 10.A should be a "key" strategy and provides an opportunity to explore incentive based approaches to water management.

Critical Issue M: Again, OWUC credits the department for developing a well thought out and even-handed approach to water resource development. The Actions in particular are very balanced. Water use efficiency and conservation are activities that OWUC members are aggressively engaged in and as such, support the programs under Action 11.A. We would like to draw particular attention to the 4th bullet under Action 11.B. For over two decades, OWUC members have collaborated with the federal government, state government, and stakeholders to thoughtfully reallocate the Willamette Reservoir Projects. This is a critical project for Oregon's future and we appreciate its inclusion in the Draft Strategy.

Critical Issue N: This issue is quite broad and the Actions include a wide ranging suite of recommendations. As stewards of the health and safety of the public's drinking water, OWUC recommended the inclusion of Action 12.A in earlier drafts and very much appreciates its inclusion in the Draft Strategy.

Again, municipal water suppliers very much appreciate the time, energy, and effort that the project team has put into this project. Moreover, OWUC is excited about working with stakeholders and the state and federal government on the implementation of this critical strategy in the future. If we can be of any additional assistance to the department or this project, please let me know.

Sincerely,

Niki Iverson
Chair, Oregon Water Utilities Council
Water Resources Manager, City of Hillsboro

From: dh.oregonwild@gmail.com [mailto:dh.oregonwild@gmail.com] **On Behalf Of** Doug Heiken
Sent: Wednesday, March 14, 2012 10:16 AM
To: waterstrategy
Subject: Integrated Water Resources Strategy -- discussion draft -- comments

FROM: Doug Heiken, Oregon Wild | PO Box 11648, Eugene, OR 97440 | 541-344-0675 | dh@oregonwild.org
TO: waterstrategy@wrd.state.or.us
ATTN: Water Strategy c/o OWRD
DATE: 14 March 2012
RE: Integrated Water Resources Strategy -- discussion draft -- comments

Please accept the following comments from Oregon Wild regarding the Integrated Water Resources Strategy -- discussion draft. Oregon Wild would like to add our support to the comments on the IWRS discussion draft submitted by WaterWatch of Oregon dated March 12, 2012, which made sound recommendations in several areas, including but not limited to:

- improved water measurement and reporting;
- integration of water quantity, water quality, and fish & wildlife objectives;
- fill knowledge gaps to inform instream water needs;
- full integration of water management into land use planning and energy developments;
- improve water use efficiency and water conservation;
- developing additional instream protections and making this a key issue;
- better recognition of instream habitat and the need for natural patterns of movement of organisms, wood, substrate;
- better integration of management and conservation of connected surface and groundwater supplies;
- better recognition of the regulatory tools available for improving ecological health;
- maintain or improve existing mitigation policies for water storage projects;

It is imperative that Oregon improve its water management efforts, so that all water users will attain continual improvement in water use efficiency and so that we can find the most optimal mix of uses that best serves the public interest.

For your convenience, we attach (below) our prior comments, many of which remain relevant.

Sincerely,
/s/

_____

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

Doug Heiken <dh@oregonwild.org> **Tue, Aug 30, 2011 at 2:32 PM**

To: waterstrategy@wrd.state.or.us

Bcc: info@waterwatch.org

FROM: Doug Heiken, Oregon Wild | PO Box 11648, Eugene, OR 97440 | 541-344-0675 | dh@oregonwild.org

TO: waterstrategy@wrd.state.or.us

DATE: 30 Aug 2011

RE: Integrated Water Resources Strategy - draft recommended actions - comment

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

In reviewing the Recommended Actions "At a Glance" we make the following observations/suggestions:

1. Water Management and Ecosystem Health (Actions 11 and 12) are fundamental to everything else and should be moved to the top of the list.
2. Instream flows and fish habitat should be recognized as "key, high priority, concepts."
3. To fulfill the vision for an "integrated" water resources strategy there must be a mechanism for resolving conflicts between competing values such as increasing water storage and increasing power generation, on the one hand, and instream flows and ecological health and habitat on the other hand. he strategy seems to give high priority to consumptive and ecologically harmful uses of water, while giving lip service to ecological values.
4. The IWRS must address climate mitigation as well as adaptation. This means recognizing the need to maintain carbon storage and minimize GHG emissions in every water-related decision. Some farming practices will accelerate the loss of carbon stored in soil, while others may help increase soil carbon storage. Water storage in reservoirs often causes increased carbon emissions, while water storage in healthy watersheds with cool, structurally complex streams can store carbon and transport carbon for storage in the ocean. The IWRS must consider these factors in decision-making. Water management decisions should shift water use over time from activities that are more likely to emit GHG to those more likely to sequester GHG.
5. "Placed-based approaches" raise serious concerns because local control of natural resources often leads to unsustainable resource use driven by the profit motives of a few people who are likely to benefit the most.

We would also like to reiterate our earlier comments from July 6, 2010:

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

A. Water use based on the principle of "prior appropriation" encourages wasteful water use and the WRD should adopt a program of periodic (~ every 20 years) review of water use to ensure that water permit holders are using the best available technology to conserve water, the point of

diversion and method of diversion cause minimal impacts, and to ensure that the beneficial uses are still in the public interest.

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

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

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

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

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

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

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

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

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

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

review.

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

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

Water Management – Oregon's water future must include improved water management, including:

- Ensuring all water allocation and reallocation processes adequately protect instream values (i.e. institute a public interest test on transfers).
- Measurement of diversions statewide
- Increased field presence
- Enforcement of laws and permit conditions
- Enforcement against of waste
- Conservation and efficiency
- Increase surface/groundwater management to account for the relationship between groundwater and surface water and to protect groundwater dependent ecosystems
- Ensure that the WRD water right database is current

Instream Values – We strongly support agency efforts to identify, establish, protect and restore instream flows, including both minimum dry season flows and the higher "channel-forming" flows needed to maintain river habitat and trigger biological responses in aquatic species.

Data Collection – We strongly support ongoing collection of data necessary to support better management of Oregon's waters, including specifically, money for studies of the state's groundwaters and connections to surface waters.

Regionalization- We strongly support a statewide framework for water management, planning and allocation and we object to efforts to delegate authority and decision making in these areas to local entities. Any incentives tied to "regionalizing" water should be provided only to regional projects that have a quantifiable benefit to river flows and that meet relevant state standards in all respects.

Funding – We strongly support enhanced funding and parity between out of stream and instream

projects in future agency funding requests to the Legislature. Please establish a fund for improved water management that would help pay for increased measurement, replace lost agency capacity for water management , increase field presence and provide agency capacity to understand and meet Oregon's future instream needs.

Integration – We strongly support notice and consultation between state agencies that would account for the water quality and fish and wildlife impacts of water allocation and management decisions. Currently, the agencies with responsibility for water allocation, fish and wildlife and water quality do not coordinate sufficiently to make integrated decisions about water.

Respectfully,

/s/

_____

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

From: Ousterhout Vineyards
Sent: Tuesday, March 13, 2012 5:59 PM
To: waterstrategy
Subject: Integrated Water Resources Strategy

As a 4th generation farm family in southern Oregon, we urge you to make sure instream protections are included in the final Integrated Water Resources Strategy, and that instream protections will be a co-equal priority in the future. We support the following essential water management strategies:

1. Instream Values -- The Strategy must include strong provisions for increasing instream protections for the full suite of river flows needed for fish and river health. We support agency efforts to identify, establish, protect and restore instream flows, including both minimum dry season flows and the higher flows needed to maintain river habitat and trigger biological responses in aquatic species.
2. Adequate Funding -- The Strategy's Five Year Workplan and associated funding requests must include, as priorities, funding and actions that will protect instream flows. We support prioritizing future agency funding requests to provide for improved water management, including water measurement, and adequate field and scientific agency staff to provide agency capacity to understand and meet Oregon's future instream needs.
3. Data Collection -- We support funding to collect the data that will support better management of Oregon's waters, including specifically, money for studies of the state's groundwaters.

Thank you for your consideration.

Gretchen and Bob Hunter
Ousterhout Vineyards

Eagle Point, OR 97524

From: Paul Franklin
Sent: Thursday, March 15, 2012 10:21 AM
To: waterstrategy
Subject: Integrated Water Resources Strategy

Dear Water Resources Department

I am an avid fly fishing angler and river enthusiast who uses, enjoys and cherishes Oregon's rivers and streams. As a result of my interests and passions, your work on a Integrated Water Resources Strategy for Oregon has come to my attention.

I would like to express my strong support for the Strategy and especially for those elements of the Strategy that address instream water protections. It is essential that the Strategy have strong provisions for increasing instream protections for the river flows needed for fish and to promote healthy rivers. I strongly support provisions that guide the agency's efforts to identify, establish, protect and restore instream flows, including both minimum dry season floes and the higher flows needed to maintain river habitat and sustain and grow river species.

The Strategy's Work Plan and Budget must include funding priorities and actions that specifically will protect instream flows. Future agency funding requests need to place a priority on water management, including all important water measurement and include adequate field and scientific staff to meet Oregon's future instream needs.

The Strategy must also have the funding needed to collect data necessary to support better management of Oregon's waters, including specifically money for studies of the state's groundwaters.

The Strategy provides an unusual opportunity for Oregon's water use priorities to increase a fair shake for instream water. I sincerely hope the WRD will make sure the Strategy provides that fair shake not only in the Strategy but in the funding and work plan priorities.

Sincerely,

Paul Franklin
Portland, Oregon

February 1, 2012

Brenda O. Bateman, Ph.D.
Senior Policy Coordinator
Water Resources Department
725 Summer St., NE
Salem, OR 97301-1271

Dear Dr. Bateman:

The Regional Water Providers Consortium appreciates very much the time that has been spent over the last two years keeping the members of the Consortium informed about the process and implementation of the development of the Integrated Water Resources Strategy (IWRS) for the State of Oregon. You and your staff, as well as Water Resource Commissioners LeJeune and Jackson have twice attended Consortium Board meetings to provide information and seek input on the development of the IWRS. The Consortium was pleased to provide an information booth at the Gresham Open House in 2010. During the development of the IWRS two members of the Consortium have participated on the Policy Advisory Group (PAG), Todd Heidgerken of the Tualatin Valley Water District, and Lorna Stickel, the Project Manager for the Regional Water Providers Consortium. They have kept the Consortium Technical Committee and the Board well informed about the progress of this effort. Many members of the Consortium have also provided input to this process either directly or through the efforts of the League of Oregon Cities, the Special Districts Association of Oregon, or the Oregon Water Utilities Council. With the issuance of the draft IWRS in December 20121, the Consortium would like to offer support for this document and provide some suggestions as a group regional water providers. While the Consortium provides these comments, it should be noted that individual members and other municipal organizations will also be providing separate comments.

The Consortium staff have read through the draft plan, and while there are some revisions that the Consortium Board is recommending, on balance the IWRS is a good document that has blended a significant amount of public input on complex water resource issues dealing with water resources, both quantity and quality as well as habitat issues. The charge provided in ORS 536.220(2) appears to have been met by this document, which provides an excellent framework for many years to come, as well as listing specific activities by policy area that provide direction for the next State biennial budget process for the key implementing agencies. Other aspects of this plan that are of benefit to water providers is that implementation is not left solely to state agencies, but provides strategies that give local and regional agencies strong implementation

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roles. Although the IWRS is ambitious, and there are not resources to fully implement all of the actions listed immediately, the intent of the document was never to be limited to existing resources, but to provide a framework for the future. The emphasis is positive, far reaching, and very much based on a collaborative problem solving model.

Key Action items of importance to the Consortium and its members:

1. The Consortium supports the Vision, Goals and Objectives, as well as the list of critical issues and the Guiding Principles.

2. Critical Issue C: Further Understanding our Water Management Institutions – we support all of the three action items in 1.B including mapping major water-related institutions, updating the Oregon permitting guide, and increasing/maintaining field presence. The latter action item has been identified by stakeholders and management staff at WRD as being the top budget priority area.

3. Critical Issue D: Further Define Out-of-Stream Demands – Action 2.A - updating Oregon's long term water demand forecast is an area where Consortium members have been engaged and continue to emphasize that one size does not fit all when it comes to water demand forecasting. We support the involvement list of who should be at the table including local entities. Action 2. C on determining pre-1909 water rights is important, including the need to prioritize which basins the State can address. All of the Portland area is located in unadjudicated basins (Willamette and Sandy). However, it is clear that such processes would be very time consuming and expensive. So while it is important to keep these listed in the IWRS, the timing for these will be in out years.

4. Critical Issue G: Climate Change – Action 5.B bullet 6 contains language on the need for water infrastructure to address climate adaptation by evaluating storage, transmission, and back-up supplies as well as supporting conservation, re-use and other efficiency projects. The Consortium has already expressed support for addressing climate change and this action is specifically addressing that need and some of the specific strategies that could be considered. The Consortium recommends that these action items be taken up as soon as possible in the WRD budget process where the implementation of the IWRS will be carried out.

5. Critical Issue I: Water-Related Infrastructure – Action 7A. supports encouraging regional (sub-basin) approaches to water systems, Action 7B. supports the use of asset-management as a tool to evaluate maintenance and upgrading infrastructure facilities, advocating continued funding, and improvements to dam safety. These are all actions that water utilities recommended for inclusion in the IWRS.

6. Critical Issue J: Education and Outreach – The Consortium recommends that the programs of the Consortium should be listed in this policy issue, and we volunteer to write a side bar for this issue as an example of using regionally based approaches to address critical issues such as water conservation and emergency preparedness. This is one of the policy emphasis areas that does not have a side bar and as such the example presented by the programs of the Consortium are timely and directly on point with the policy and the actions.

7. Critical Issue K: Funding Oregon's Water – Action 9 A-D is highly supported by the Consortium. While all members may not take advantage of available state funding, all members and their customers benefit from a fully funded water management program as implemented by the primary state agencies such as WRD, DEQ, ODF&W and other agencies.

8. Critical Issue L: Place-Based Efforts – the inclusion of this critical issue and the Actions listed in 10A were very important to the stakeholders concerns that local and regional solutions were going to be very important in order to solve complex and difficult water resources problems and to implement many aspects of the IWRS. The Consortium as a place-based organization that implements water management programs strongly supports this set of actions.

9. Critical Issue M: Water Resource Development – The action items for this issue include 11 A. on increasing water-use efficiency and conservation and the actions listed are all ones that the Consortium and it's members have supported or implemented. Action 11B relates to improving access to built storage, which is an issue that many members of the Consortium have worked on over the last several legislative sessions and in state directed work projects, particularly those involving the Corps storage projects on the Willamette. Action 11C encourages additional water re-use; there is a policy in the RWSP that contains similar language. We also support the recognition in the IWRS draft of the need to have adequate regulatory programs in place to ensure that source waters are adequately protected as these systems are developed.

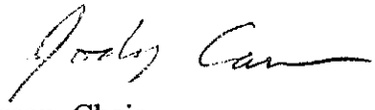
10. Critical Issue N: Healthy Ecosystems and Public Health – This is a lengthy issue statement which contains a significant number of action items. Action 12 A. is the one most related to Oregon's municipal drinking water program and implementation actions include domestic well testing and the development of a statewide emergency response system that can quickly respond to drinking water emergencies. The Consortium suggests that language be added on this latter action since there are no details provided in the draft. We suggest the following language: "Encourage all water providers to join the Oregon Water/Wastewater Agency Response Network which is a state-wide mutual aid agreement specific to water and wastewater agencies that provides access to equipment and personnel. Partner with other regional networks and organizations such as the Regional Disaster Preparedness Organization (UASI Region) and Regional Water Providers Consortium on development of regional emergency preparedness, response and recovery and coordination of resources." Action 12 D. relates to the encouragement of strategies that improve watershed health, resiliency and capacity for natural storage. Action 12 F relates to recognizing and dealing with invasive species, and Action 12 H. provides language about assisting in the development of ecosystem markets, and while the language seems useful, there may be a need to discuss this action further to seek further clarification so that the role of such markets in water resource management is understood.

The draft IWRS selects eight Key Actions, the Consortium offers some comment on the key actions. The WRC should consider the addition of two other actions to the list of key actions. **Key action suggestion #1** - Specifically action 11. A. on water conservation should be considered as a key action since water efficiency has and will continue to be critical to meeting future water needs in Oregon. The Consortium entities have a strong commitment to water conservation as a means of meeting future municipal water demands in the Portland area.

Another observation is that while action 2A. on long-term water demand forecasts is important and may have been called out in HB 3369, the next action 2B on water use measurement would seem to be equally, if not more important in the near and longer term. Many municipal water providers conduct their own water demand forecasts on a much more specific and detailed basis than any general forecasting that might be repeated using the model created for the WRD. Knowledge gaps how water is currently being used make it very difficult to understand water availability and how the current water rights structure fits into meeting future needs. Municipal users are required to annually report their water use; this requirement should be spread to the other major user sectors sooner rather than later. **Key action suggestion #2** - A second action on place based solutions, specifically 10A, should be included as a key action. Throughout the public involvement process for the IWRS, as well as the deliberations of the Policy Advisory Group, the need for place based (or sub-basin integrated planning) has been emphasized as an important means of water management planning and implementation. We would agree with the emphasis on this action as a way to solve complex water resource issues. Lastly, the Consortium would also like to point out that while there are key actions identified, all of the other actions have a role to play in the implementation of the IWRS.

Again, the Consortium is very supportive of the draft IWRS in general, and this letter contains some specific actions that are of importance to water providers, as well as a few areas of specific comments and suggestions for the final IWRS. If we can provide any additional assistance or clarification of this letter please contact Lorna Stickel, the Consortium Project Manager at (503) 823-7502 or e-mail at lorna.stickel@portlandoregon.gov. We appreciate the willingness of the WRD to work with the Consortium as you have throughout this process.

Sincerely,



Jody Carson, Chair
Regional Water Providers Consortium Board

Cc: Lorna Stickel, Program Manager
Brain Stahl, Chair Consortium Technical Committee

SDAO Special Districts Association of Oregon

March 14, 2012

Brenda Bateman, Ph.D.
Senior Policy Coordinator
Oregon Water Resources Department
725 Summer Street NE
Salem, OR 97301-1271

Dear Dr. Bateman:

I am pleased to provide the following comments on behalf of Special Districts Association of Oregon (SDAO) regarding the December 22, 2011 Draft of Oregon's Integrated Water Resources Strategy (IWRS)– Discussion Draft. SDAO represents, among others, municipal water providers and sanitary districts throughout the state who are committed to resource protection and environmental stewardship while also providing our citizens and businesses with clean, safe drinking water and affordable and effective water treatment.

SDAO has been tracking the progress of the development of the IWRS with great interest. We have appreciated the approach the project team has taken in gathering input from stakeholders, water professionals, interested parties and the public. The materials, maps and draft documents have all been well prepared and have reflected the input that was gathered along the way. The current draft document, and presumably the final document, will serve as a useful tool in outlining Oregon's water needs and providing ideas on how we can better understand and in some cases address the challenges before us.

Before providing formal comments, on a more personal note, I want to thank you and the project team for your work on this project. Your availability to speak to groups, listen and gather input and thoughtfully incorporate comments has significantly contributed to the success of the development of this document.

Overall, SDAO is pleased with the draft document and supportive of its adoption by the Oregon Water Resources Commission. That said, we would like to offer some observations and suggestions on the current draft.

Critical Issue A: The document talks about the health of "indicator species" on pages 23 and 24. The section goes on to note that the most visible indicator species are native salmonids and then list a number of factors that influence the health of fish species. Given the amount of time salmonids spend in the ocean, a suggestion would be to acknowledge the role of "ocean conditions" by including it in the list of factors listed on page 24.

Critical Issue B: This section does a good job in indentifying the data gaps and needs. We would encourage the improvements to existing monitoring activities before taking on new initiatives.

Critical Issue C: As explained in the document, water management is not a simple task. The actions included in 1.B will serve the state well. Of particular interest would be to encourage the Water Resources Department (WRD) to maintain its field presence to allow for active water resources management.

Critical Issue D: The initial work performed by the WRD on looking at the state's water demand forecasting is helpful yet the limitations of this tool need to be noted so that policy decisions are not made solely based on this information. Action 2.A contemplates the updating of this forecast which should continue to rely on input from local information. For instance, municipal water districts perform demand forecasts to project water needs for their service area. The state's forecast should give deference to this type of locally gathered information. It also needs to be recognized that a number of factors influence demands and therefore they should be used as a useful tool to guide yet not a definitive amount to rely upon.

The state's water use reporting system would benefit from the state providing a clearer understanding of how the information is going to be used. This will help to create a better understanding of the importance and value for water users to provide the information.

Critical Issue F: We are pleased to see the inclusion of Action 4.B which encourages the use of existing infrastructure to develop hydroelectric power. It should be clarified that this should not be a process where existing water users are forced to comply with additional requirements that have no direct impact associated with the inclusion of hydropower generation.

Critical Issue G: The inclusion of a reference in Action 5.B to encourage water and wastewater services to improve their resiliency to changing climate conditions (bullet 6) by building in system redundancy is appreciated and a wise strategy that has multiple benefits.

Critical Issue H: Obviously the protection of drinking water sources is an important factor in the delivery of quality drinking water. It should be noted that this is only one of a number of factors that are used to provide safe water to municipal customers including proper treatment, well maintained distribution systems and an informed customer base. The items noted in the second bullet of Action 6.A will help contribute to this effort.

Critical Issue I: Maintaining and improving the resiliency of water related infrastructure is a priority for water systems. The inclusion of this issue is appropriate and well warranted. Overall the concepts included in Action 7.B are helpful yet one area that would benefit from clarification would be the second bullet. Overall, a cornerstone of

how to pay for water infrastructure maintenance and finance improvements is from local rates and charges. I would not want the second bullet of Action 7.B to imply that basic maintenance needs should be addressed through grants.

Critical Issue J: There are a number of resources and information already available to educate the public about water issues. Opportunities to share this information as part of a clearinghouse would be useful. Many water providers already have programs that encourage a greater understanding of water and its role in our communities.

Critical Issue K: SDAO has continued to work with the WRD on funding for water management activities. The state should be encouraged to fund those core activities that are noted in the document before developing new programs that will require funding.

Critical Issue L: The IWRS identification of place-based efforts appears to be a promising way for the state to encourage local solutions and investment in water management issues. The role of state agencies serving as partners in these local processes is a welcomed approach and is a great way to build upon local efforts and interests.

One minor edit to the Techniques and Technology insert is that the City of Tigard is not a member of the Joint Water Commission as noted on page 105.

Critical Issue M: One of the key components of HB 3369 and the rationale for the development of the IWRS was to look for opportunities to expand storage of water when it is plentiful so that it can be used in times when it is needed. The items noted in Action 11.B are critical components to allowing the state to be successful in implementing a water management strategy. Of particular interest is the last bullet of Action 11.B regarding the re-allocation of water in federal reservoirs. The state has an exciting opportunity to truly take an integrated water management approach that achieves valuable results in addressing short- and long-term water needs, especially in the Willamette Basin. The state cannot afford to pass up this opportunity.

Critical Issue N: Recommended Action 12. A might be better stated as "Continue the Safety of Oregon Drinking Water" instead of the reference to "Improve the Safety of Oregon Drinking Water." Given the role of the IWRS as a forward looking document, it would be unfortunate if it implied that Oregon's Drinking Water was in any way "unsafe." That said, the items mentioned in Action 12. A are helpful and SDAO appreciates the consideration and inclusion of comments that have been previously submitted by municipal water providers. The fourth bullet briefly promotes the development of a statewide emergency response system. One additional item that would be appropriate to add to this bullet would be to encourage water and wastewater agencies to join the Oregon Water and Wastewater Agency Response Network (OWARN).

In closing, on behalf of SDAO I would once again like to thank you and the project team for your considerable effort in the development of this document. I hope you find the

comments and suggestions helpful as the WRC considers final adoption of the strategy. If I can provide any clarity or additional details please don't hesitate to contact me.

Sincerely,

Mark J. Landauer
Special Districts Association of Oregon
Government Relations

From: Steve Kobak
Sent: Thursday, March 15, 2012 7:16 AM
To: waterstrategy
Subject: Oregon's Integrated Water Resources Strategy

To whom it may concern:

Please support the proposed Five Year Workplan, and related 2013 funding requests to protect Oregon's watersheds:

1. Instream Values -- The Strategy must include strong provisions for increasing instream protections for the full suite of river flows needed for fish and river health. Express support for agency efforts to identify, establish, protect and restore instream flows, including both minimum dry season flows and the higher flows needed to maintain river habitat and trigger biological responses in aquatic species.

2. Support Adequate Funding -- The Strategy's Five Year Workplan and associated funding requests must include, as priorities, funding and actions that will protect instream flows. Express support for prioritizing future agency funding requests to provide for improved water management, including water measurement, and adequate field and scientific agency staff to provide agency capacity to understand and meet Oregon's future instream needs.

3. Data Collection -- Express support for funding needed to collect the data that will support better management of Oregon's waters, including specifically, money for studies of the state's groundwaters.

Thank you,

Steve Kobak

Portland, OR
97201

From: Susan Hollingsworth
Sent: Tuesday, March 13, 2012 5:03 PM
To: waterstrategy
Subject: Comment on Oregon's Integrative Water Resource Strategy

Dear Water Resource Department,

Thank you for preparing such a comprehensive document for the future of Oregon's water resources. I hope that the strategy will include provisions for increasing instream protections for the range of river flows, from the dry season to the rainy. The health of the ecosystem and fish (and thus quality of water and other important measures) depend on it. I would hope that the five year workplan and all funding requests would include actions and funding to protect these instream flows. Additionally, I believe Oregon needs the proper tools to manage both instream and out-of-stream flows, including funding for the comprehensive management of our water resources and for groundwater studies, streamflow gauges and other data gaps needed for a better foundation for management.

I look forward to hearing more about Oregon's Water Resource plans and management.
Thank you for your time,

Susan Hollingsworth

--

"love the life you live,
lead the life you love"

The Freshwater Trust™ Changing the course of conservation.

65 SW Yamhill Street, Suite 200
Portland, Oregon 97204
503.222.9091 MAIN OFFICE
www.thefreshwatertrust.org

March 15, 2012

Dear Project Team,

Opportunities like developing Oregon's first Integrated Water Resources Strategy (IWRS) do not come along often. The Freshwater Trust is excited to play a role in developing a strategy to meet Oregon's in-stream and out-of-stream water needs. We believe we have a chance to profoundly influence the future of Oregon through this process.

Meeting both in-stream and out-of-stream water needs is an easy goal to write on paper, but a hugely difficult one to meet with traditional policies. The Freshwater Trust has serious questions about whether Oregon has a water management framework in place that can simply be adjusted to achieve that goal. We are not confident that Oregon can rise to the water supply challenges that climate change and population growth will throw at us without reexamining our basic water management structure. Luckily, the IWRS process gives us exactly that opportunity.

The Freshwater Trust believes the challenge of developing Oregon's first IWRS means seriously evaluating new and different water management tools and addressing existing barriers to managing water for ecosystems, communities, and economies. Keeping in mind the need to respect existing property rights, enhance the ability of water users to make a living, and provide for in-stream water needs all at the same time, The Freshwater Trust has consistently challenged the IWRS project team, our fellow Policy Advisory Group (PAG) members, the Water Resources Commission, and all of the participating agencies to set aside traditional notions of how we have managed water and think creatively about new ways we could manage water.

The resulting December 22, 2011 Discussion Draft makes significant strides toward building a strong framework for the future management of Oregon's water. If even half of the recommended actions are carried out in the next ten years, Oregon will be better for it. With that said, The Freshwater Trust has several remaining concerns for the IWRS project team to address before finalizing the strategy.

Recommended Action 10A: Undertake Basin or Sub-Basin Integrated Water Resource Strategies

- The Freshwater Trust generally supports the revised Recommended Action (RA) 10A discussed at the March 8th PAG meeting.

- RA 10A is lacking a statement of purpose and intended outcomes. The Freshwater Trust suggests adding language to RA 10A to clarify why basin or sub-basin level planning is important to Oregon's future water management. The Freshwater Trust suggests the following language:
    - "Every river basin in Oregon is unique with widely varying ecological, community, and economic dynamics. Because of this, basin and/or sub-basin-scale integrated water resource planning is vital to meet Oregon's water management challenges. Basin level planning enables communities to engage in a collaborative process to determine how best to meet their unique in and out of stream water needs. Basin and sub-basin integrated water resource strategies are intended to provide an in-depth framework for local water management at a scale that the statewide IWRS cannot achieve. At the same time, these local plans will be tiered up to the statewide IWRS and will ensure compliance with all existing state and federal laws. Basin and sub-basin plans will leverage the impact of the statewide IWRS to make more meaningful local impacts."

- Much discussion at the March 8th PAG meeting centered on how to incent basin planning under RA 10A. The Freshwater Trust suggests that the following incentives be considered:
    - Access to state and other technical assistance for planning including hydrologic modeling
    - Access to grant and loan funding for planning and implementation
    - Consideration of administrative/regulatory flexibility to meet local planning goals
    - Local autonomy to carry out certain non-regulatory water management actions under basin/sub-basin plans

Recommended Action 12E: Develop Additional Instream Protections

- The Freshwater Trust strongly supports this RA. However, we believe that the bullet "Expand the use of voluntary programs to restore streamflows" needs to be strengthened. Specifically, language needs to be added that describes the suite of incentives that exist for landowners to engage in voluntary streamflow restoration. The state, and OWRD in particular must make a strong statement not only in support of the tools such as instream leasing, instream transfers, and allocations of conserved water, but also the use of incentives to make these tools profitable for landowners. With that in mind, The Freshwater Trust suggests the following language:
    - "Oregon law provides a number of voluntary tools that water right holders can use to help restore streamflows in dewatered streams and rivers. These tools include instream leases (both full season and split season), instream transfers, and the allocation of conserved water program. Each of these tools can be accessed by any water right holder on a voluntary basis. In addition, numerous programs exist throughout the state to provide incentives to landowners to use these tools. Market-based incentive programs can help landowners remain productive and maintain profits while also benefitting freshwater ecosystems. It is the strategy of the state of Oregon to encourage such incentive-based programs as a means of increasing participation in the State's various flow restoration tools while ensuring that, where appropriate, landowners can be compensated or otherwise encouraged to participate in meeting instream needs."

Recommended Action 12H: Assist in the Development of Ecosystem Services Markets

- The Freshwater Trust strongly supports RA 12H and has the following suggested changes that will help clarify the language and intent of this action:
    - Change the first and second sentences of the first sub-paragraph to read: "Continue to assess the potential for different types of ecosystem restoration projects to meet various regulatory goals including temperature and nutrients under the Clean Water Act as well as habitat needs

under the Endangered Species Act. Develop protocols to quantify and then translate the benefits of these restoration actions into some form of tradable currency such as ecosystem credits."

- The second sub-paragraph should be expanded beyond the concept of building upon the "stream functional assessment." Flow restoration can and will generate a host of different types of ecosystem credits and should not be limited to being a part of the stream functional assessment.
- The first sentence should be changed to read: "Develop tools and protocols for translating flow restoration actions into temperature, nutrient, and other types of ecosystem credits." And the following sentence should be added: "Because temperature trading is currently occurring in several locations in Oregon, focus first on supporting development of protocols to translate flow restoration into temperature credits."

Conclusion

In closing, The Freshwater Trust would like to thank the IWRS project team, our fellow PAG members, the Governor's office, and all of the participating agencies and commissions for their work on the IWRS to date. When the Water Resource Commission votes to adopt the IWRS later this year it will unfortunately only signal the end of the "easy" part of the process. The Freshwater Trust is committed to working with the PAG and others on the "hard" part to come—namely, implementing ALL of the worthy recommendations contained in the IWRS.

Best,

Joe S. Whitworth
President

The Nature Conservancy
Protecting nature. Preserving life.™

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tel 503 802-8100
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nature.org/oregon

Alyssa Mucken
Brenda Bateman
Water Resources Department
725 Summer St. NE, Suite "A"
Salem, OR. 97301-1271

Re: Comments on the Integrated Water Resources Strategy Discussion Draft

Dear Ms. Mucken and Dr. Bateman,

Thank you for the opportunity to comment on the Integrated Water Resources Strategy Discussion Draft. The document is a tremendous undertaking, and we know it represents a lot of work on the part of many individuals within OWRD and other agencies. All of you deserve a lot of credit. We also appreciate the open, public process to which OWRD and its partner agencies have been committed throughout this effort. The Conservancy strongly supports efforts to develop a strategy that integrates both ecological needs for water with out-of-stream uses, as envisioned in the original legislation. Below we provide specific comments on the Critical Issues and Recommended Actions.

Critical Issue A

Interaction between Surface Water and Groundwater (pg 21):
The first paragraph could be strengthened by a little more background on conjunctive management and the Oregon Administrative Rules that govern this management. This is a fundamental aspect of Oregon Water Law; however, the concept is only covered with two very general sentences.

Surface Water Quality (pg 22):
We feel that the first sentence "There are almost 15,000 stream miles that do not meet Oregon's water quality standards for one or more pollutants" is misleading. Taken alone, 15,000 out of over 100,000 stream miles sounds pretty good, and we have heard the 15,000 quoted by others. However, looking at the associated map, along with the 15,000 that are impaired and need a TMDL, there are another 16,736 that are impaired, but don't need a TMDL for various reasons. That doubles the number of water quality impaired streams. Additionally, according to the document, the state assessed approximately 46,000 miles of streams for this 2004-2006 report. If we understand these numbers, Oregon has over 30,000 miles of impaired streams out of 46,000 assessed. That is a bit more significant. We believe it is important to be clear about the water quality of our rivers and streams and acknowledge the major task ahead of us in restoring good water quality conditions throughout Oregon.

Groundwater Quality (pgs 22-23):
Again, we feel we need to be clear about what we know and don't know about the condition of our water resources. This section should mention the limited testing of groundwater quality; as it stands, it could be interpreted that the three groundwater management areas are the only places in the state with groundwater quality concerns.

Critical Issue B

In general, it would be useful to add some specifics about the gaps in coverage in terms of the stream gage network, the well network and water quality monitoring. Without that, the Recommended Actions for more data collection are not well supported.

Protecting Instream Flows (pg 33):
The discussion of the Instream Water Rights Act could be strengthened by clearly stating that it is a *goal* of the state to protect instream flows by establishing additional instream water rights, rather than a future plan by Oregon Department of Fish and Wildlife that may or may not happen.

Recommended Action 1.A (pg 35):
We strongly support this recommended action, and agree that it is Key to future water management. However, we do not feel that planning efforts at the local level should be the criteria for prioritizing data collection. We believe that the state needs a systematic, comprehensive plan for statewide data collection, with priorities set by key concerns such as data gaps, upcoming pressures and restoration actions. Regional planning efforts could supplement state data collection efforts, but these efforts should not be prioritized simply by local interest.

Critical Issue C

Water Quantity Institutions (pg 38):
In this section, as well as elsewhere throughout the document, there are references to both "economic and instream uses". Instream uses provide economic value in many ways, as noted in Critical Issue E. For consistency, we would prefer the terms "out-of-stream and instream" be used throughout the document.

Agency Roles and Responsibilities (pg 39):
This is a very high-level overview of the agencies, and does not provide much clarity in terms of how water management decisions are made and the role each agency plays in the decision-making process. While a comprehensive review is likely beyond the scope of this document, an example might be helpful. For instance, what are the various agency roles in the water right permit application process, or in a water right transfer, e.g. who processes, who has permit review authority, who needs to sign-off, etc.

Recommended Action 1.B (pg 40):
We believe that a critical action is to develop a blueprint for integrating the various agencies, rather than just mapping them and updating permit guides. Given that this document is a *strategy* for water resource management, what is the strategy for better coordination, collaboration, oversight, integration, etc?

Critical Issue E:

Water Instream is Needed for Ecosystem Health (pg 53-56):
The section on "Base Flows and Elevated Flows: should be expanded to explain the importance of these flows in meeting various legal obligations including the Endangered Species Act, the Clean Water Act, state water laws, etc. Additionally, the term elevated flows seems misleading – elevated sounds like they have been artificially increased from what they "should" be. Terms that we feel work better are "high flows" or "seasonally varying flows", or simply "peak and ecological flows".

Conclusion (pg 56):
We recommend weaving any relevant information from this section into the rest of the chapter. This is the only section with a conclusion, and it seems out of place. Most of what is contained in this paragraph is covered elsewhere, particularly in discussions of data needs and gaps.

Recommended Action 3.A (pg 57):

Develop Elevated flow Needs Requirements: Again, we question the term "elevated". Additionally, we would like to see the studies on peak and ecological flows, listed in previous versions of the strategy, added back in to the document. We feel the analyses are critical to development of criteria.

Identify and characterize groundwater-dependent ecosystems statewide: We applaud the inclusion of this action in the IWRS.

Critical Issue K:

Recommended Action 9.C and 9D (pg 99):
It is unclear why both feasibility and implementation of water conservation, storage and re-use projects are specifically called out. This seems to assume, a priori, that these types are projects are needed. We feel that the general planning and analysis called for in the strategy will determine, down the road, the type of projects that are needed. Additionally, these two grant and loan programs do not cover instream/ecological uses of water, which are likely to be a priority in the future.

Critical Issue L:
This chapter contains a rather lengthy section on a county planning survey and on local community experiences with planning. It is unclear how most of this relates to the IWRS. We recommend shortening this section and better linking it with the existing basin programs and potential future basin planning.

Partnership with Neighboring States (pg 109):
The headings "Economic Needs in the Columbia River Basin" and "Fish Needs in the Columbia River Basin" again seems to discount the economic value of fish and other ecosystem benefits. We suggest changing the language to "Water Supply Needs…" or "Out-of-stream Needs…"

It is unclear why there is a page devoted to the water rights issue in the Columbia. This issue gets much more attention than any other place-based issue, including the overview provided for the Klamath Basin. The language as written goes beyond a simple overview of partnerships with other states and makes statements about solutions. If the IWRS specifically examined the needs/issues/solutions on a basin by basin basis this level of detail would make sense; however, given the general tone of the document, it appears out of context.

Recommended Action 10.A (pg 111):
We feel that a true integrated strategy would contain specific analyses and actions on a basin or sub-basin basis. Place-based planning could supplement that effort, however we believe that the state needs to identify a clear purpose for place-based plans, and very clear sideboards on how those are to be conducted, including the conditions under which they would be initiated, the recommended approach and analyses, the expected outcomes and the process for "approval" and implementation.

Critical Issue M:

Given that this section is about new and innovative management tools, we would like to see additional discussion on leases and transfers, along with the discussion on allocation of conserved water. These are key tools for meeting the instream portion of our future water needs, which is as important as meeting our out-of-stream needs.

Recommended Action 11.B (pg 125):

Develop additional below-ground storage sites: We suggest that the sentence "Support the storage of available winter (surface) water in groundwater aquifers…" be modified to include "…while accounting for peak and ecological flows…"

Critical Issue N:

This section appears to lump two very different aspects of water management, ecosystems and public health. While there is some overlap, the issues, management criteria and solutions are sometimes very different. Breaking these sections up would reduce the number of actions per chapter, which would be more consistent with other sections. Additionally, much of the chapter is background information which could be integrated into previous chapters, specifically Critical Issues A and E.

Recommended Action 12.E (pgs 140-141):

Establish additional instream water rights: We feel that this action is Key to the strategy, and it should be so designated. We also recommend editing the text to say "Establish additional instream water rights, including peak and ecological flows". We are not clear on what "where appropriate" means. We would assume that existing assessment methods would be used, and those would determine appropriateness.

Concluding Comments

The Nature Conservancy is pleased to see continuing progress on the Integrated Water Resources Strategy. We are strong believers in balanced, comprehensive, long-range planning, and feel that the IWRS goes a long-way toward reaching that goal. We look forward to working closely with the Oregon Water Resources Department and the Oregon Water Resources Commission on further development and implementation of the Strategy.

Sincerely,

Leslie B. Bach, Ph.D.
Director of Freshwater Programs

FROM THE DESK OF TIM SMITH

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Comments on:

Oregon's Integrated Water Resources Strategy Discussion Draft

December 22, 2011
REVISED FROM COMMENTS OF November 18, 2010

The following are comments I have after reviewing the latest Draft Issues Paper on the IWRS program. They are follow-ups to my comments on the previous draft of 10/18/2010

1. **THIS CONTINUES TO BE UNADDRESSED;** There is nowhere in this paper where it deals with the State's reaction to the continuing infringement of the Federal Government in issues that affect the States Rights to own and regulate water within its boundaries and not specifically defined as Waters of the United States. I believe this to be the most critical long term threat to Oregon managing its water for the future beneficial interest of Oregonians. There can be no meaningful discussion of Water Rights under Oregon's Water Law in Oregon without first establishing the fact that Oregon owns and will be the priority manager of its water. This primary management right cannot be abrogated to the Federal Government or any of its agencies to the subordination of Oregon's agencies and water users.

2. **ECONOMIC IMPLICATIONS OF WATER MANAGEMENT CONTINUE TO BE LACKING OR DISPROPORTIONATELY LOW IN THIS DRAFT;** In the 12 Recommended Actions sections there is not one reference to what actions could be taken to improve Oregon's economy by better use and management of its water. Under the "The Purpose of The Document" Oregon's Economic Development is stated as on of the two "emerging themes" but it is difficult to see this fleshed out in the remainder of the document. The economic aspects of water use in Oregon have to be the driving factor behind long term planning. Economic Development takes up less than six pages of this 185 page document. There can be no clean and plentiful water planning within the State if its citizens are run into economic ruin by overreaching environmental policies which ignore the fact that to have a clean environment you have to have a healthy and thriving economy. How many poor third world nations are there that have sustainable clean environmental management. That third world status is where Oregon will be heading if we do not prioritize our economy above overreaching environmental fanaticism. There is simply an overriding and penetrating tone of the environmentalist advocates agenda in this paper.

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3. **THIS FOLLOWS THE LACK OF UNDERSTANDING OF THE IMPACT OF INCREASINGLY REGULATED WATER ON RURAL AREAS' ECONOMIES;** There is no section in this paper that addresses the continued loss of population in the agricultural portion of the state which is that part East of the Cascades. The lockup of land and water in Eastern Oregon has lead to a continued decimation of its socioeconomic structure. The ever increasing focus on in-stream rights has prevented the development of in-stream and off-stream water storage projects. Those projects not only feed water into the local economic infrastructure but the retention of water as high up in a basin as possible is just good water management policy. Retained water during peak flows and low use periods creates longer sustained discharge, cleaner water, better flows out of the basin and improved riparian habitat during low-flow and high demand seasons.

4. **THE NEXUS HERE MUST BE RECOGNIZED BUT NOT USED TO PUNISH GROUNDWATER USERS WHERE STUDIES (IF THEY EXIST) DO NOT INDICATE DAMAGE TO AQUIFERS OR RECHARGE SYSTEMS)** There is a clear technical and political nexus between groundwater and surface water. Before a meaningful long term plan can be made for Oregon, the project of defining water availability, management and use for both ground and surface water should be completed on a basin by basin basis. AR and ASR projects, while of good intent and locally appropriate, are simply not energy efficient and quantitatively sufficient to provide for our water based industries in the future.

5. **IT IS GOOD TO SEE THIS HAS BEEN RECOGNIZED IN THIS DRAFT! THIS NEEDS TO BE A PRIORITY BEFORE NEW MANAGEMENT TOOLS ARE IMPLEMENTED IN ANY UNAJUDICATED AREAS;** The issue of unajudicated water rights in Oregon is an embarrassment if not a complete dereliction of duty by the DWR. Before we can move forward to creating more encumbrances on the water right holder, those folks who hold unajudicated rights have the right to adjudication under the conditions that prevailed at the time of their filing on those rights. This should be a mandatory obligation of the State's water management program.

6. **THIS CONTINUES TO BE A CONCERN;** It should be incumbent upon any water management plan in a state where 50% of the land is forestland, to take on the issue of Federal Forestland management. In the last 20 years we have seen the neglect in our forests lead to catastrophic fires. A single big fire season can lead to severe degradation of our waterways a thousand fold greater than the minimal damage created by proper forest harvest projects. The management plan should support active commercial harvesting and replanting of our public forests as a critical tool to minimize the potential for the destruction of watersheds and degradation of waterways by fire while adding funds to the government and local coffers to economically sustain proper forest management. Again here the States Right to manage its resources has to trump Federal regulation.

7. **THIS CONTINUES TO BE A CONCERN;** It seems to me that when an agency files for a water right, in this case, In-Stream, that that is overstepping the bounds of what an agency should do with a resource that is held by all the people of Oregon. It is almost certainly true that agencies are given preferential treatment when filing for water rights over what a private sector entity would get. I believe that there should be no priority date given to any agency requesting a water right and a term set for those rights that would sunset unless extended by the legislature after an appropriate time

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period. It should in essence be a water use lease for a set period of time to accomplish a specific beneficial use. The public does not vote on these rights **"held in trust for public benefit"** and the public benefit priorities may change over time. Planning and managing water for the future should not authorize an agency, with a current agenda, to lock up the peoples resources in perpetuity.

8. **IN-STREAM TRANSFERS NEED NEW PRIORITY DATES;** Permanent In stream transfers from water rights older than the beneficial use for wildlife was an option, should receive the priority date of the transfer and not the original priority date. When you permanently take water out of the private sector and put into the public sector the when the beneficial use of wildlife was not an allowed option then the water right should become junior due to a radical change in beneficial use.

9. **CLIMATE CHANGE BASED MANAGEMENT PLANNING CONTINUES TO BE A HUGE CONCERN AND IS INCREASINGLY PROBLEMATIC AS SCIENCE BUILDS ON THIS ISSUE;** Any water management strategy that hinges its plan around climate change is problematic at best. It is not only courting technical disaster but wasting the public's money and the government's credibility while hobbling the private sector with more controls on resource development. Any number of studies can be found to refute the climate change premises contained within the ***Implications of Climate Change*** section. It is a documented fact that mankind has thrived in times of global warming and declined in times of global cooling. The affects of either of these occur slowly enough to accommodate and adapt to when the tangible facts are upon us. Planning for the unknowable and uncontrollable is sheer folly.

Thank you for the opportunity to comment on this issue critical to the future of Oregon.

Tim K. Smith
Harney County. Oregon

March 15, 2012

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March 15, 2012

BY E-MAIL

Dr. Brenda O. Bateman
Senior Policy Coordinator
Water Resources Department
725 Summer St., NE
Salem, OR 97301-1271

Re: Integrated Water Resources Strategy

Dear Dr. Bateman:

This letter contains my comments on the December 22, 2011 Discussion Draft of the Integrated Water Resources Strategy. First, I want to say again how much I appreciate the work that you and others have done in putting together this document. The considerable effort you have all invested in marshaling a great deal of material is apparent. It has been a privilege to serve on the Policy Advisory Group for this planning process and I hope to continue to be involved in some capacity as the strategy moves forward.

My overall response to the draft strategy is positive. I think this document contains a useful framework for understanding Oregon's future water challenges. I also believe it provides a solid foundation for beginning to meet those challenges—with the emphasis on *beginning*. The draft is very much a first step, and it is critical to continue the work outlined here. To that end, the strategy should be fairly specific about the necessary next steps to move the concepts forward to implementation. The draft covers quite thoroughly *what* the state's water issues are and *why* these challenges exist, but the discussion is much less concrete on *how* to address the issues. In my specific comments below, I've noted some places where this observation applies, but I think it would also be a good idea to address implementation explicitly, either throughout the strategy or in a section of its own. In this vein, discussing implementation directly would help explain how water management moving forward is going to become truly *integrated*—quantity and quality, ground and surface, water and energy, and water use and land use.

Specific comments:

p. 20: It would be helpful to include a map of the designated groundwater limited areas and critical groundwater areas, or provide a citation or link to where a map can be found.

p. 24-25: The separate paragraphs labeled instream flows and low streamflows are a little confusing as written. Either combining the two, or putting the low streamflow discussion first, followed by instream *rights* instead of instream *flows* might provide clarification. The "passage barrier" paragraph talks more about fish screens than passage barriers; furthermore, the emphasis is on the many requirements for fish screening rather than on the extent of compliance with these requirements or the extent of barriers.

p. 27-28: The discussion of monitoring gages and wells could be more helpful if it included some notion of how adequate the existing networks are, such as the percentage of stream miles that are covered by existing gaging and the percentage of total wells that provide measurement data. It might also be useful to know what "the experts" think would be an appropriate level of monitoring, compared to what we have now. Furthermore, adding some reference to the need to improve water use measurement would make this discussion more complete.

p. 29: Under "groundwater investigations," how many "second pass" studies have been done and where?

p. 30: The last paragraph on this page addresses the reductions in groundwater quality monitoring. Can anything be added about the consequences of these reductions?

p. 32: How many source water assessments have been prepared and where?

p. 33: Although it is true that instream rights have enforceable priority dates, it should be noted that the vast majority of such rights are very junior in priority.

p. 35-37: The recommended actions listed here are critical foundational steps for all aspects of the strategy. Because of this, I think it is very important to be crystal clear about the who and how of implementation. Even though WRD doesn't have direct control over the federal, local, academic, and private partners referred to in this section (or even all of the state partners!), more specificity about those partners and their roles would make this section stronger. If nothing else, specific agency references will make the document more useful as a starting point for implementation and funding discussions. Being more explicit about these partnerships would also enhance the "integration" which is a key requirement of the strategy.

In fact, this comment applies to all of the recommended action sections throughout the draft. This is part of including more about the "how" as mentioned in the general comments above.

p. 40: Again, laying out the consequences of the dwindling personnel—such as how many water rights or PODs or how much territory field staff must cover would illustrate the extent of the problem more graphically than just the numbers of staff.

p. 43: The statement about the sophistication of the state's irrigation systems would be more accurate and thus more useful with additional context. This observation is certainly true for some operations and some irrigators, but not for all. Numbers showing the proportion of operations that are using state of the art technology—such as percentage of irrigators, percentage of irrigation water diverted, or percentage of irrigated land—would better capture the full picture.

p. 51: The brief cross-reference to the Commission's Strategic Measurement Strategy isn't enough to capture and stress the importance of water use measurement. It is critical to say explicitly in the strategy that *all* water uses should be accurately measured.

p. 93-97: Although the funding discussion here does contrast Oregon with a couple of other states, the stark differences get lost in the "soft" narrative. It is critical to show just how underfunded Oregon's water management (and other natural resource management) is compared to other states, perhaps by providing a matrix or additional dollar figures and discussion.

p. 125: I don't think the water conservation and efficiency recommendations are strong enough.

Thank you for the opportunity to comment on the draft strategy.

Sincerely,

Janet Neuman
Senior Counsel

Professor of Law, Retired
Lewis and Clark Law School

JEN/jeh
cc: Ms. Alyssa Mucken
Policy Coordinator, Integrated Water Resources Strategy, OWRD

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Oregon Council Trout Unlimited

March 14, 2012

To Water Resources Department-

These following comments are an expression of the concerns of Trout Unlimited, a coldwater conservation group with 147,000 members nationally and 300 in Oregon, concerning the WRD Integrated Water Resources Strategy.

TU's first concern is for adequate in-stream flow for wild native fish. The final IWRS draft should make sure and have adequate flow levels in low waters. Trout Unlimited appreciates that the document includes enough safeguards to provide adequate flows. These safeguards need to stay in the document. In stream flow that provide sufficient water during the dry season of the summer and early fall are very important for native fish. Various studies have shown that the highest cause of mortality to fish in the summer is high water temperatures, which a primary cause is insufficient in-stream flows. So it is very important that the IWRS makes sure that there is sufficient amount of water in the dry season.

This can be seen as not only of ecological importance but economic significance also. Recreation angling brings in $500 million dollars a year to to Oregon's economy. Without protection of in-stream flows, there will be high mortality for our native salmonids. The loss of fish population numbers will effect the populations of fish for recreational fisherman and women. With less fish to catch, there will be fewer angling trips, thus less money spent in rural economies in businesses who count on angling dollars. Therefore, making sure that there are sufficient summer flows is very important for the economy of Oregon.

As for funding, there must be adequate money provided for improved water management and staff that is needed to water measurement. If Oregon is going to continue to work to protect flows for our native wild fish, there needs to be funding provided to WRD and other natural resource agencies to meet future goals fo sufficient in-stream water. This must be a priority in the future. Without adequate funding for measurement, monitoring and other important scientific data, and the staff to gather the data, we will not meet the future needs for insuring sufficient flows for our wild fish.

Finally funding must be acquired for data collection, in particular for studies of state groundwater. This is something that is important to measure water for the future needs of the state. We need to have an adequate measurement of groundwater, which supplies so much of water needs for all the stakeholder groups who need water, whether it be municipalities, industry, agriculture or fish. This is very important for our state's future water needs and there has to be sufficient funding for staff to do the data collection.

In conclusion, the Water Resource Department and other agency staff should be commended for the work done in the IRWS to provide sufficient in-stream flows. Now, this work to protect in-stream flows needs to be carried over to final draft of IRWS so that

Oregon can continue to provide sufficient water for our important salmon and trout populations, which add so much to our recreational and economic needs. We also need to make sure that the importance of funding key positions for doing measurement, monitoring and data collection are carried forward in the plan. With these key elements and a WRD department sufficiently funded to carry out their mission, I think that Oregon will be able to meet future water needs for various user groups and for our important fish populations, which need to have adequate flows to insure their existence for future Oregonians.

Sincerely,

Tom Wolf, Chair/Executive Director
Oregon Council Trout Unlimited
22875 NW Chestnut St,
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Water for Life, Inc.

March 12, 2012

Transmitted electronically
waterstrategy@wrd.state.or.us

Oregon Water Resources Department
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Salem, OR 97301

RE: Oregon's Integrated Water Resources Strategy
Discussion Draft, December 22, 2011

As a member of the Policy Advisory Committee, and also on behalf of the membership of Water for Life, Inc., I would like to submit the following comments regarding the December 22, 2011 Discussion Draft of Oregon's Integrated Water Resources Strategy.

First and foremost, we believe the efforts of all interested parties who have been instrumental in the development of the above noted discussion draft should be clearly recognized and appreciated. Unquestionably, the discussion draft represents a significant degree of effort on behalf of the many interested parties.

We believe, however, the discussion draft as currently presented fails to put forth an appropriately delineated "strategy" for the state to follow with respect to the long-term management of its water resources.

Policy v. Strategy:

In accordance with provisions contained in subsection (3) of Section 44 of House Bill 3369 (Chapter 907, Oregon Laws, 2009), the integrated water resources strategy is for the purpose of implementing the state water resources policy contained in subsection (2) of this same section. Specifically, pertinent language of this 2009 legislation provides, in part:

> *"(3) (a) The Water Resources Department shall develop an integrated water resources strategy to implement the state water resources policy specified in subsection (2) of this section. The department shall design the strategy to meet Oregon's in-stream and out-of-stream water needs." (emphasis added).*

We believe it is significant to note the referenced provisions contained in subsection (2) of this same section. Such provisions are long-standing and deserve further scrutiny. For review, language contained in subsection (2) provides:

> *(2) The Legislative Assembly, therefore, finds that:*
> *(a) It is in the interest of the public welfare that a coordinated, integrated state water resources policy be formulated and means provided for its enforcement, that plans and programs for the development and enlargement of the water resources of this state be devised and promoted and that other activities designed to encourage, promote and secure the maximum beneficial use and control of such water resources and the development of additional water supplies be carried out by a single state agency which, in carrying out its functions, shall give proper and adequate consideration to the multiple aspects of the beneficial use and control of such water resources with an impartiality of interest except that designed to best protect and promote the public welfare generally.*

Upon an initial review of the content of the December 22, 2011 Discussion Draft, we believe efforts fall short of developing an integrated state water resources strategy serving to implement the state water resources policy set forth above. Rather, there appears to be a lack of coordination between the outlined "strategy" identified in the discussion draft and how this strategy will ultimately serve to implement the identified integrated state water resources policy. Absent further clarification, it appears there exists the very real potential of conflict between contents of the "strategy" and the "policy" the strategy is expected to implement.

Immediate examples of this potential lack of coordination between the proposed strategy and the policy may be found in two areas. According to provisions of the state policy, the state is expected to devise and promote plans and programs for the development and enlargement of the water resources of the state. We believe the strategy fails to address potential avenues for the development and enlargement of the water resources of the state. Moreover, language contained in the existing state policy directs efforts to encourage, promote and secure the maximum beneficial use of the state's water resources. Rather than assume a proactive approach to achieving the maximum beneficial use of our water resources, whether these represent out-of-stream or in-stream uses, the overall approach of the strategy appears to accept a more reactive approach to water management.

More specifically, we bring your attention to provisions found in Critical Issue M (Water Resource Development). The focus of this section is centered on

issues of conservation and use efficiency, without consideration of potential avenues for increasing water capacity and maximum beneficial use of the resource. While we believe conservation and use efficiency are significant factors associated with the management of our state's water resources, we believe the proposed strategy should more readily focus on potential to capture and store excess water when available, thus making the resource available for a beneficial use.

To further exemplify, we bring your attention to the proposed outline of recommended actions associated with the discussion of water resource development. Again, rather than providing a focus on potentials for development and enlargement of the resource, the recommended actions appear to center on issues of use efficiency, conservation and reuse. At the same time, provisions addressing the potential for storage are presented in a limiting manner. Such language found on page 126 of the discussion draft provides:

> *"• Develop additional above-ground, off-channel storage sites where needed. Support multi-purpose storage of winter water behind dams constructed on side channels, where no known listed fish species exist. Help local communities identify potential above ground storage sites. [DLCD-WRD-ODFW-ODA-federal partners-local communities]"*

Instead of presenting potentials for storage in a restrictive or limiting manner, we would suggest that potential storage of our water resources be presented in a more affirmative manner. Recognition should be made that potential storage of excess or winter water is beneficial in nature and should be emphasized, while ensuring safeguards of our natural resources, including, but not limited to the presence of fish populations.

Identification of Strategy:

While a significant amount of information regarding the state's water resources is identified through the discussion draft, we believe the draft as presented fails to represent what may be considered an actual strategy. A strategy may, in part, be defined *"as a careful plan or method, or as the art of devising or employing plans or stratagems toward a goal."* (Merriam-Webster). In essence, a strategy would represent a plan of action undertaken to achieve an identified goal. Before one is able to identify appropriate future actions implemented for the affirmative movement towards a goal, one must clearly identify the status of all factors at the present time. Stated differently, before one can identify what position they desire to reach, they must clearly understand their current position.

Turning to an immediate example, as identified in the initial paragraph of the Executive Summary of the discussion draft, *"[S]urface water is nearly fully allocated during the summer months and groundwater is showing declines in many areas."* On its face, one may assume this statement to be accurate and it serves to

accurately identify the current status of the state's water resources. The statement appears to portray a rather negative picture with respect to the status of our water resources.

Without the identification and establishment of an objective baseline, it is difficult to evaluate this type of statement. Similarly, absent an objective baseline, it is difficult, if not impossible, to identify appropriate actions designed to achieve an ultimate goal or objective. To further illustrate, as outlined in Critical Issue D (Further Define Out-of-Stream Demands):

> *A recent assessment calculated Oregon's 2008 total statewide water demand as approximately 9.1 million acre feet, and estimated that by 2050, the total water demand would increase to about 10.3 million acre-feet, based on projected growth in the agricultural, industrial, domestic and municipal sectors.*

While basing future actions on an estimated approximate 13-14 percent increase in demand over a 40-year period is an interesting exercise, it would appear to be more significant to attempt to establish a current baseline of pertinent information. In this immediate instance, the pertinent question would appear to be the identification of the total water resource available to the state for both in-stream and out-of-stream utilization. Using current language contained in this same section, *"[T]he water demand forecast commissioned by the Water Resources Department noted that irrigated agriculture uses more than 85 percent of the water that is diverted in Oregon."* This, taken as a stand-alone statement, leaves one with the impression that agriculture is clearly the major factor in an assumed shortage of water. However, more general context is needed to further clarify this statement.

First, agricultural use does indeed represent the largest percent of diverted water within the state, however for purposes of clarity and context, the above statement deserves to be further supplemented with an estimate or estimates of the quantity of water returning to any given water body as a return flow. Moreover, while these estimates may remain accurate individually, the overriding issue, which is neither identified nor addressed, is what is the total quantity of water potentially available to the state? To provide a more accurate perspective, information contained in the discussion draft should provide information to identify total use directly as it pertains to the total availability of the resource. Once again, we believe the development of an objective baseline of information is an essential component to be incorporated into the discussion draft and ultimate strategy.

Aside from issues associated with water quantity, the establishment of some type of baseline information should be an essential component of discussions surrounding water quality. Returning to the information contained in the Executive Summary, *[M]ore than 1,861 waterbodies are impaired and not meeting water quality standards."* Without some type of additional information, this statement appears to suggest that we face severe water quality degradation

problems. The introduction of baseline information appears essential when addressing quality-related issues. Certain water bodies within the state have been identified as water quality impaired. To move forward, however, we believe it is significant to note the majority of the "impaired" bodies have been listed as a result of not meeting certain temperature standards. Others have been listed as a result of actual quality issues, however we have not fully identified that certain bodies may not meet certain standards as a result of naturally-occurring background levels.

In conjunction with the establishment of objective baseline information, we believe the discussion draft should include a very clear outline of the programs and activities that have been initiated during recent years with respect to the state's water resources. This outline should clearly identify program efforts that have been undertaken to improve both the quantity of water available, as well as the quality of our water resources. The inclusion of such information would further assist with the identification of current factors associated with the management of Oregon's water resources.

Strategy v. Opinion and Alternatives

To suggest the discussion draft fails to represent a "strategy" and thus, should be summarily disregarded would neglect the amount of information compiled in the document, as well as the efforts associated with the compilation. We would recommend consideration be given to the development of a much more condensed outline of future actions, which when coordinated would serve to represent a state strategy, intended and expected to implement the state policy previously identified. As opposed to nearly 200 pages of information, frequently representing current opinion, we believe a strategy should be very succinct in nature with a well-defined overarching policy direction.

Again, the work completed on the discussion draft should not be dismissed. Rather, much of the discussion draft may be used and modified in future years and relied upon as an accompanying document for a more refined and concise "strategy."

While we appreciate the efforts of the interested parties who have devoted a great deal of time to the development of this discussion draft, we believe it should be substantially modified to represent a "strategy," as opposed to a comprehensive and frequently subjective discussion of issues relating to the management of the state's water resources.

Sincerely,

/s/

Glenn Barrett
Policy Advisory Committee &
On behalf of Water for Life, Inc.

WATERWATCH

PROTECTING NATURAL FLOWS IN OREGON RIVERS

March 12, 2012

Alyssa Mucken
Policy Coordinator, Integrated Water Resources Strategy
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Comments, IWRS Discussion Draft

Dear Alyssa,

Thank you for the opportunity to comment on the WRD's Discussion Draft of the Oregon Integrated Water Resources Strategy (IWRS). We appreciate the WRD's continued effort to elicit broad public involvement in the development of the IWRS. We also appreciate the WRD's ongoing efforts to ensure that the IWRS reflects the statutory mandate to develop a strategy that addresses both instream and out-of-stream needs equally.

Our comments are ordered as follows: (1) Recommended Actions, (2) Gaps, (3) Background and (4) Essays.

(1). Recommended Actions: There have been a number changes to the Recommend Actions since the last draft, many of which we support but some of which cause us significant concern. Our ordering of comments follows that of the Recommended Actions and does not denote order of importance to WaterWatch.

Action 1.A. Improving Water Related Information. WaterWatch strongly supports the placement of a key on this section. Additionally, we strongly support the inclusion monitoring and evaluating surface water flows, conducting groundwater studies, evaluating habitat conditions in this section, enhancing data collection coordination, improving the sharing of water data and developing better modeling/scenarios among other things. That said, we have a couple of concerns with the section as written.

First, the introductory section appears to tie prioritization of data collection to the results of place based planning. This tie should be removed. Place based planning will likely be sporadic in application (i.e. not all areas of the state will advance at once) and be dependent upon unpredictable factors such as funding, interest, politics, etcetera. The state needs to be proactive on obtaining data regardless of the pace/breadth of place based planning, thus we would request this "tie" be deleted.

Second, the WRD should include measurement of water use in this section. As noted in OAR 690-410-060(2)(f), measurement of use is essential to improving water related information needed for the state to better manage Oregon's waters. While it is included in recommended Action 2.B., it also should at least be noted here.

Third, we oppose the deletion of the language regarding integrating water quality and water quantity efforts (see comments in 1.B. below).

Action 1.B. Further Integrate Water Resources Management in Oregon. This section should include actions to further the integration of water quantity, water quality and fish and wildlife. The purpose of HB 3369 was to develop an integrated plan with WRD, ODFW and DEQ called out as the key agencies to be involved in this integration. Integration has been called out at every PAG meeting as something that is still missing from the Integrated Water Resources Strategy. This would be an appropriate place to put some of those actions as it appears that there is still confusion as to how this strategy will fully integrate these three agencies, as well as other state/federal agencies, into the day to day management of our state's water resources.

Specifically, this would be an appropriate place to include language that was included in the last draft's 1.A. but deleted from the discussion draft, calling for the integration of water quality and water quantity efforts. This integration language should not only be inserted here, but it should be expanded to integrate ODFW's work as well.

Additionally, we strongly support the addition of "increase field presence". This should be a "key". That said, as noted in the "gaps" discussion below, we urge the WRD/WRD to include a stand alone Water Management section in the "meeting Oregon's instream and out-of-stream needs" where field presence and other water management actions would be more appropriately housed.

Action 2.A. Fill in Knowledge Gaps---Long Term Water Demand Forecasts: While WaterWatch supports the state's efforts to get a better handle on long term demand forecasts, we do not support a process that would simply build upon OWSCI. As documented in past comments to WRD on OWSCI, it is our position that that forecasting tool/method was inadequate. We do strongly support the sub bullet in this section which calls out development of long-term demand forecasting methodology developed by the state.

Action 2.B. Improve Water Use Measurement. The "key" that was previously assigned to measurement has been removed. WaterWatch strongly opposes this change. Water use measurement is key to the effective management of Oregon's waters, to the benefit of both instream and out-of-stream users alike. It is our understanding that the WRD has removed some of the keys in order to allow the "place based planning" efforts, anticipated under this Plan, to direct priorities. Measurement is a priority of the Water Resources Commission, which adopted a Water Use Measurement Strategy in 2000. Ensuring the plan is fully implemented is under the purview of the WRD and is not subject to the outcomes of any "place based planning" efforts. It is also statewide in nature and not something that will be

driven by place based planning. Thus, the key previously assigned to this Action should be reinstated.

- Strategically measure water use: It is important that WRD clarify that the 2000 WRC strategy is a multi-tiered strategy. The first step is to focus on significant diversions in high priority basins; the second is direct measurement of significant diversions statewide. Moreover, in this section WRD should include reference to the Water Measurement Cost Share Fund (HB 2713, 2001, sponsored by Rep. Jenson). And finally, we would urge the WRD to have as a long term goal measurement of all diversions statewide, once the two tiers of the WRC strategy are completed.
- Conduct studies to determine the location/avg. demands of exempt well use: We strongly support the inclusion of this sub bullet. We would suggest it be expanded to include a study of the impacts to surface waters.
- Employ Remote Sensing Technologies: We support this subsection.

Action 3.A. Fill in Knowledge Gaps—Flows Needed (Quantity and Quality) to Support Instream Needs. WaterWatch strongly supports the key granted to this section. Completion of this work is directly tied to meeting one of the two main directives of HB 3369--- to "meet instream needs". That said, the directive to quantify "elevated flows" should be clear that this includes peak and ecological flows. Moreover, this draft retracted previous language that committed the state to conducting studies to determine peak and ecological flows (this draft is limited to base flow studies), and instead appears to be putting off efforts towards the development of criteria to determine what elevated flows are needed. We do not oppose the development of criteria, but given certain interests' attempts to stall/halt rulemaking efforts that would do just that, we urge the WRD to retain the previous language.

Action 4.B. Take Advantage of Existing Infrastructure to Develop Hydropower: We support the inclusion of the state of existing law on fish protection, though it could be clarified to call out passage and screening specifically.

Action 5.A. Support Continued Basin-Scale Climate Change Research Efforts. In addition to the bullet points included under "develop reliable projections of basin-scale hydrology, and apply these projections to" should be included something specific to the effects on the various life stages of aquatic species. As is, this section only focuses on "migration" of species.

Action 5.B. Assist with Climate Change Adaptation and Resiliency Strategies. Under the sub bullet "increase ecosystem resiliency to climate change" in the first sentence WRD should add reference to "streamflows", in addition to the other habitat values. Under the sub bullet "analyze how instream and out-of-stream water rights will fare with hydrologic changes" delete language that states that this will be analyzed at a local level and built into regional water plans. The state will need to take an active role in assisting with adaptation and should not relegate this to "place based" planning efforts where, at least for now, WRD is not planning on taking the lead.

Action 6.A. Improve Integrations of Water Information into Land-Use Planning (and Visa Versa). The title of this has changed from the last draft, which called on the state to "fully integrate water information into land use planning (and visa versa). The previous title should be reinstated.

- Develop and share information regarding the location, quantity and quality of water resources: We strongly support the inclusion studies to examine exempt well use.
- Protect water sources in the course of land use decisions: The newest iteration of the IWRS includes a statement "protect key water supplies and associated infrastructure for irrigation in areas planned for agriculture." This is a pretty broad policy statement, the width and breath of which is very unclear. Read in a vacuum it could be read to direct the state to protect water for irrigation over say instream flows or municipal needs. This should be deleted.

Action 7.A. Encourage Regional (subbasin) Approaches to Water and Wastewater Systems: This section could be strengthened to promote regional efforts that are environmentally sustainable (i.e. incentives for regional supply efforts if there is a commensurate instream benefit such as getting off sensitive streams).

Action 9 A: Fund Development and Implementation of Oregon's IWRS. WaterWatch strongly supports the placement of a "key" on the funding of the development and the implementation of the state IWRS. As to funding of regional subbasin plans, any funding should be contingent on approval by WRC, and assurances that the said planning will comply with the sideboards discussed at the March PAG meeting, at a minimum.

Action 9.B. Fund Water Resources Management Activities at the State Level. WaterWatch strongly supports the inclusion of this Action, as well as the placement of a key. Without funding for core positions, the interests of all stakeholders are jeopardized.

Action 9.C. Fund Communities Needing Feasibility Studies for Water Conservation, Storage and Re-Use Projects. WaterWatch objects to the inclusion of Action 9.C. Funding the Development and Implementation of the IWRS (Action 9.A) serves as an umbrella under which all actions of the plan fall under, including conservation, storage and re-use. By calling out these select actions here in 9.C., the IWRS is granting prioritization to a few select projects over others. Projects, which by the way, could fly in the face of the goals of the IWRS (i.e. the Valsetz Dam project on the Siletz which 1069 funds have gone towards). Given that this document will most certainly be used as a basis for funding requests in front of the legislature, this prioritization of one action over another at this early juncture is unbalanced and unfair. Moreover, it should be noted that the 1069 funds could not be used to fund things such as streamflow restoration, water use measurement or any other action under the IWRS that did not fall under the very limited project focus of the 1069 grants.

Action 9.D. Fund Communities Implementing Water Conservation, Storage and Re-Use Projects. Similar to our concerns with Action 9.C, WaterWatch objects to the inclusion of an Action item that prioritizes one type of Action over another. We are especially concerned given the efforts this session to undermine the environmental sideboards of HB 3369 (the fund relied upon here). As noted above, funding the Development and Implementation of the

IWRS (Action 9.A) serves as an umbrella under which all actions of the plan fall under, including conservation, storage and re-use. Including this section is not only duplicative, but also appears to prioritize these projects over other efforts. At the last PAG meeting WaterWatch suggested deletion of this section and no one objected, with the thumbs up being given to the funding section without this Action item. It is unclear why it is still here. In a nutshell, both 9.B and 9.C. are playing favorites amongst the many components of the IWRS.

Action 10.A. Undertake Regional (sub-basin) Integrated Water Resources Plans. As noted in our December 2011 comments to WRD, HB 3369 is very clear that the state must develop an integrated water resources plan to meet both instream and out-of-stream needs. This is consistent with long-standing law that directs the state to develop basin plans, as well as manage our state's water generally. See e.g. ORS 536.220(2)(a), 563.300(2), (3). HB 3369 does not give direction for the state to delegate this planning authority to local communities, nor does HB 3369 usurp existing laws directing the state to formulate basin plans. Key to statutory direction mandating state control is the fact that the water resources of this state belong to the public as a whole. ORS 536.310. The state has a duty to protect and plan for the use of water for all members of this state, not just the "local interests" found in any one river basin or sub-basin. In fact, long standing statutes direct the state to reinforce and strengthen state control. ORS 536.310(10). Neither the Department nor the Commission can adopt any standard or policy in conflict with the state's policies identified in ORS 536.310, nor can they adopt a rule or regulation in conflict with this statute. Delegating water resources planning to the local level violates these long-standing statutes. Given the underlying statutes, the state must take a leadership role in any regional water resources planning effort that falls under the auspices of the IWRS.

While there have been many discussions on this issue, it appears to us that it is the extent of the "state leadership" that is still a bit unclear here. From WaterWatch's perspective, ideally, the WRD would lead the planning efforts by serving as convener and facilitator, and setting appropriate sideboards for discussion. However, whether in that role or not, at the very least the WRD must provide clear sideboards as to any planning effort that contemplates falling under the umbrella of the IWRS. To that end, we support the WRD's commitment in this most recent version to developing a template that will govern any regional planning effort.

That said, Action 10.A. does not go far enough. This section should be reworked ensure that the basin plans are not simply about meeting self identified "community" needs, but are clearly contemplated as multi-stakeholder plans to fully address the wide ranging instream and out-of-stream needs in a particular basin. To this end, WaterWatch urges the WRD to include in this document the basic sideboards of the template (at a minimum) the measures handed out by WRD at the March PAG meeting relating to compliance with existing law and policy, meeting the instream and out-of-stream mandates of HB 3369, ensuring a balanced and open public process, clearly retaining all agency authority over the allocation and management of Oregon's waters, providing for drought/climate change, etcetera. Moreover, the WRD template should be very clear that the floor for determining instream needs will be instream needs as identified by any federal agencies, biological opinions, ODFW, DEQ and

Parks. And finally, the template should very clearly state that these plans are not a path to "local control" or "waived regulations" as some have advocated for.

If it is contemplated that these plans are to be "approved" by the state, the template should be established by rule and should specify the details of the plans. If the plans are to be "approved" by the state, the state must ensure that there is ample public notice/comment prior to approval process and subsequent appeal rights. And finally, the state should be very clear that these place based plans are in addition to, not in place of, existing basin plans.

As a final note, all references should be to "place based planning" with the words "local communities" deleted (i.e. first sentence under Action 10.A.).

Action 11.A. Increase Water Use Efficiency and Water Conservation: We would suggest language that more actively promotes the use of the Conserved Water Act. While there is a bullet dedicated to it, which we support, it could also be referenced in the other sub bullets. As we have sent in the Deschutes Basin, conservation actions that have moved forward under the Act have proved to be a very effective way to increase instream flows while at the same time shoring up supplies and decreasing liabilities of districts.

Action 11.B. Improve Access to Built Storage:

- Develop additional above ground, off-channel storage sites where needed: We strongly support the WRD's references to existing state law and policy regarding developing new above ground storage (i.e. multipurpose, off-channel, etc). These laws and policies aimed at guiding storage projects are long-standing and are appropriately mentioned here.
- Reallocate water in the two federal reservoir systems that have not undertaken formal allocation process in Oregon. We support the language referencing the full range of beneficial uses include instream flow. This should be carried over into the draft work plan (currently its not).

Action 12.E. Develop Additional Instream Protections: As noted in previous comments, this section is the key section towards meeting HB 3369's directive to meet instream needs. Given this, we have significant concerns as to the evolution of this section to its present state.

First, the WRD has removed the "key" from this section. WaterWatch strongly opposes this change. This is one of the most important actions the state can take to further HB 3369's statutory mandate to meet Oregon's instream needs. As such, this section should most definitely be a key. Additionally, as note above, while we understand that the WRD has removed some keys because the state is anticipating that placed based planning will prioritize actions by basin, increasing instream protections is not an "action" that is appropriately put off to be addressed by place based planning. While that planning might result in restoration initiatives (i.e. transfers and leases), as to new instream water rights and the protection of peak and ecological flows, that falls squarely under state purview and will need to happen regardless of the results, breath and/or speed of place based planning. This should be a clear priority under the IWRS.

Second, the sub bullet point on "establish additional instream water rights" has been amended in a number of ways that are of concern to WaterWatch, including

- The Discussion Draft IWRS removes the words "peak and ecological flows", or even the more general "elevated flows", from this section. The words "peak and ecological flow" should be reinstated. While it is clear from the "background" section of the plan that the state intends to move forward on the protection of peak and ecological flows, their absence in the bullet point is notable. To the extent that these bullets will become stand alone signals to the state (including the Legislature) reference to peak and ecological flow must be included.
- The newest iteration limits establishment of new instream water rights to "where appropriate". At the last PAG meeting WaterWatch suggested that the action calling for the development of storage projects be qualified by "as needed". In response, user groups agreed but requested parity to the instream section. We do not object to parity, but "where appropriate" does not reflect parity. Where appropriate is a highly subjective term and, if included, could be used to object to the establishment of new instream water rights. To match the qualifier on out-of-stream development, this word should be changed to "as needed". ODFW, DEQ and Parks will be in the position of determining this need.
- The last iteration gave much stronger direction to DEQ to apply for instream water rights at the completion of any/all TMDLs to protect the flow amounts used to calculate the TMDLs. In this iteration, DEQ instream water rights for TMDLs are noted as an "example" not a directive. The previous language should be reinstated.
- This section also added language regarding restoration of streamflows, we strongly support the inclusion of language regarding restoration efforts in this section. That said, we would suggest that more emphasis be placed on these efforts. As is, they are somewhat lost in the overall document. This is one sub bullet amongst thirty one in Critical Issue N. Given the role of transfers and leases in meeting HB 3369's mandate to meet instream needs, it deserves a more prominent placement. .
- And finally, as suggested in earlier comments, WRD should use this opportunity to commit to protecting instream values in all water allocation and reallocation decisions (i.e. public interest test on transfers).

Third, the last two drafts have moved the instream flow protection action to the end of the long list of public health and ecological actions. While the plan is an integrated plan, it is at its core a water quantity planning document. To this end, instream flow protections related to water quantity should be at the forefront of this section, in other words, moved back to the front of this section. As is, its importance to the state goal of meeting instream needs is lost amongst the seven large bullets and thirty-one sub bullets of Critical Issue N. Instream protections should be moved to the front. Even better, as noted in the "gaps" section below, Critical Issue N would be much more effective and clear it if were split into <u>two</u> "critical issues"---one focusing on healthy ecosystems the other focusing on public health. These are very distinct goals and should be granted space/placement accordingly.

Action 12.G. Protect and Restore Instream Habitat and Habitat Access for Fish and Wildlife: WaterWatch strongly supports this section. That said, it seems a little sparse. We would suggest working with ODFW and DEQ to identify other actions that would fall under this subheading (i.e. temperature, etc).

Action 12.H. Assist in the development of Ecosystem Services: This section now has a "gavel" indicating new legislation is needed. Existing legislation exists to allow the use of ecosystem services, so a gavel is not needed. The last iteration included a section that stated "focus first on water quality." This language has been removed. WaterWatch opposes this change as we have serious concerns as to the application of ecosystem service credits to flow. Additionally, in the last draft developing tools and protocols for translating flow restoration activities into ecosystem services was a second tier proposal. This iteration makes it coequal with water quality, which raised concerns for WaterWatch.

(2). Gaps in the IWRS: In addition to WaterWatch's comments on the Recommended Actions, we wanted to highlight for WRD/WRC the areas where there appear to be gaps in the document. We urge the WRD/WRC to incorporate these suggestions into the final document.

First, we strongly advocate that the Critical Issue N relating to Healthy Ecosystems and Public Health be split out into two distinct Critical Issues. As is, they are lumped together in one section. The result is a compilation of seven very distinct Action items, encompassing thirty-one sub bullets in all, which dilutes the importance of all. No other section suffers from this (other sections have from two to four action items). We think this is a serious problem with the plan, and does not live up to HB 3369's clear direction to address water quality and ecosystem health as a priority. This clumping of instream needs into one "umbrella section" is both unfair and unbalanced and fails to give proper attention to the meeting of instream needs.[1]

Second, Water Management should be its own Critical Issue under the "meeting Oregon's water needs" subsection of the IWRS. Comprehensive water management is key to the meeting of Oregon's instream and out-of-stream needs and should not be undersold by this document. The WRD's existing and future on water management (as differentiated from water development), and the increased integration amongst agencies on this point, should be clearly spelled out in this document. There is a water management "institutions" section, but this is a very different thing than water management actions.

Third, the water development section could be expanded to include instream transfers and lease, as well as natural storage. Water development should be understood by all as encompassing both instream and out of stream supplies.

[1] Related to this is the fact that recent iterations of the "IWRS placemat" developed by the state have deleted altogether aquatic degradation and water pollution as two distinct coming pressures (agreed upon by the PAG). Neither is now identified as a coming pressure.

Fourth, the document still fails to lay out a path for agency integration, as directed by HB 3369. This could be incorporated into Water Management Institutions section.

And lastly, as we've noted in all of our previous comments, the IWRS would be bettered by dedicating an entire section to groundwater. A section devoted to the myriad of issues under groundwater was supported by the PAG at more than one meeting.

(3). Essays: The Integrated Water Resources Strategy should not be used as either and advertising space for private business or as a pulpit for legislative and/or policy changes sought by one particular interest over another. A number of the essays suffer from one or both of these problems. A few examples include:

- **Conduit Hydroelectric Projects: A view from irrigated agriculture in Central Oregon (pg. 63):** In 2007 the Legislature adopted a bill to expedite in-conduit hydro processing time and cost. A key provision of this bill was a requirement of fish passage and screening. Despite the fact that this was agreed to by all stakeholders, user interests are now fighting this provision in front of the legislature. This essay highlights fish passage requirements as a "problem" because of the cost associated with this legal requirement. Inclusion of language this essay gives a select industry a very visible pulpit to make their arguments against fish passage. Unless this essay is mirrored by an essay from ODFW outlining fish passage requirements that have been in effect for over a century, its inclusion here in this state document is both inappropriate and unbalanced.
- **Does Regional Water Planning Really Work? (pg. 104).** This essay is placed in the "place based" planning section, indicating this is the type of planning WRD is envisioning. This essay includes the Klamath Water and Power Agency as a planning example. This is precisely the type of planning that is NOT envisioned under the IWRS place based planning as it has been discussed/represented. KWAPA is as On-Project Plan that does not seek to meet a balance of interests (i.e. instream and out-of-stream); does not seek to address water supply issues in the "place" (Upper Klamath Basin) but rather seeks only to address the needs of the On-Project irrigators; and, the KBRA allows KWAPA to prepare the plan without any public participation or input and only requires a limited review by Reclamation.
- **Piping and Lining Projects in Central Oregon (pg. 114):** This should be about piping projects, not an advertising forum for Black Rock Consulting (i.e. second paragraph). Moreover, if the focus is on river restoration the better author would be the DRC or WRD.

We do not see the value of including essays by private interests in a state planning document. That said, if essays are to be included they should be edited so that they are limited to the objective stated, which is "Techniques and Technology" and taken from the IWRS proper and put in an Appendix (this would also help with the unwieldy nature of the IWRS). The document should also clearly state that the state does not endorse the positions contained in the essays.

(3) Background

Introduction (pg. 11):

What it is and what it is not (pg. 11):

Pg. 11, last paragraph. This section notes that the Strategy relies in the first order on collaboration and voluntary efforts. This is new language. One of the guiding principles of the PAG was "accountable and enforceable actions". This is somewhat inconsistent with the statement WRD has inserted here. As is, this statement undermines the non-voluntary measures included in the document (i.e. measurement) and implies that there would need to be agreement on state actions (i.e. protection of instream values). While it is appropriate to note that this document does contain some voluntary actions, it is not appropriate to declare collaboration as the "first order" application of the Strategy. This language should be deleted.

Cross-cutting issues (pg. 12)**:**

- **Groundwater:** While we appreciate that the WRD flagged groundwater in this section, we still feel strongly that there should be an entire "critical issue" section dedicated to groundwater. Given that the state is over appropriated most months of the year, the majority of new permit applications are now for groundwater. As the strategy points out, this makes clear for the need for new groundwater studies. The background section on further understanding Oregon's water resources and does touch upon issues including groundwater declines across the state and existing groundwater control areas, however without a section dedicated to the many areas that are in need of attention (i.e. assessing the need for more groundwater control areas, exempt well reform, refinement of the Division 9 rules, groundwater mitigation in other basins beyond the Deschutes) this strategy appears less than comprehensive on this issue.

- **Agency Integration:** Similarly, this section flags institutional coordination as a cross cutting issue. As noted in our comments on "gaps", the lack of direction for agency integration within this document fails to meet HB 3369's directive to develop an integrated water resources strategy, at the very least amongst WRD, ODFW and DEQ. As with groundwater, we believe the strategy would be better if there was an entire section outlining the integration and reform that this strategy will lead to amongst these three state agencies, as well as other state/federal agencies. At the very least the document should point out where in each subsection integration is achieved.

Critical Issue B: Improving Water Related Information (pg. 27)

Tools we use to manage water quantity (pg. 27): A key tool to managing water quantity is water use measurement. While we appreciate it is included in Critical Issue D, its value to managing water quantity should be discussed in this section as well.

Tools we use to manage the link between groundwater and surface water (pg. 28-29): To ensure that the example on groundwater mitigation is a bit more accurate, we would suggest rephrasing so that it is clear that because of groundwater pumping depletes surface water in the Deschutes Basin and that surface waters are protected under the Scenic Waterway Act and Instream Water Rights Act, new users must mitigate their use. As it reads right now it appears that just because they are connected they must mitigate (which could cause worry to many users across the state). The broader point to make is that when groundwater pumping affects streamflows, surface water protections apply (i.e. protection of senior instream and out-of-stream water rights, scenic waterway flows, streams withdrawn from further appropriation, etc). .

Regulatory tools we use to protect ecological health (pg. 32-33):

- Scenic Waterway Act: Missing from this section is a description of the regulatory aspects of the Scenic Waterway Act regarding the state's granting of surface and groundwater rights. Specifically, the Act prohibits the granting of new surface water rights within (including above) scenic waterways (with di minimis exceptions for human consumption and livestock use) and also prohibits the granting of new groundwater rights without mitigation if groundwater pumping, either individually or cumulatively, will "measurably reduce" surface water flows. See ORS 390.805 to 390.940 for specific directives.

- Instream Water Rights Act: This Act allows state agencies to apply for water rights to keep water instream that are on equal footing with all other water rights. We would suggest that this section be modified to more clearly explain the Act. These rights protect against junior users (as noted), but do not necessarily establish flow levels to remain instream (against all others, as seems to be implied). Additionally, the sentence regarding agency application should be reworked. Instead of the sentence "ODFW has plans to apply….." we would suggest something to the effect of: It is state policy to establish an instream water right on every stream, river and lake which can provide significant public benefits (See OAR 690-410-030).

- Fish Passage and Screening Laws: There is no discussion of the role the state's long-standing fish passage and screening laws protect ecological health. Bringing people into compliance is a priority for Oregon, and should be highlighted here.

- Division 33: There is no discussion of Division 33 (sensitive stock rules), either as a stand alone or in relation to the ESA bullet.

- Clean Water Act: There is no discussion of the Clean Water Act and its relation to protecting clean cool water for a multitude of beneficial uses, including fish and recreation.

- Hydro statutes: There is no discussion of OR's hydro development as it relates to protecting fish and wildlife and other beneficial instream uses of water.

Critical Issue C: Further Understanding our Water Management Institutions (pg. 38)

This section still appears a bit sparse. It would useful to readers to better understand existing agency roles and existing integration, as well as goals for better agency integration for the key agencies involved in water quantity issues (i.e. WRD, ODFW and DEQ). For instance, many decisions (water rights, transfers, extensions, hydro, etc) are reviewed by all three agencies, with WRD supposedly taking into consideration the assessment of these other sister agencies). How this works and how it could be bettered is the type of information readers would likely find useful in this section.

Water Quantity Institutions (pg. 38): Second paragraph, third sentence, change it to read "The Department administers more than 80,000 water rights for both out-of-stream and instream uses…." As written, it equates all out-of-stream uses as being "economic" uses, and, by implication, reads that instream uses are not "economic". Thousands upon thousands of fishing, recreation and tourism jobs rely on water instream.

Ecosystem protection and restoration institutions (pg. 39): This section should better explain ODFW's mission/role in water quantity and ecosystem health. ODFW's role in water quantity decisions and management is significant, much more so than say the Department of Transportation. As written, ODFW is folded into a sentence with all other state agencies.

Water Right Transfers (pg. 39): It is unclear why water right transfers are being called out specifically, when other water right processes are not included here. Either the section should be expanded to give a more comprehensive review of various options available, or this should be removed.

Critical Issue D: Further Define Out-of-Stream Demands (pg. 42)

How water is used in Oregon (pg. 42): The first sentence is a bit misleading. Water users are not only limited to the use, place of use, and any other conditions listed under their water right, but water rights are also further limited by the basic tenet of western water law that the water right be put to beneficial use "without waste". As written it sends the message that water rights are imminently flexible, which really they are not.

Strategic Measurement (pg. 48): WaterWatch strongly supports the inclusion of a section on water measurement in the IWRS. That said, as we've noted in previous comments the WRD's characterization of the WRC's Measurement Plan is not wholly comprehensive. The WRC's plan directed the WRD to (1) inventory significant diversions statewide, (2) require measurement of significant diversions in "high priority areas" and then, once measurement of

significant diversions in high priority areas is achieved, (3) develop a phased in approach to require measurement of significant diversions statewide.[2] This section should be amended to include the broader statewide goals of the WRC's measurement strategy.

Critical Issue E: Further Define Instream Needs (pg. 52)

Water Instream Supports Oregon's Economy: We would suggest a short paragraph outlining the economic and cultural importance of a healthy fishery to Oregon's Tribes.

Water Instream is Needed for Ecosystem Health: WaterWatch strongly supports the inclusion of the section on base flows and elevated flows. That said, this section should be strengthened to better explain the importance of these various flows, as well as the state's commitment to meeting the full range of flows. As written currently, the description seems very perfunctory.

Conclusion: The conclusion seems to be setting the stage for not moving forward on protecting instream needs. None of the other sections have a conclusion, so it is unclear why there is one here. If there is going to be a conclusion, this would be a good place for the state to outline the importance of protecting a range of instream flows (base, ecological and peak). as well as stating affirmatively that it is going to do this. We suggest WRD partner with ODFW on drafting this section so it will provide a compelling case to move forward on this issue.

Critical Issue F: The Water and Energy Nexus (pg. 59)

This would be a good place to outline Oregon's environmentally sustainable laws regarding hydropower development found in ORS 543 and 543A.

Additionally, as we understand it "pumped storage" is not generally regarded as an economically or environmentally viable alternative. Given the relatively untested nature of these ventures, it seems inappropriate to call it out here.

Critical Issue G: Climate Change (pg. 66)

This section has improved dramatically over earlier drafts.

Impacts to Aquatic Species (pg. 69): The information in this subsection is very important. To add to it, it might be helpful to note that the 2010 draft Oregon Climate Adaptation Framework listed as a risk very likely to occur the following: There is a serious risk that

[2] In a document prepared by the WRD during the 2007 legislative session, the WRC's strategy was mischaracterizes as only including (1) and (2). The full strategy was outlined in WRD staff report to the Commission, which makes it clear that the WRC's strategy also included the measurement of significant diversions statewide (including areas outside of high priority basins). See WRD Staff Report to the WRC, January 13, 2000, Agenda Item I, Water Use Measurement Follow Up Report.

increased average air temperatures will affect water temperatures and aquatic habitats to the extent that important core populations of salmon will go extinct.

Critical Issue I: Water Related Infrastructure (pg. 80)

Infrastructure—End of Life (pg. 84): This section could use an introductory sentence or two before jumping into well abandonment and decommissioning dams subheadings. Similarly, the paragraph Gold Rey Dam could use an introductory sentence.

Critical Issue K: Funding for Oregon's Water (pg. 93)

WaterWatch strongly supports the inclusion of this section. Funding for development and implementation of the IWRS is essential to the meeting of the directives of HB 3369.

Alternatives to the general fund (pg. 95): In addition to explaining what other states are doing as far as finding alternatives to the general fund, it would be useful to at least list the top alternatives being explored by the WRC (i.e. water use administration fee).

Funding local water resource projects (pg. 95): Included in this list should be the Water Use Measurement Cost Share Fund established in 1997 (ORS 536.021).

Funding local water projects: What other states are doing (pg. 96). If the WRD is going to use the WA state funding mechanism as a model, it might also note recent reports/analysis that show that the state's funding of these projects is not panning out economically. i.e. see link, http://crosscut.com/2012/02/15/environment/21935/Will-taxpayers-be-taken-for-a-ride-on-new-state-irrigation-plans-/one_page/

Critical Issue L: Place-Based Planning (pg. 100)

Regional (sub-basin) water resources planning (pg. 100): The entire section regarding the November 2011 County Survey should be deleted. In its place the WRD should insert narrative that sets the proper backdrop for what the WRD is envisioning. For instance, it should discuss the fact that each of Oregon's 18 river basins has unique hydrology, development pressures, etc. This would more naturally lead into the existing language on Oregon's Basin Plans.

Our concerns about the county language are threefold. First, the WRD has been clear that its vision for place based plans is that they will address the wide variety of instream and out of stream needs in any particular basin, will be open to all interested stakeholder and will have an underlying template developed by WRD. They are not, as we understand it, an avenue to simply providing the tools for local counties to come up with plans to address their select local interests. The county survey has little to do with the broader vision, as the county commission is one stakeholder amongst many in this planning effort. Second, the inclusion of the county commissioner survey could lend to the argument by some that place based planning should fall under the purview of the counties. This in turn, could lend to weight to the arguments by some that water management/enforcement would be better served by

abdicating state authority to the local level (i.e. counties). And third, all in all this information as presented is irrelevant to the directives of HB 3369, which any place based planning must fall under. Again, this section should be deleted in its entirety.

Local communities experience with regional planning (pg. 103): The DWA should not be held up as an example of regional planning. The DWA has specifically excluded advocacy NGO's from their efforts, moreover key agencies such as ODFW and DEQ have "non-voting" seats which undermines their input. If the WRD wants to use the Deschutes as an example, they should work with DRC to include language about their upcoming upper Deschutes Plan. This, as we understand it, will be more in line with what the WRD has represented to use these state based plans will be.

Pg. 103 last paragraph/pg. 104 carryover: This paragraph should be struck and/or clarified. As written, it appears to contemplate a wide variety of planning that is separate and distinct from the place based planning the WRD has described to us.

Partnership with neighboring states (pg. 109):

- Economic needs in the Columbia River basin: The title of this section should not be phrased as "economic needs" in the Columbia River Basin. This implies that out-of-stream development of water is of more economic importance than the many jobs that rely on healthy rivers. This subject has come up for debate the last many sessions, and the IWRS is not an appropriate place to make the arguments of one select interest over another. This section should be titled something akin to "instream and out-of-stream water development issues in the Columbia River Basin". The last sentence of the paragraph should be struck too. It is notable that the state has spent millions of dollars trying to address this issue via Aquifer Recharge. This last sentence undermines these efforts by implying that this state backed answer is not providing options.

Critical Issue M: Water Resource Development (pg. 112)

Built Storage (pg. 116): It would be useful to the reader if somewhere in this section the WRD outlined existing state law and policy on storage (i.e. Div. 410, ORS 536.238, ODFW rules, etc). As was apparent in the 2012 legislature, the existence of these state policies is not something that is widely known.

Above Ground Storage (Reservoirs) (pg. 121): First paragraph, the last sentence should be struck. Instream interests are also seeking unallocated water and it prejudicial to these interests to make the statement regarding contracts. The Crooked and Willamette are discussed in their own sub bullets so this sentence is also unnecessary.

Critical Issue N: Healthy Ecosystems and Public Health (pg. 127)

This issue should be split into two distinct critical issues---(1) Healthy Ecosystems and (2) Public Health. See discussion in Recommended Actions.

The Role of Water in Ecosystem Health and Resiliency (pg. 128): The leading sentence is in relation to resilience, which implies that it is up to the rivers and fish to adapt to the disturbances thrust upon them by humans (diversions, dams, etc).

Rivers, Streams and Lakes (pg. 128): We appreciate that the WRD added a section on rivers. That said, it would be appropriate to add a bit more on how irrigation withdrawals, dams, etc have degraded river habitat across the state. As written, there is one sentence that frames this as simply a modification for water supply "benefits". This does not adequately capture the problem. We are happy to provide links/language upon request.

Appendix B: State and Federal Policies Underpinning Water Management in Oregon

Policies and Laws—Ecosystem Protections (pg. 160): Included in this section should be the Instream Water Rights Act, Division 33, Fish Passage and Screening Laws, as well as the many policies outlined in Division 410 (water availability, instream, etc).

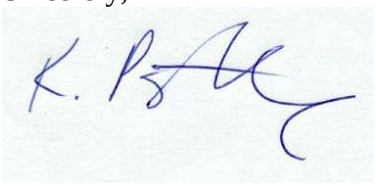
Appendix C: A Sampling of State and Federal Water-Related Permitting Programs (pg. 168).

Activities within Scenic Waterways, pg. 169: As noted in earlier comments, the Scenic Waterway Act's restrictions on new water withdrawals are significant, for both surface and groundwater. This is missing from this section.

Conclusion: Thank you for the opportunity to comment on the Discussion Draft of the IWRS. We appreciate WRD's hard work towards developing a balanced integrated water resources strategy to meet instream and out-of-stream needs now and into the future.

If you have any questions please do not hesitate to call.

Sincerely,



Kimberley Priestley
Sr. Policy Analyst

From: Robert W. Collin "Will"
Sent: Friday, December 30, 2011 11:58 AM
To: Alyssa Mucken; Jonathan Ostar; Jennifer Coleman; Julie Samples; Terry Witt; Robin Morris Collin; R. Collin; Kal - Work; Jack Johnson; Mariahm Stephenson; BROWNSCOMBE Brett * GOV; SVETKOVICH Christine; VALDEZ Bob; KUENZI Chris; MELCHER Curt; SPARKS David L * OHLA ROD; SHIBLEY GAIL R; LYNCH Gary W; GARD Howard A * Hal; DOUGLAS JAE P; FULTS Janet E; BROWN Jevra; LeTarte, June; JORDAN Kimberly A * ODOT; KNUDSEN Larry; HANSON Lisa R; FARINAS Manny A; YONG MEI Y; MORRISSEY Michael; THORESON Rebecca L * Becky; FRANCO Roberto; NICHOLS Rod L; OCHOA Ruben E; OTJEN Sue; TILLMAN Tricia; CORNWALL Winston; NORMAN James B; LOWE Lesley; Stohs Sheryl; lisa pinheiro; DIETZ SUSAN J
Cc: Chris Hagerbaumer; Lisa Arkin; Alison Guzman; Charles McGee II; Brown Anthony; SUZUKI Carol; BAKER Lucy * OAC
Subject: Re: [IWRS] Discussion Draft Now Available- Will comment re EJ

Hello,

Thank you for the invitation to review this draft document. It is good to know that public participation really meaningfully included until a final decision is made. Sorry for the wide circulation, but as many relationships via EJ at these levels is new I thought it would be helpful for others to see a way to proceed.

My review will pertain only to Environmental Justice, and follow the basic parameters of SB 420.

My review will also include the application of EO 12898 to all engaged federal agencies, including recent memos from EPA Administrator Jackson re the increased range and depth of this EO in terms of agencies covered and range of actions. You may have noticed the requests for comments on EJ public participations etc in agencies such as the Department of Commerce, Interior, etc. I do not know if I have time to address the appropriate Title VI issues, but may if time permits (I am *volunteering* my expertise in this area). I do, at the outset want to make clear that I am not speaking for any one community, and am limiting my comments to analysis of the administrative processes and draft product you presented. Future individuals may choose a different analysis.

EJ refers to the distribution of environmental benefits and burdens, and water is a key issue. So often, consensus has been achieved ONLY by those fortunate to sit around the table. EJ is characterized by scarce resources as opposed to other stakeholder groups, but is developing its positional integrity via environmental federalism. Robust inclusion of EJ, even if a day late and financially short, is an unavoidable emerging measure of both EJ and sustainability. In some communities the concern is that if you are not at the table you are on the menu, meaning those not part of any process with environmental burden and accumulating public health threat, bear that burden.

If any member of your group, or subset, wants to bring to my attention the EJ analysis, methods of incorporating EJ, compliance of recipient state agencies with EO 12898 or OR SB 420 (natural resource agencies are required to file annual reports which could be made part of a appendix, for example) I would appreciate it. I suspect many of your state agencies have at least this, or I may have it somewhere. It is also in the EJTF annual reports. I may have a copy of that too if you do not.

Thanks everyone for your time and attention.

Will Collin

Oregon Water Resources Department

725 Summer St. NE, Ste. A,

Salem, OR 97301 February 29, 2012

Re: Environmental Justice Review of the Oregon Integrated Water Resource Strategy DRAFT

Dear all those who have worked developing the IWRS,

Thank you very much for your work on beginning to articulate an integrated water strategy for Oregon. It is obvious that long hours of work went into it. Overall it seems like it could be a strong step forward in a state water policy.

I was volunteered at the last meeting of the Oregon Environmental Justice Task Force to review the draft IWRS. I have, as a volunteer, parsed the entire draft document and have the following comments which I believe fall into the "**Red Flag or Glaring Omissions**" part of the March 8 Agenda. (For the record, I am not glaring at anyone.) Having been involved in these areas in my scholarship and public service for many years I can elaborate on these concerns in greater detail if necessary. You can also review my published work or EPA EJ web sites for guidance on how to incorporate these concerns.

1. The document fails to incorporate environmental justice principles as enunciated in federal Executive Order 12898. Public participation requirements of environmental laws do not adequately address environmental justice issues.

   Failure to do so will prevent and/or jeopardize federal funding, and prevent successful and collaborative intergovernmental relations necessary for the "integration" of water policy. Attached to my electronic submission is the press release from the EPA CEQ statement yesterday by Administrator Lisa Jackson. I was part of a teleconference audience for that, and she also spoke of increasing civil rights aspects of environmental policies, increasing

emphasis on implementation of Title VI, and the requirement that states must abide by the terms and conditions of federal policies, which have recently expanded into all major federal agencies. Environmental Justice is one of the primary new terms and conditions, and I suspect are part of the Memorandums of Understanding between participating Oregon IWRS agencies and regional offices of federal agencies (eg DEQ and EPA Region 10).

Ignoring a key aspect of a burgeoning national trend, policy, and law, like Environmental Justice, is a problem. Its omission will quickly "age" the productive life of this document. These glaring omissions could be mitigated by incorporating some of my earlier comments regarding the OR environmental justice state agency reports, which I will *again* attach with the electronic submission.

2. The document does not address **cumulative** emissions, impacts, and effects from industry, agricultural expansion, and population growth. This is both an environmental justice issue and an environmental public policy planning issue. In this context it is important to discuss both *aggregated* risks, and *synergistic* risks. Emissions that bio accumulate are of great concern to environmental justice communities.

   Before the Toxics Release Inventory (TRI) it was more difficult to do environmental planning. As we refine the risk vectors in environmental planning, research is now focused on individual chemical loads. Many EJ communities are interested in chemical body load. When this is more available it will likely move environmental planning forward into cumulative risks. For this document to be relevant in near and mid future planning contexts some discussion of cumulative emissions, risks, and effects is needed.

3. I am concerned that a foundation of some of the approaches are based on public policies not friendly to environmental justice concerns, and have heard complaints about the Oregon Watershed Enhancement Board. These

groups may continue with business as usual if this document omits environmental justice issues.

4. As current environmental representative in a state rulemaking process dealing with water we were informed of the alleged primacy of the "Public Trust" doctrine. However, in an "Integrated Water Resources Strategy" there is scant mention of it.

   However, in the spirit of collaboration, some environmentalists and conservationists may consider this to reach the "glaring" level.

5. The market based approach to ecosystem resources generally leaves poor and oppressed people at a disadvantage. Not enough of my volunteer time right now to give an analysis here, but the question about environmental justice needs to be asked.

Thank you for your time and consideration. These suggestions are offered in the spirit of collaboration, and in moving Oregon forward. I hope you find them useful in your deliberations.

Sincerely,

Robert W. Collin "Will"
Senior Research Scholar
Professor of Law, Adjunct
Willamette University

References attached with electronic submission: 2/27/12 EPA/CEQ news release re reports and programs from expanded Environmental Justice agency coverage, mandated state compliance measures via a revived Title VI, OR EJTF documents, and Environmental Justice Legal Tools.