

Attachment 2c**Transcripts for Oral Comments**

Below is a tabulation of the oral comments received during the Bend public hearing held January 29, 2026.

Name	Stated Affiliation
Gordon Jones	N/A
Jeremy Austin	RAC Member, Central Oregon LandWatch
Kate Fitzpatrick	RAC Member; Deschutes River Conservancy
Nunzie Gould	Deschutes County resident

Gordon Jones

I applaud the Oregon Water Resources Department for going through the rulemaking process.

I've noticed DEQ is going through one kind of simultaneously, and I'm happy to see that we're paying a lot of attention to our water resources.

I just learned that there's a new Governor's Task Force that's going to be dealing with data centers and energy, and [for] both those, water has historically been used as an energy resource, and data centers require a lot of water used as well.

So, I think probably Division 380, the water rights transfers, is my probably my major concerns for this rulemaking process.

I'm concerned that there's going to be a lot of pressure on Oregon Department of Water Resources and for transferring water rights and acquiring water rights and utilizing our rivers and streams as locations for data centers as they have already been used or in the state in many cases.

And in that on page 6 it says up at the top historical POD changes.

What does POD stand for?

Does anyone know?

[voice in the room] point of diversion.

OK.

Then it goes on to say, clarifies the process applies to surface water now not groundwater, does not apply to changing the location of a dam.

At least the word "dam" is in that paragraph for some reason, and I'm not sure why that is.

But my major effort that, if you will, or thing that I'm working on having been involved in the removal of the four dams on the Clackamas River and I'm a property owner on the Upper Deschutes National Wildlife Refuge and been involved in that at work with OSU a little bit on that dam removal process and see how successful it is.

I'm an advocate for removing dams, not putting any more dams in.

And I'm also an advocate for keeping our rivers free flowing and trying to manage our surface water and our groundwater as carefully and diligently as we possibly can, so that we can preserve the waterways as free flowing.

And being waterways that will, you know, have before salmon runs and free flowing arteries, if you will, for the whole state not utilized so much as cooling systems for data centers is one of my main concerns.

And I also would like to anyway, just [say] that's [what] my concern is. I think a little more explanation on that particular policy and process and how it relates to the Governor's Task Force would be interesting.

Thank you.

Jeremy Austin

Good morning.

My name is Jeremy Austin.

I work with Central Oregon Land Watch for a nonprofit based in Bend and our geography cover is Deschutes, Jefferson and Crook counties.

We have a mission to defend and plan for Central Oregon's livable future.

I wanted to start by just saying thank you to the Oregon Water Resource Department staff for the time that they've invested in this rule making.

It's been a big lift, and I appreciate this meeting and informational session here today as well.

As we heard this morning in the informational, this rulemaking covers a lot of divisions under that, a whole host of different issues and topics.

And we do plan to follow up with written comments on many of those divisions.

But today I really want to focus on one topic that's come up through this process so far, and that's land use.

We have seen this rulemaking from the start as a really important opportunity to grapple with questions related to the sequencing of water right decisionmaking, land use decisionmaking.

And to start, ask questions about how water permitting might better align with the goals of [the] land use system and how it might overall prove how these two areas of regulation interact.

And [we] did have the opportunity to serve on the Rules Advisory Committee where some of these topics were discussed.

And we really appreciated the Oregon Water Resource Department staff making space within this rulemaking to address some of these concerns.

And overall, we are pleased to see some of those changes that are moving into the proposed rules in the current version.

However, we see that additional steps really are needed to address some of the concerns and issues that have come up around land use in this rulemaking.

And here in the Deschutes Basin close to where we sit, there's several examples of some of these issues that we need to grapple with.

For example, in Deschutes County, there's situations where our urban growth boundaries are expanding into 120-year old water rights.

We have other lands within irrigation districts that aren't zoned for exclusive farm use.

Yet these lands are often exempt from demonstrating compatibility with local speculations under the current rules.

And this is just one of the issues that came up during the rulemaking process.

And as I mentioned, we plan to submit additional comments.

But I wanted to come today to this public hearing and really ask that the Oregon Water Resource Department further consider how this rulemaking can improve coordination across state agencies on the issue of land use.

And in addition, just to express support for convening a more comprehensive review of the misalignment between water and regulations.

Again, really appreciate the work that Oregon Water Resources Department staff have put into this rule making and the opportunity to provide comment today.

Thank you.

Kate Fitzpatrick

Good morning.

My name is Kate Fitzpatrick.

I'm the Executive Director of the Deschutes River Conservancy.

The DRC's mission is to restore stream flow and water quality in the Deschutes Basin.

Appreciate the opportunity to comment today and all the work that you all put into the rule making and convening the RAC.

We also appreciated the opportunity to sit on the Rules Advisory Committee.

We greatly appreciate the hard work of the Department staff and this extensive rulemaking.

We are supportive of the objective to bring rules into alignment with HB 3342 and HB 3544 in the work toward updating rules so they can form a statute.

We appreciated the balanced representation on the RAC, which included conservation groups from various geographies in the state that brought regional knowledge, concerns and expertise into the discussion alongside water users from various geographies.

And we specifically today just want to comment on appreciation for the improvements to Division 77 and Division 18 we made in stream leasing and permanent in stream transfers and the allocation of conserved water statutes. Related to Division 77, DRC works with 80 irrigation districts and about 350 landowners annually to in stream lease up to 75 cubic feet per second back to our streams alongside an additional 74 CFS that have been permanently transferred in stream.

And we also utilize Division 18, which has protected 174 cubic feet per second in partnership with irrigation districts to our streams through the allocation of conserved water program.

These are very important programs and rules for flow restoration in the Deschutes Basin and reaches that had once been fully diverted.

And we just wanted to comment that the improved efficiencies proposed in the rules will be beneficial to the resource and will improve the workflow for practitioners like the DRC and irrigation partners who use these programs and state staff who process these transactions.

We will be submitting more detailed specific comments in our written comments, but appreciate the opportunity to underline those efficiencies today in in this hearing.

So thank you again to the Department staff for all your hard work on these rules and your time convening the rack.

Thank you.

Nunzie Gould

My name is Nancy Gould.

I'm just representing myself.

I have the flu, so I'm not able to get to the Prowell Springs meeting room.

I did have the opportunity to meet Roger Prowell and to understand the spring that his name is granted to.

And one thing I've noticed over the course of the 100 years that Oregon's been issuing water rights and even longer is that the thirst for water is increasing, and it's also increasing increasingly being asked for by municipalities.

And this particular year in Central Oregon, here in Bend, we're experienced experiencing a 50-year drought and most of the residents here have not lived here 50 years.

And it's really important to be thinking about what we're doing now with pressuring rules to issue water rights faster and how we actually are protecting the ecosystems and these very unique places such as Prowell Springs or other springs within our ecosystem.

I appreciated the comments from December of the Confederated Tribes of the Umatilla.

I appreciate the comments made by Central Oregon Land Watch, their December 2025 comments, and also comments made by Water Watch of Oregon.

I understand there's increasing people pressure to want more, but we now have reached a paradigm where there's less coming in at the top of the spigot.

And the question is, how do we steward our river ecosystems in the face of this drought?

So I think it's important that OWRD deny permits if the land use application process timeline has not been met.

I think it's important that OWRD get more river gauges in its rivers so that it can measure what is flowing in our river ecosystems by stream reach.

This I think is really important given the DRC, the instream leasing, the mitigation rules.

There needs to be on the ground science to back up yes, leased water or transferred water or instream water rights actually are in the river.

And finally, there's a great an acronym enough.

It's not enough, but I'm reading it as enough, estimated average natural flow.

The acronym you're using is EANF and I think that type of language really needs to be stricken, the idea of an average natural flow.

That's not what actually we need to be looking at.

We need to be looking at what is the actual flow, not an average annual flow or estimated average flow.

So I'm sorry, I can't cite to any of your division rules per se.

I do think that there is a lot of pressure to get land development, get water development and then figure out how it goes together.

And I think we actually need a little slow down here with projects that have thought through how it marries its water demand, its water use and the land use development.

So in the course of my 20 years here, I've seen some land developments that don't have all their legs of the stool lined up.

And I think that is what has caused a lot of hiccups here.

And I appreciate OWRD in their effort to try to sort through these things.

I don't think the Deschutes Basin is unique on this.

I think this is an Oregon wide issue and I applaud all of those who partook in the RAC and the energy and time commitment, especially Central Oregon Land Watch, WaterWatch of Oregon and the various Tribes.

After all, people like me who look like me have arrived on indigenous lands, and it's not appropriate to be usurping cultural rights at this day and age.

Thank you.