



**Deschutes Groundwater  
Mitigation Program**

**2014 Annual Review**

**12<sup>th</sup> Annual Review**

**&**

**House Bill 3623 Five year Evaluation**

**Dwight French**

**&**

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# Aligning Reporting Requirements

## Current Five-year Reporting Timeline

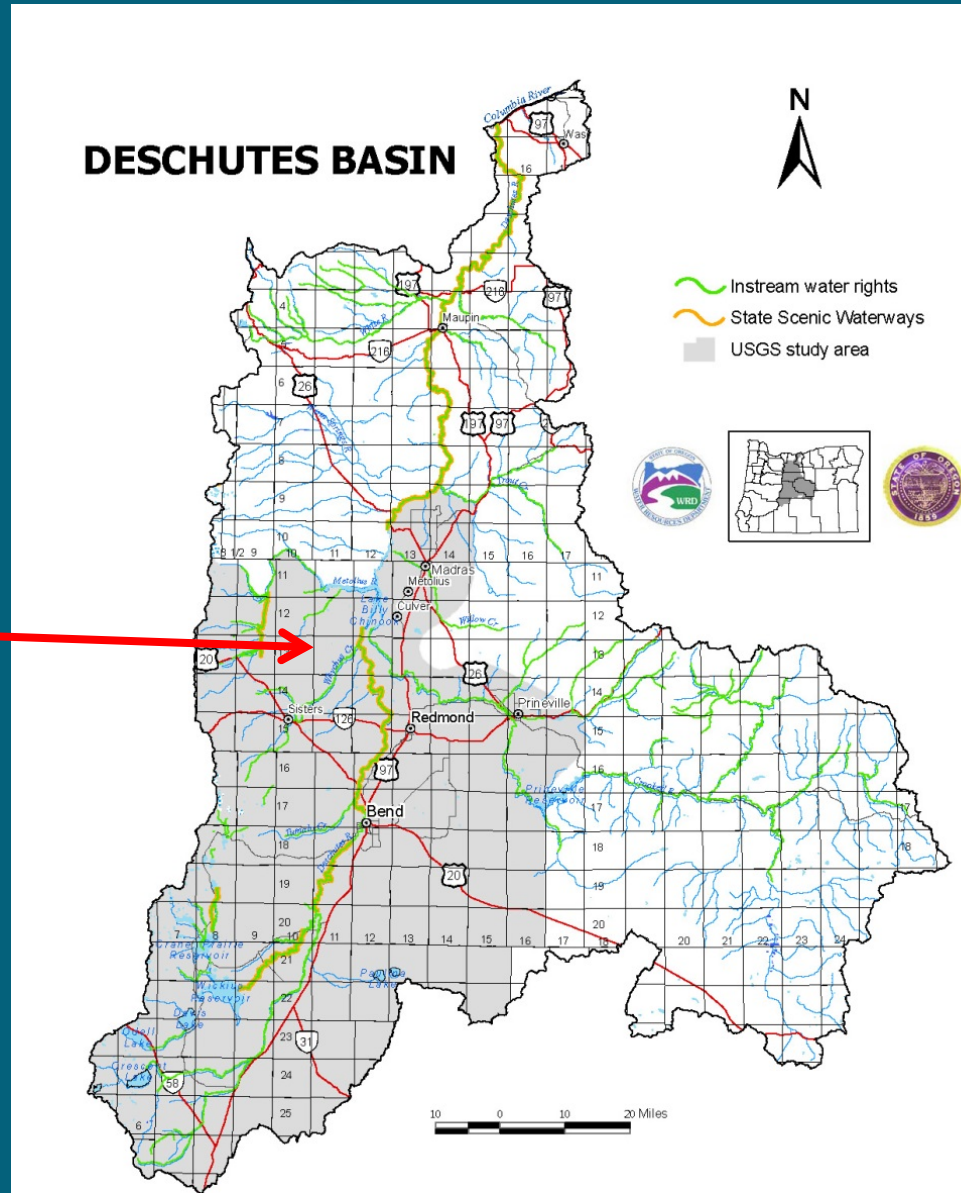


## Proposed Five-year Reporting Timeline



# History and Background

1. SWW & ISWR Protections
2. No SW Available
3. Deschutes Basin GW Study
4. Mitigation Program Developed



# Mitigation Program Goals

- **Maintain SWW flows + water rights including ISWR**
- **Facilitate restoration in the middle Deschutes River**
- **Sustain existing uses and accommodate growth**



# Elements of Mitigation Program

1. New ground water permits require mitigation
2. Identifies tools for providing mitigation
3. Establishes a system of mitigation credits
4. 200 Cubic Feet per Second (CFS) allocation cap
5. Provides for establishment of mitigation banks
6. Requires annual and 5-year evaluations with additional evaluation required under HB 3623

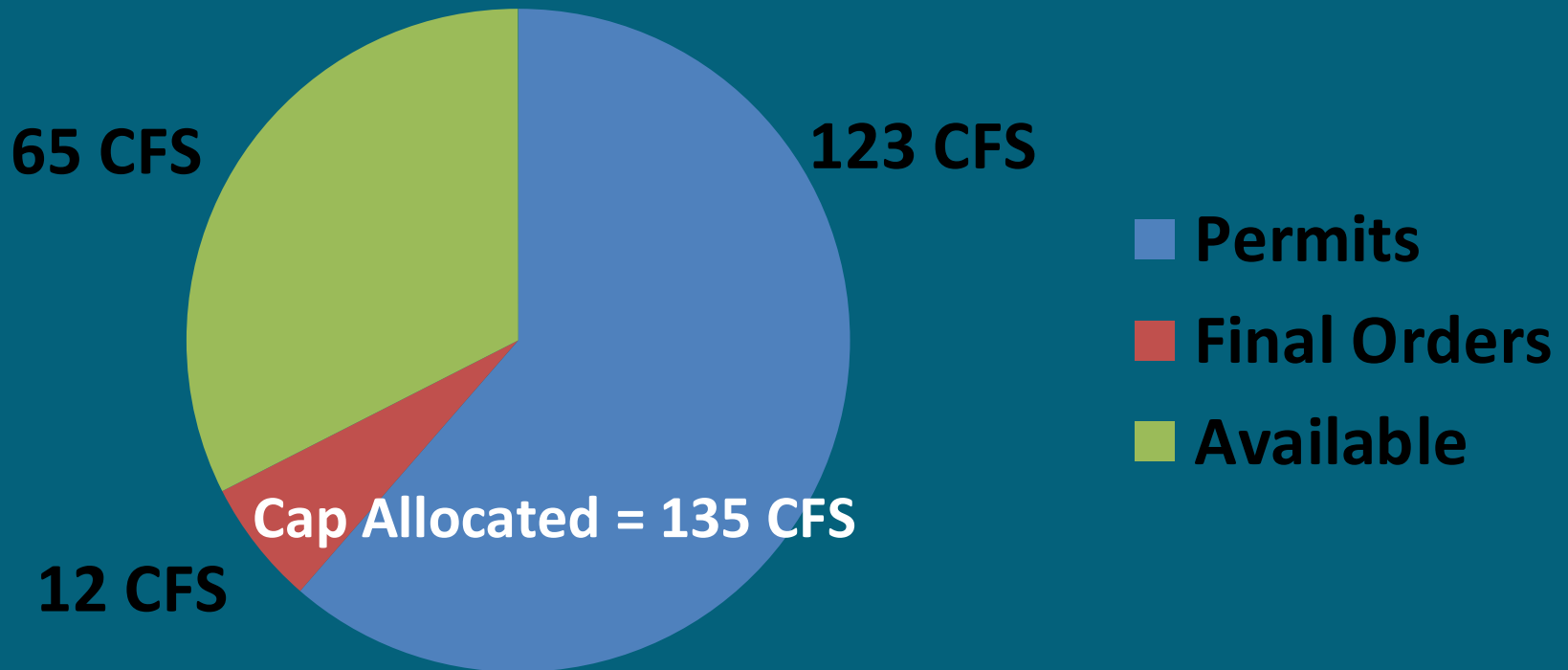


# 2014 Annual Evaluation

1. Cooperation with other state agencies
2. Implementation of the rules
3. Ground water appropriations
4. Streamflow monitoring and evaluation
5. Mitigation Bank Review



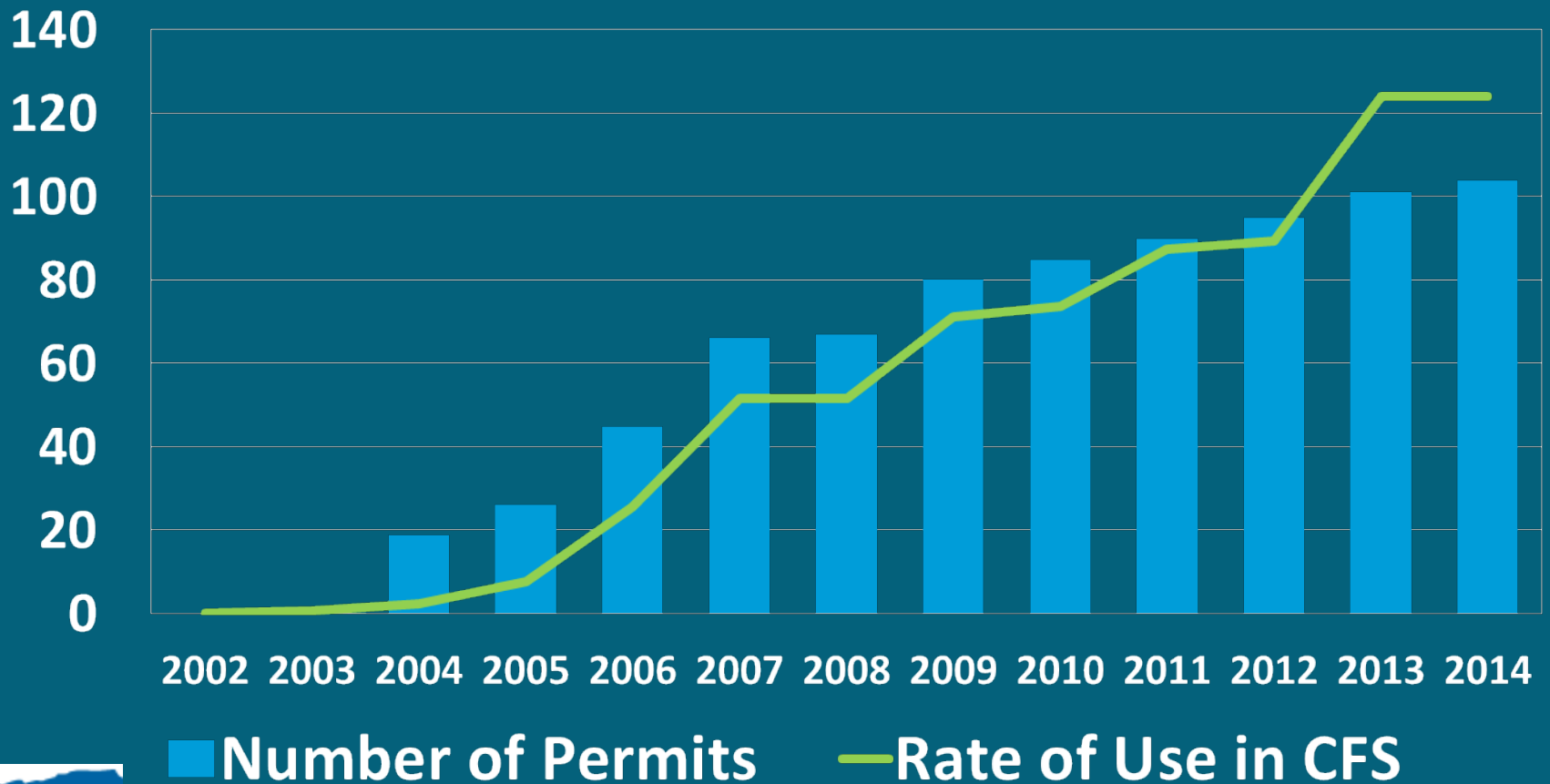
# Status of 200 CFS Cap



- Unofficial Cap Number: 33 CFS remaining
- Includes Pending Apps without FO (29 CFS)
- As of 10/31/2015

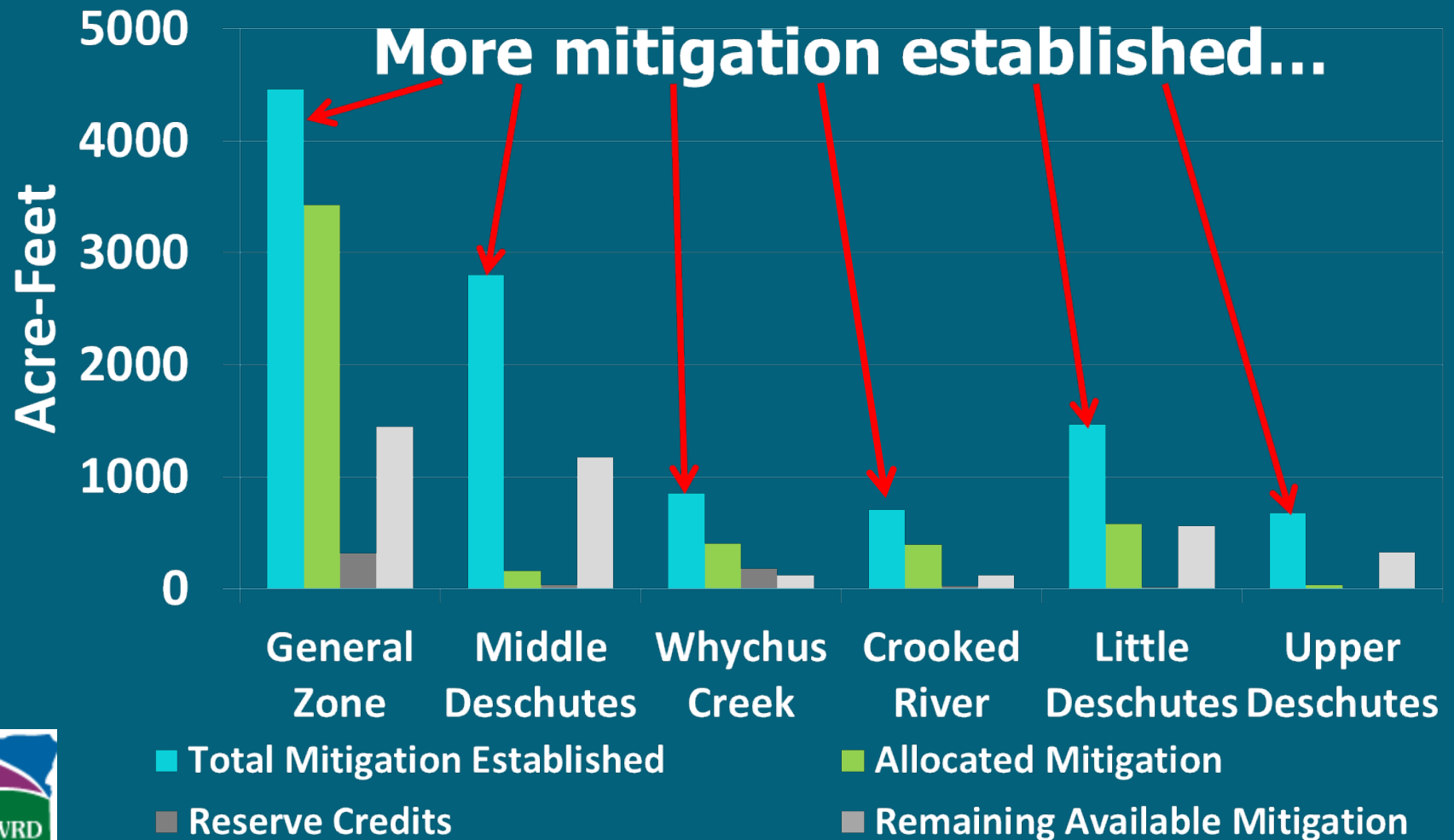


# Number of Permits and Authorized Rate (CFS) by Year

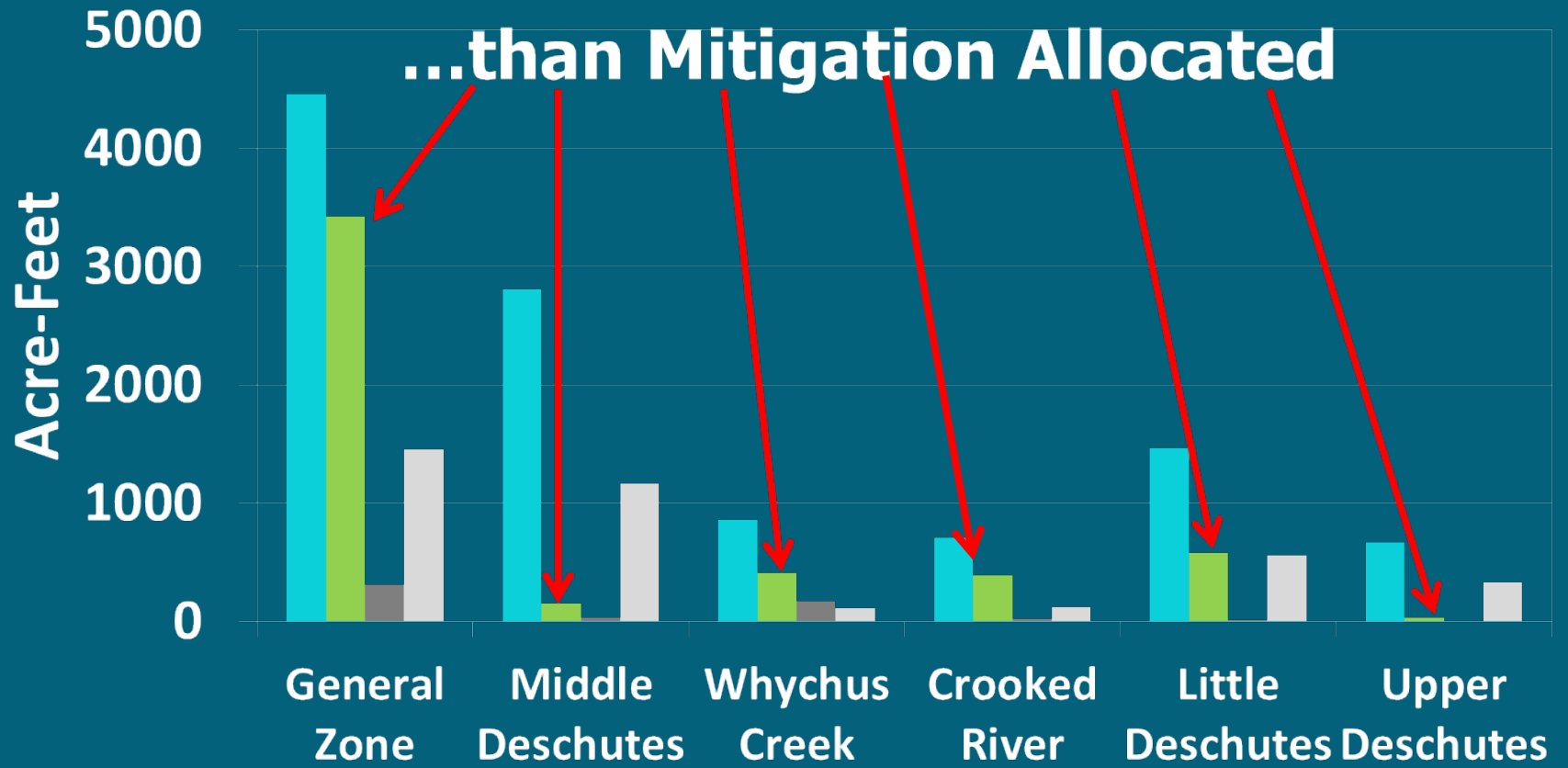




# Mitigation Activity in the Deschutes Basin for 2014



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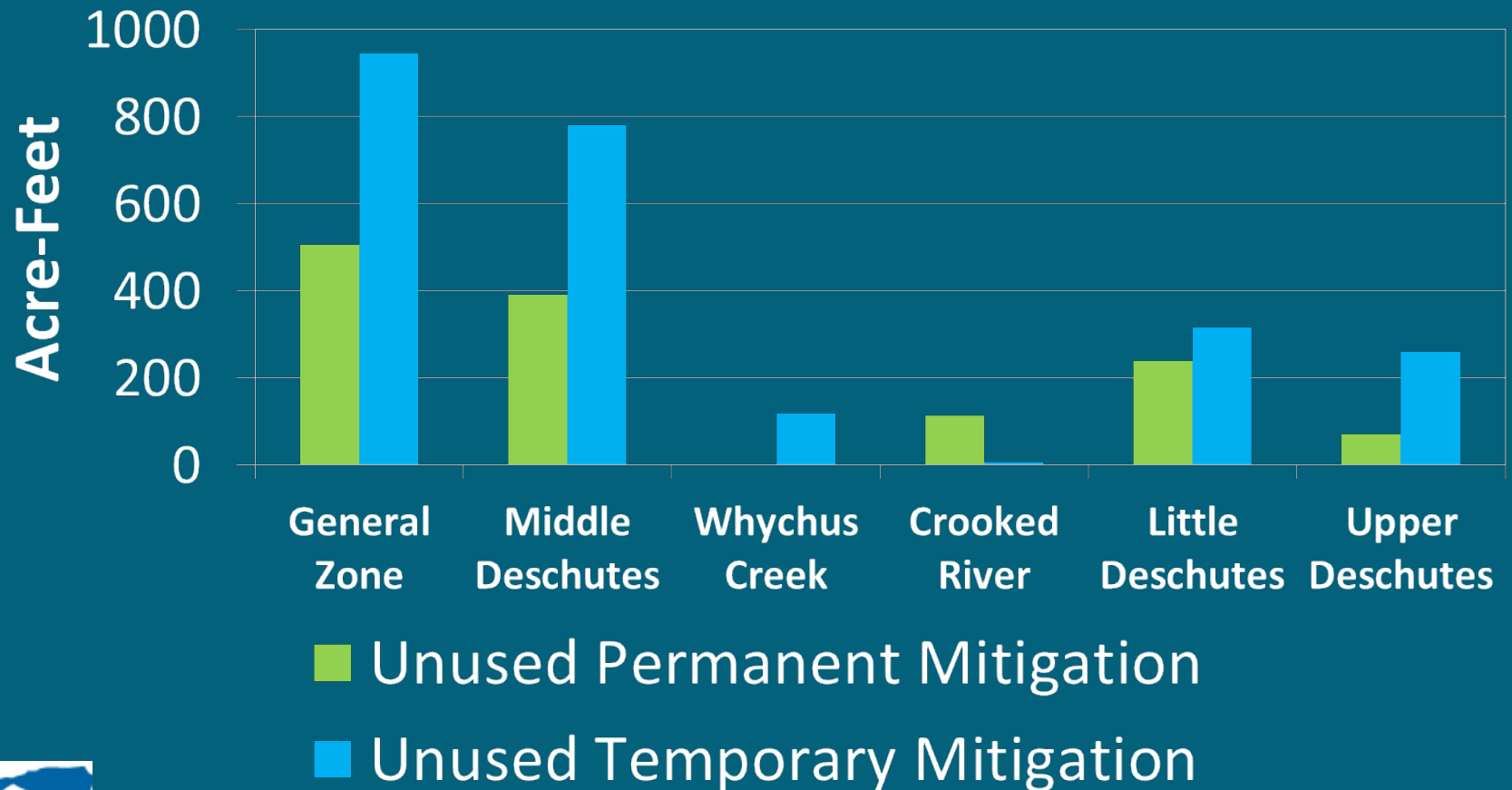
■ Total Mitigation Established

■ Reserve Credits

■ Allocated Mitigation

■ Remaining Available Mitigation

# Unused Mitigation By Zone



# Instream Requirements

- **Assessing the Impact of Mitigation on Streamflow in the Deschutes Basin**
- **Results at sites based on Deschutes Streamflow Model**

**Baseline = 1966 to 1995**



# Instream Results

- All changes are small
- Positive changes are larger than negative changes
- **Overall positive impact on flows**
  - Especially in summer months
- Instream requirements nearly identical to base line conditions



A scenic view of a river with rapids, surrounded by lush greenery and a wooden bridge in the background. The water is turbulent and white with foam as it flows over rocks. The bridge is made of dark wood and spans across the river in the distance. The sky is overcast.

# House Bill 3623

## Five Year Evaluation

# Elements of HB 3623 Evaluation

- Program impacts on other water users of the Deschutes Basin;
- Potential timing of mitigation;
- Identification of zones of impact;
- Review of impacts on the headwaters of the Metolius River and other key reaches of the Metolius River system;



# Elements of review continued

- Potential timing of Federal, state and local storage improvements; and
- Other issues identified by stakeholders
- Identification of regulatory and statutory changes that may improve the program in order to address and mitigate injury to existing water rights and spring systems, and to offset measurable reductions of Scenic Waterway flows.



*Each element is discussed in the draft report.*



# HB 3623 Report Preparation Process

- Report development included reliance on:
  - Tracking of Mitigation Program data
    - Including streamflow model
  - Technical and local staff input
  - Stakeholder review and feedback



# HB 3623 Report Preparation Process

## Stakeholder Review

1. January 23, 2015, initial request for feedback
2. August 17, 2015, request for feedback on draft HB 3623 report - GWAC also
3. November 5, 2015, additional request for feedback on updated draft HB 3623 report
  - ❖ Anticipate comments by December 2, 2015



# Stakeholders

- **Confederated Tribes of the Warm Springs Reservation of Oregon**
- **Deschutes River Conservancy \***
- **Deschutes Basin Board of Control \***
- **Oregon Department of Agriculture**
- **Oregon Parks and Recreation Department**
- **Oregon Department of Environmental Quality \***
- **Oregon Division of State Lands**
- **Oregon Department of Fish and Wildlife \***



**\* Provided Comments**

# Stakeholders cont.....

- Martha Pagel, attorney, Schwabe, Williamson & Wyatt \*
- WaterWatch of Oregon \*
- Water Right Services (also known as Deschutes Irrigation LLC) \*
- Avion Water Company
- League of Oregon Cities
- Association of Oregon Counties
- Oregon Water Resources Congress



\* Provided Comments

# Stakeholders cont.....

- Central Oregon Cities Organization
- City of Bend \*
- City of Redmond \*
- City of Prineville \*
- Central Oregon Irrigation District \*
- Doug Riggs, lobbyist
- Central Oregon Land Watch \*
- Bureau of Land Management \*
- Friends of the Metolius \*



\* Provided Comments

# Stakeholder Issues Based on HB 3623 Report Elements

- **Need for more permanent mitigation**
  - **Availability of additional mitigation**
  - **Department processing timelines**
- **Timing of mitigation**
  - **Fish and wildlife habitat**
  - **Water quality**
- **Impacts on the Metolius River system and other spring complexes**



# House Bill 3623

## Other Issues Identified by Stakeholders

- Issues identified as part of 2009 House Bill 3494 report left unresolved, including:
  - How zones of impact are determined
  - Potential water quality impacts
  - Timing of mitigation
  - Pre-Mitigation Program “7J” permits



# House Bill 3623

## Other Issues Identified by Stakeholders

- Pre Mitigation Program permits (7J permits)
- Allocation Cap should remain unchanged
- Need for mitigation monitoring and compliance
  - Delinquent permits
- State supported framework for permanent mitigation





# House Bill 3623 Report Elements

## Potential Programmatic Improvements

- Process improvements for delinquent permits
- Mitigation requirements for pre-existing permits
  - Often referred to as 7J permits
  - When extension requested on undeveloped portion
- Deschutes Groundwater Model updated
- Integration of Mitigation Program tracking data into WRIS



# Thank You

**The Department is seeking feedback from the Commissions on this report and the identified potential process improvements.**

