



November 8, 2023

Representative Ken Helm, Chair
Representative Annessa Hartman, Vice-Chair
Representative Mark Owens, Vice-Chair
House Committee on Agriculture, Land Use, Natural Resources, and Water

Re: Comments on Groundwater Allocation Rule-Making

Chair Helm, Vice Chairs Hartman and Owens, and Members of the Committee,

The Deschutes River Conservancy (DRC) restores streamflow and improves water quality in the Deschutes Basin using a coordinated, collaborative, and voluntary approach. Founded in 1996 as a consensus-based, multi-stakeholder organization, the DRC's Board of Directors includes diverse representation from tribal, environmental, irrigated agriculture, and hydropower interests as well as federal, state and local government. Together with our partners we have restored over 300 cubic feet per second of flows to our basin's rivers while increasing the reliability of agricultural water rights and operations, and water supply for cities. The DRC is a member of the Groundwater Allocation Rules Advisory Committee.

We would like to make three high-level points that touch on the specific rule-making and its interconnections with water management in the Deschutes Basin as a whole.

1. We applaud the state for taking the initiative to steward our groundwater resources and to update groundwater allocation rules to be more protective. The majority of the work we do at the DRC stems from a legacy of the state over-appropriating rivers over a century ago. As you well understand, restoring balance to an over-appropriated system is challenging work. It's much preferable to protect a resource on the front end.
2. Our second point is that surface and groundwater are intimately connected in the Deschutes, and we would be well-served to look at the whole system holistically. We are supportive of the state's efforts to protect groundwater, AND we are trying to make up for a legacy of streamflow over-appropriation. A holistic view of water resources that truly strives to manage water conjunctively and that helps us understand tradeoffs of various water management scenarios on both surface and groundwater will help us best adapt to the dynamic conditions we will be facing in the future.

Even specifically within the groundwater realm, extending the view to some topics outside the purview of the current rule-making, namely the measurement and regulation of exempt wells, which do play a role in the water budget in the Deschutes basin, would be helpful. Applying an even broader holistic filter, what are the connections between water policy and our land use goals in Oregon, land use goals that generally prioritize compact growth over sprawl, compact growth in cities also happily being much more water-efficient per capita than non-agricultural development spread out into our rural areas? Should our water policy prioritization, -if/where there are limited supplies for new allocation- reflect this? This holistic view may stretch the boundaries of the current rule-making and isn't meant to hold it up, but it underlines the need to take an overall basin water management approach that is situated in a specific context and recognizes the implications and interconnections with other basin goals and policies.

3. Our third point is that you have good partners in the Deschutes Basin. In our efforts to restore streamflow while actively trying to ensure reliable agricultural water and future water supplies for cities, we have a long history of driving conservation and innovating solutions to meet multiple needs with limited water supplies. Along with our suite of streamflow restoration strategies, we are actively involved in the Deschutes Groundwater Mitigation Program, the only program of its kind in the state. DRC is the state-chartered temporary mitigation bank, generating temporary credits through instream leases, and DRC also facilitates permanent instream transfers that generate credits. This program was designed to address the interference of new groundwater pumping on surface water flows, specifically lower Deschutes Scenic Waterway flows, while incentivizing restoration of upstream tributaries and allowing for some measured growth. Basin partners have been able to develop tools to implement this program, and the program has had some success in achieving its goals, including restoring significant flows to the Middle Deschutes River (~40 cfs) and other tributaries. This demonstrates the basin's ability to adapt and innovate to meet water management challenges. We are committed to continuing to help Central Oregon cities secure water supplies whatever the new regulatory framework looks like- because in the Deschutes all the water supplies and demands are interconnected.

This is all to say that I hope the state supports the basin and looks to us as a partner in continuing to meet multiple water demands with limited water supplies. I think you will find the basin partnerships to be well-suited to do this work. There are more conservation opportunities to explore and more ways to move water between demands.

In summary, we are encouraged by the state's efforts to update its groundwater allocation rules. In implementing these rules, we need to ensure we are managing for both groundwater and surface water sustainability and understanding the system holistically. Finally, we know how to drive conservation and develop innovative solutions and we need to extend these tools fully to the groundwater resource. The DRC is committed to restoring and protecting our rivers and aquifers, and to helping ag and municipal partners meet future water supply needs in the context of scarcity.

Thank you for the opportunity to provide comments, and for showing leadership on a critical issue in the Deschutes and across the state.

Sincerely,

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