

Establishing a Framework to Symbiotically Manage Columbia River Water Rights for our Communities, Farmers, and the Environment.



**NORTHEAST
OREGON
WATER ASSOCIATION**



Who are NOWA and the Mid-Columbia Water Commission (Mid-C)?

The Northeast Oregon Water Association (NOWA) is a regional coalition formed in 2012 to help communities, agriculture, and local governments work together on long-term water reliability and drought resilience in the Mid-Columbia region of Oregon. The Mid-Columbia Water Commission (Mid-C) is a public, intergovernmental entity created by local governments to manage shared Columbia River water infrastructure, operations, water rights, and reporting on a regional basis. Together, NOWA and Mid-C coordinate planning, investment, operations, and compliance reporting so water is managed efficiently, responsibly, and transparently in Northeast Oregon.

What is being proposed?

NOWA and the Mid-C are proposing legislation that improves how existing Columbia River irrigation water rights and related mitigation efforts in the Mid-Columbia region are managed and tracked. The proposal aligns management and accounting with how many regional water systems already operate, staying within established legal limits while improving accuracy, transparency, and efficiency. It also allows the Mid-C to participate in an existing and proven district water-rights mapping process so water use can be reflected accurately and managed on a regional basis, supporting groundwater protection, administrative efficiency, and long-term water reliability.

Why is this legislation needed now?

Over the past decade, the Mid-Columbia region has invested hundreds of millions of dollars in shared water infrastructure to sustain and enhance economic development, reduce groundwater pumping, protect aquifers, and improve drought resilience. Administrative requirements have not kept pace with how these regional systems operate today. This proposed legislation updates the regulatory framework so it reflects current infrastructure, improves efficiency, and ensures ongoing investments deliver their full potential.

What work has led to this proposal?

This proposal builds on more than two decades of regional planning, investment, and collaboration. In 2008, the Umatilla Sub-Basin 2050 Water Management Plan identified the need to reduce groundwater pumping by responsibly using Columbia River water. In response, local leaders formed NOWA in 2012 to coordinate regional solutions. That work led to the Columbia River-Umatilla Solutions Task Force (CRUST), convened by Governor Kitzhaber, which produced a declaration of cooperation and a legislative funding package to develop regional water supplies while protecting fisheries. Since 2015, the region has invested over \$300 million in shared infrastructure, secured mitigation permits from the Oregon Water Resources Department, integrated dozens of water rights into coordinated diversion and delivery systems, and formed the Mid-C to manage operations and compliance reporting. This proposed legislation addresses a remaining policy gap so state laws and rules better align with how these regional systems are already functioning today.

What problem is this legislation trying to solve, often referred to as the "Color of Water" issue?

Water from the Columbia River is diverted at common, shared points under dozens of separate water rights, where the water under the various rights is physically commingled. While total river diversions are accurately measured in real time, current rules require artificial, behind-the-diversion accounting that treats each water right as if it were physically separate. This accounting system is commonly called the "color of water" issue and creates unnecessary complexity, administrative burden, and limits flexibility. Water can and should be accounted for and managed more holistically, with more of a regional, system-wide approach.

What does "Color of Water" mean?

"Color of Water" refers to the requirement to assign and track a separate accounting identity to each individual water right after water has already been diverted from the river even though the water molecules assigned to each right cannot be physically distinguished. The proposal does not change how much water is diverted or the purpose for which water is diverted; rather, it modernizes how existing water rights are tracked and managed after diversion, with the same level of protection for the resource.

Does this proposal increase water use or create new water rights?

No. The proposal does not authorize new water rights, increase diversion rates, extend seasons of use, or add new diversion points. All existing limits remain in place, and total withdrawals from the Columbia River continue to be measured and regulated.

Does this reduce state oversight of the diversion of water from the river or the role of the Oregon Water Resources Department?

No. The Oregon Water Resources Department will continue to oversee water rights, diversions, compliance, and enforcement. In addition, managing water through districts and intergovernmental entities adds another layer of accountability at the local level. Water use is measured in real time, regularly reported, and subject to Department review. Moreover, the Mid-C as a public entity has both a fiduciary responsibility to their patrons and the state, creating strong incentives for transparency, accuracy, and compliance.

Will this weaken protections for the Columbia River?

No. River protections, flow limits, and environmental safeguards remain fully in place, and in fact, puts the Mid-C in a better position to manage mitigation projects to ensure water right terms and conditions are met. The proposal applies only to existing, permitted water rights and focuses on improving how those rights are managed, not expanding them.

Will this pollute aquifers or increase nutrient contamination?

No. Nutrient application and groundwater protection are already regulated, and additional nutrient tracking and reporting requirements are being implemented by the Oregon Department of Agriculture. Growers use nutrients efficiently because it is both economically and environmentally responsible. The proposal supports groundwater protection by reducing reliance on native groundwater and encouraging more precise water use.

Does this proposal result in "water spreading?"

No. Water spreading refers to the illegal practice of using water on more acres of land than is authorized by the water right. For the water rights managed by the Mid-C, the water rights already include terms and conditions describing where and how water can be used. The proposal does not modify existing water rights by changing these terms and conditions, and it does not increase the amount of water diverted, extend the season of use, or authorize new uses. Rather, water will continue to only be delivered and used within existing boundaries. The change is about improving water management and water right accounting after diversion.

Why is the proposal focused on the Columbia River and the Mid-Columbia region?

The proposal applies only to existing mainstem Columbia River water rights within a defined river reach in the Mid-Columbia region. At this time, more than 35 public and private Columbia River water rights are diverted at common, shared locations in this reach, with the water conveyed using shared infrastructure. The proposed legislation does not affect other basins, ongoing water-rights settlements, or tribal negotiations. Its purpose is to better manage existing infrastructure and water supplies in this specific region while reducing pressure on native groundwater.

Does participation require landowners or water users to give up control of their water rights?

No. Participation is voluntary. Water-right holders retain their underlying rights and are not required to participate if they choose not to. The proposal simply provides an option for more effective cooperative and regional management.

How will water use be monitored and reported under this framework?

Water diversions from the Columbia River will continue to be measured in real time using existing metered and telemetered systems and remain fully regulated by the Oregon Water Resources Department. In addition, regional management through the Mid-C adds a second layer of oversight, including consolidated reporting, auditing, and mapping of water use across shared infrastructure. This results in more accurate reporting, clearer accountability, and stronger compliance than tracking individual water rights separately after diversion and with after-the-fact accounting calculations.

How does this benefit communities and the region?

The proposal improves transparency, reduces unnecessary administrative costs, supports groundwater stabilization, and ensures water is used where it provides the greatest benefit. It enables easier access and accountability for municipal water needs and partnerships with the district(s), strengthens long-term water reliability for communities, agriculture, and the environment while staying within existing legal and environmental limits.

Does this affect tribal negotiations or other river systems?

No. The proposal is limited to existing mainstem Columbia River water rights in a defined river reach and does not interfere with ongoing negotiations, settlements, or management efforts in other basins.

