

Draft Umatilla Sub-Basin 2050 Water Management Plan

Review Report

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Umatilla County Critical Groundwater Task Force



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I. EXECUTIVE SUMMARY

The Umatilla County Critical Groundwater Task Force (Task Force) has prepared a Draft 2050 Water Management Plan (Plan) intended to assure adequate and sustainable short and long-term water supplies to meet community and environmental needs in the Umatilla Sub-basin. The consultant team of Cogan Owens Cogan, LLC and Bill Blosser has conducted an independent review of the Plan's management alternatives to help the Task Force and Umatilla County gain a thorough understanding of the community's willingness to support, fund and implement the Draft 2050 Plan. The review is based on an extensive outreach effort organized around three primary tasks:

- Preparation and distribution of informational materials about the Plan and public input opportunities that included a case statement, presentation talking points, press releases, and postings to the County's web site.
- Outreach to local stakeholders through a mailing to County households, questionnaire, workshops, work sessions, and interviews.
- Outreach to regional and statewide agencies and interest groups consisting of dissemination of requests for review, work sessions, interviews, and follow-up contacts.

Conclusions

- The Task Force should be commended for its dedication throughout the planning process and its extensive outreach efforts.
- While participants generally support the Plan, they are also highly skeptical about the availability of funding to implement proposed management alternatives.
- Additional work is needed to provide detail on proposed management alternatives, most notably the proposals to establish a new water management authority and a local financing mechanism. "The devil is in the details" is a common theme.
- County citizens appear to be ill-informed on water issues, especially over development of groundwater resources and its implications for future development in the County. It is therefore unlikely that County residents will be willing to fund, implement and comply with the management alternatives proposed in the Plan. Strong leadership and a broad public education program about the water availability "crisis" in the County, and explanation of how key management alternatives respond to that crisis, will be needed to make that case.
- Water quality and in-stream water rights either need to be more fully addressed or the scope of the Plan needs to be redefined. An explanation of existing contaminated groundwater issues including options for resolving the nitrate contamination issue is needed.

- Recommendations received from reviewers would improve the readability of the Plan and expand its scope to be a more comprehensive water management program.

Recommendations

- Given the strong sentiment that more detail is needed about the key management alternatives, the Task Force should either:
 - Forward the Plan to the Board as a concept plan with a recommendation that the management concepts be fleshed out and prioritized according to a specific schedule; or
 - Advise the Board that the Plan needs additional work and request an extension of time (no longer than one year is recommended) to complete a more detailed Plan.
- Provide the Board with a recommended schedule and prioritization of tasks for the next steps in the planning process.
- Select a limited number of priority actions that should be moved forward together as a targeted implementation plan to be completed within a specified timeframe. These include:
 - Water management authority and structure: Answer questions about the authority to create such an entity; who would be represented, its responsibilities, its authority, its geographic scope, its funding and staffing all beg immediate attention.
 - Financing mechanisms: Determine exactly what is being proposed, who will have to pay, what will it finance, and how it will be fair to all.
 - Outreach: Develop an expanded program of outreach/education strategies that keeps water quantity and quality issues at the forefront in the public's attention. A focus needs to be the consequences of no action. Target audiences should be urban residents and school-age children.
 - Expanded coordination: Increase coordination with Morrow County, East County, OWRD and the Umatilla Basin Watershed Council.

II. REVIEW PROCESS

In January 2008, Umatilla County and the Umatilla County Critical Groundwater Task Force retained the team of Cogan Owens Cogan, LLC and Bill Blosser to conduct an independent, third-party review of the Draft Umatilla Sub-Basin 2050 Water Management Plan management alternatives. The intent is to have an unbiased and formal review of the report to help the Task Force and Umatilla County understand the support, concerns and constraints associated with the Draft 2050 Plan. The main objectives of this review are to:

- Provide information about County residents' willingness to implement, fund and comply with proposed management alternatives; and
- Provide an unbiased review of proposed management alternatives and report on the feasibility to implement them.

This review is based on an extensive three-month outreach effort organized around three primary tasks:

- Preparation and distribution of informational materials about the Plan and public input opportunities that included a case statement, presentation talking points, press releases, and postings to the County's web site.
- Outreach to local stakeholders through a mailing to County households, questionnaire, workshops, work sessions, and interviews.
- Outreach to regional and statewide agencies and interest groups consisting of dissemination of requests for review, work sessions, interviews, and follow-up contacts.

In March 2008, a postcard was mailed to more than 11,000 household in Umatilla County. The postcard informed County residents of how they could access the Plan questionnaire online or obtain a paper copy. The questionnaire asked for information on water use, the work of the Task Force, and key management alternatives described in the Plan. As of April 23, 116 completed questionnaires were returned.

In April 2008, more than 50 people attended three workshops in Hermiston, Milton-Freewater and Pendleton-Mission. After presentations on groundwater issues in the Umatilla Sub-Basin and the work of the Task Force, meeting participants were asked to comment on six key management alternatives and other aspects of the Plan.

Throughout April and May, 2008, the consultant team conducted interviews, either in person or by telephone, with both local and statewide groups. Interviews were conducted with fifteen (15) local jurisdictions, ten (10) interest groups, nine (9) state agencies, eight (8) irrigation districts, five (5) environmental groups, four (4) elected officials, two (2) watershed councils, and various other agencies. Parties contacted are listed in Appendix E.

III. RESULTS AND OBSERVATIONS

The following is a summary and analysis of comments received through the outreach process. Through the questionnaire, workshops, interviews and other outreach materials, feedback was sought on six key components of the Plan's management alternatives. Input was also sought on awareness of critical groundwater issues and the work of the Task Force to address them. Finally, opportunity was provided for comments on additional aspects of the Plan and the planning process.

Please note that this section is a report and analysis of participants' comments, consultant team conclusions and recommendations are contained in Section IV.

A. AWARENESS

Question: Are you aware of the work of the Umatilla County Critical Groundwater Task Force? If yes, how did you learn of the Task Force?

Participants in the outreach process are well informed about surface and groundwater water issues in the Sub-basin and the work of the Task Force over the past four years to address them. About 80% of questionnaire respondents indicate that they are aware of the Task Force's work. Many of the parties interviewed are involved in some fashion in the planning process; others were aware through their professions or through publicity. Questionnaire respondents know of the Task Force through a variety of means:

Newspaper articles	55
Newspaper advertisements	7
Radio advertisements	2
Other	39

As well-informed as participants are, they almost universally believe that the general populace is ill-informed on water issues, especially over development of groundwater resources and its implications for future development in the County. In noting this concern, they state that a lack of broad public awareness exists despite the Task Force's extensive outreach efforts. To quote: "The Task force process has been a great educational process for those involved; unfortunately, that represents a very small portion of the citizenry."

There is significant criticism of the length of the planning process, especially given the belief that the Plan lacks detail and fails to set priorities.

B. OVERALL REACTION TO PLAN

Question: How well does the Plan address the County's water needs?

While there are criticisms of aspects of the Plan, the majority of participants praise the Plan as comprehensive and "a good starting point." It provides a good historical perspective of

where we've been and where we are going." "The Task Force has good representation and the process has been thorough."

Questionnaire respondents are relatively evenly divided between those who think that the Plan does a good job in addressing the County's water needs and those with no opinion on the question.

Not well at all	8.9%
Not well	8.9%
No opinion	37.6%
Well	30.7%
Very well	13.9%

Workshop participants and interviewees tend to be more informed about the Plan and more likely to acknowledge its positive aspects. At the same time, they identify shortcomings, indicating that additional work is needed to provide detail on proposed management alternatives. "The devil is in the detail" is a common refrain. There is also widespread skepticism about the availability of funding to implement Plan management alternatives.

The scope and substance of the Plan are criticized as being either too comprehensive or not comprehensive enough. Key comments include:

- There are some aspects of the Plan that neither the County nor the Task Force has authority over and that should be deleted, e.g. Phase III, adjudication of water rights.
- It should be clarified that the geographic focus of the plan is the Umatilla Sub-basin, rather than the entire County. East County reviewers feel that the Walla Walla Sub-basin and the North Fork of John Day are not adequately represented nor targeted for solutions. Similarly, Morrow County representatives feel that the Plan inadequately addresses those portions of the Sub-basin and critical groundwater areas in Morrow County.
- The Plan is water quantity-centric; water quality is not addressed in any comparative depth. One of the major unanswered questions is how water quality will be affected by Plan implementation.
- The fact that there are significant groundwater contamination issues in part of the basin is not discussed and there are no strategies identified for resolving the problems. In particular, the possibility of worsening the contamination problem by increasing the amount of water put on the ground is not analyzed. Reviewers suggest that cleanup of existing contaminated groundwater should be a Plan priority.
- Conjunctive management is mentioned as a management tool, but how it will be implemented, if at all, is not discussed.
- Municipal water needs are mentioned, but reviewers feel that there is no clear plan for assuring these supplies.
- In-stream water rights and ecological needs (fish, wetlands, riparian vegetation, temperature control, etc.) are not sufficiently addressed. "The Plan seems to assume that if Tribal issues are taken care of, all the ecological issue related to water will be

taken care of.” The needs for flows for fish and wildlife or other uses are not discussed nor are specific measures proposed to assure they are provided.

- The “no action” alternative is not fleshed out in the Plan.
- While much has been accomplished in the arenas of water use efficiency and conservation, the Plan simply seems to assume that as much as been done as can be. However, there is no evidence that this is the case. A number of reviewers feel that this should be discussed in greater detail and proposals provided for how efficiencies will be improved, wherever possible.
- Management tools are listed in Chapter 5, but the pros and cons of them are not discussed, and few of them are included in Chapter 6’s management alternatives. Why they have been deleted from the proposed management alternatives is not explained. (Some detail may be in Appendix Q, but that was not available on the Umatilla County site for review).
- Climate change has not been taken into account in the Plan.
- A number of reviewers feel that proposed management alternatives are overly broad and contradictory. “The plan needs to be more specific and have more precise goals and priorities; it’s too vague.”

C. SUPPORT FOR MANAGEMENT ALTERNATIVES

Results and observations are organized below by the key topics identified either through the informational materials (e.g., questionnaire) or through the workshops and interviews.

Taking No Action

Question: Are current programs and actions adequate to assure the sustainability of groundwater and surface water resources (inside and outside designated CGAs)?

There is strong support to take local action to explore new approaches to manage groundwater and surface water resources in the Sub-basin. Over 70% of questionnaire respondents indicate that reliance upon current programs would be an unacceptable course of action.

Strongly disagree	47.4%
Disagree	22.8%
No opinion	22.8%
Agree	2.6%
Strongly agree	4.4%

Reducing Groundwater Deficits

Question: Do you support the development of projects to obtain water from the Columbia River during available months and store for use during the irrigation season to replace use of existing groundwater rights within designated Critical Groundwater Areas?

There is strong support among all participants for this management alternative, the only hesitations being the potential costs of the projects. Over 70% of questionnaire respondents are in support.

Strongly disagree	4.5%
Disagree	5.5%
No opinion	19.1%
Agree	20.0%
Strongly agree	50.9%

A number of workshop participants and interviewees suggest that more clarity is needed on the overall purpose of the Columbia River withdrawals, e.g. that replacing groundwater rights is intended to recharge aquifers. The potential infrastructure and energy costs are a common concern. Taking advantage of the infrastructure that is currently in place is recommended to reduce costs. Several reviewers note that the Plan proposes to utilize existing infrastructure, but it is unclear about how and to what degree. Participants and interviewees support for the general concept of withdrawing available water from the Columbia as they feel that Oregon has not withdrawn its fair share in relation to Washington and Idaho.

Participants request that the Task Force consider additional actions to obtain water to reduce groundwater deficits, including:

- Raise the water level of McNary and John Day pools.
- Raise the level of McKay Reservoir.
- Develop upstream small-scale storage sites.
- Release water from Grand Coulee Dam.

Question: Do you support exchanging Columbia River water for McKay Reservoir and Umatilla River water to satisfy Tribal water claims?

There is less support for this strategy to reduce groundwater deficits, with about 55% of questionnaire respondents in agreement.

Strongly disagree	15.3%
Disagree	7.2%
No opinion	22.5%
Agree	21.6%
Strongly agree	33.3%

Workshop participants and interviewees are more supportive; they appear to better understand that the two management alternatives are interconnected and interdependent.

A key concern expressed is the need for and appropriateness of a management alternative in the Plan that addresses Tribal water claims. “Why is this even part of the Plan?” Several participants assert that the Task Force and the County have no authority over this issue and

that it detracts from the rest of the Plan. “It is an important issue and should always be taken into consideration when water resources are evaluated; but it should not be articulated as a Plan project.” Conversely, it is asked how the Plan can move forward until these claims are settled. Concern is expressed about both the costs to County taxpayers to develop the necessary infrastructure and the costs of County involvement in the claims adjudication process.

Coordinating Water Management

Questions: Do you support the formation of one or more Umatilla Water Management Boards to fund and build new infrastructure to supply water into Critical Groundwater Areas and serve as the local coordinating entity for management of water supplies in the Sub-basin? Which option do you prefer, Countywide or Regional (e.g. West County)?

A water management authority is perceived by numerous participants to be the cornerstone of Plan implementation and funding. While a majority supports the concept, there is strong skepticism and concern about its geographic scope and composition, especially from Walla Walla Basin and Morrow County representatives. More than half of questionnaire respondents believe that this management alternative should be pursued; they are also relatively evenly split on the question of its geographic scope.

Strongly disagree	7.5%
Disagree	8.4%
No opinion	22.4%
Agree	29.9%
Strongly agree	31.8%

Countywide	47.9%
Regional	52.1%

Workshop participants and interviewees express strong concerns and skepticism about a new water management entity and suggest that more detail is needed before the concept can be supported. “Better description of its makeup, responsibility and authority is needed.” Skepticism centers on the authority to establish such a body, conflicts with OWRD authority, and authority over municipal water uses. Key comments include:

- Review existing options for creating water authorities rather than seeking new legislation and to avoid conflicts with state authorities to manage water resources.
- In recognition of three unique geographic areas within the County, consider creating three separate basin-specific boards or committees that report to a joint board. Under a single Countywide scheme, given population and acreage realities, Umatilla Sub-basin water users will dominate over other users in the County.
- Such a body will need to function with, not in place of OWRD.
- Legislation may be needed to implement the proposal to set up a water management board with very broad authorities including powers of eminent domain, fee authority for well owners, bonding authority, and to create and distribute water through conveyance

systems. Details of this concept would be very important. The Task Force needs to review existing statutory options for creating water districts and water authorities under Oregon law before proceeding with this concept.

- A wide range of interests will need to be represented, including small farmers, municipalities, irrigation districts, large irrigators, Tribes, technical representatives (hydrology, geology, fisheries, agriculture).
- If the board represents only the Umatilla Sub-basin, there is the potential to create uneven treatment of water issues in the County.
- Rather than creating a new entity, consider combining with the LUB GWMA Advisory Committee and/or the Umatilla Watershed Council.
- Rather than creating a new entity, use existing watershed councils and conservation district boards.

Regulating Water Uses

Question: Do you support curtailing the issuance of new primary groundwater rights for as many years as needed to complete studies on the amount of groundwater available and the connection between groundwater and surface water, and until a scientifically-based water budget is prepared?

There is strong support among all participants for obtaining essential information needed to understand how the groundwater system works, especially the interrelationship between surface water and groundwater. It is generally felt that there is no choice but to curtail new appropriations until “we better understand who’s having problems and why.” This view is held by two-thirds of questionnaire respondents.

Strongly disagree	3.8%
Disagree	10.6%
No opinion	18.3%
Agree	23.1%
Strongly agree	44.2%

Among the few concerns expressed by interviewees is that the nature and timing of the studies are undefined and that it is OWRD’s responsibility, not the County’s, to manage water rights. OWRD interprets this management strategy as the development of interim basin rules to restrict further ground water development while studies are being conducted and notes that this restriction could be in place for an extended period of time, considering how much time it may take to raise funding and complete these studies. The agency also points out that there may be insufficient data to implement these steps on a basin-wide scale, even as an interim measure.

Question: Should exempt domestic wells continue to be permitted, including those within Critical Groundwater Areas, as long as they are allowed by state water law?

Workshop participants and interviewees generally support this strategy; however, among questionnaire respondents, opinion is evenly divided.

Strongly disagree	23.1%
Disagree	18.3%
No opinion	17.3%
Agree	17.3%
Strongly agree	24.0%

Comments tend to suggest that continuing to permit exempt wells may not be a good strategy. “Can’t ignore exempt wells; every drop counts.” It is suggested that measurement of all ground water is needed in order to manage it and that too many wells are exempt from measurement. As several respondents note: “Applications are being approved for new wells at the same time that the basin is experiencing water shortages. Current water supply and quality problems need to be resolved before adding to them by allowing new development to draw more water.” It is also felt that exempt wells need to be accounted for in order to address water quality issues.

Funding Local Solutions

Question: Do you support creating regional fundraising authorities to implement some or all of the projects proposed by the draft 2050 Plan, which could include charging an annual fee for every well head? Which option do you prefer, Countywide or Regional (e.g. West County)?

While participants in the process tend to support this management strategy as a necessity for Plan implementation, there is widespread skepticism about its public acceptability without better explanation of the purposes of a well head fee or other financing mechanism, exactly what it would be used for, how it would be administered, etc. Among questionnaire respondents, there appears to be more resistance to this concept than to any other management alternative asked about.

Strongly disagree	26.9%
Disagree	5.8%
No opinion	26.0%
Agree	28.8%
Strongly agree	26.9%

Workshop participants and interviewees are almost unanimous in the comments that more detail is needed and that there is likely to be strong resistance without significant public education efforts. “The public is against any fees, evidenced by the failure of the recent referendum on local road financing (local gas tax increase).” “The water supply crisis is not well-understood by urban areas; we will need to explain that the cost of doing nothing is more CGAs, fewer farms with wells, and a disabled local economy.” Other concerns expressed include:

- To be equitable, any fee has to be imposed on every source of water.
- Would inactive wells be charged?
- How would a flat tax work in smaller versus larger cities?
- It looks like the Plan's only purpose is to establish seed money.
- Any funds raised will need to be kept out of the County budget or they will be diverted to other uses.
- Any fee structure should be voted on by the people, especially when resource development is driven by benefit. There must be a nexus between fees and benefits.

While there is a split in opinion, significantly more questionnaire respondents believe that a water use fee should be applied Countywide rather than limited to the sub-basin.

County	59.8%
Regional	40.2%

- If a Countywide fee is charged, there will need to be Countywide representation in the decision-making on projects to fund and projects in each basin will need to be funded.
- Don't tax Ukiah or Milton-Freewater for a Hermiston solution

Exploring Other Management Alternatives

While participants agree that the Task Force has likely identified the important management alternatives, they also want to ensure that as wide an array as possible of water management tools is explored. It is noted that a number of possible water management tools are discussed in Chapter 4, but virtually all except those involving supply augmentation seem to disappear in Chapter 6. Among the specific suggestions are:

- Engineer canals and pipelines to leak seasonally in order to replenish aquifer. If using delivery pipelines, investigate valves to mechanically leak seasonally
- In exploring aquifer recharge methods, don't look at just mega-projects; look at smaller recharge projects as well.
- Allow local farmers to develop local solutions; use local knowledge
- City of Umatilla Columbia River water right could be exchanged or used to inject into an aquifer.
- Re-inject municipal waste waters into aquifers.

D. SPECIFIC COMMENTS

Selected comments received on the management alternatives in Chapter 6, the focus of this review, are summarized below. Please see Appendix F for more detailed comments from

those parties submitting written comments. These comments are followed by selected editorial comments received from reviewers on the Plan as a whole.

Management Alternatives (Chapter 6)

- This chapter is very hard to follow. The chapter is divided into “projects”, but the same project number appears in more than one place. Each project is called a “management option” but no actual options are presented. Some of the recommended management options have a summary and implementing steps; some have a summary and ideas for implementation; some only a summary and some have only the table (e.g. Other Current Water Demand Project #2). The word “summary” is confusing as it is difficult to tell what it is summarizing.
- Why are environmental interest groups not included as Special Interests in all projects?
- Implementation (Section 6-1): It appears that the entire Plan is dependent on passage of the legislative concept in Appendix A. Alternative options for achieving the goals identified through existing statute and funding mechanisms are needed. It would also be helpful to include a timetable that lays out short and long-term implementation strategies and priorities, understanding this will be dependent on funding. It appears that even the intermediate steps such as the interim rules could be in place for several decades. It might be helpful for the County to adopt land use ordinances that support the policies and direction of the basin rules.
- Deficit Reduction (Section 6-2): Explanation is needed for the statement that there is a need to “reduce regulatory hurdles.” What are the hurdles and what needs to be changed?
- Deficit Reduction Project #1: SB 1069 goes a long way to implementing this recommended management option. Clarification on "replacement water protection rules" and more details are needed on the water brokerage and banking system and any proposed changes to rules and statutes necessary to implement this concept. It is not clear what the role of the improvement district would be.
- Other Current Water Demand (Section 6-3) Project #1: The Plan seems to assume that by taking care of the CTUIR water settlement, it will have settled also the other in-stream flow needs or demands for the sub-basin. Several reviewers note that this is not a valid assumption.
- Other Current Water Demand Project #2: This appears to be a very big project with many ramifications for the Sub-basin, but no details are provided including how it fits into the overall Plan
- Other Current Water Demand Project #3: The project raises doubt on whether a Water Management Board will be formed. If it is not formed, what is the plan for implementation of the entire Plan? This appears to be a critical issue that is ignored.
- Scientific Needs (6-4): The model contemplated will be useful, but avoids a very critical issue: groundwater quality. This should be part of the modeling effort.

- Water Policy and Regulation (Section 6-5) Project #2: Several groups think that raising the issue of “highest and best use” opens Pandora’s Box. The presumed intent of the plan would be to classify consumptive uses as having a higher use value than, say, in-stream uses. A number of groups advocate for the opposite, so this would be a very contentious issue if pursued in the Legislature. One group comments that there is no clarity in the text on what changes to the Umatilla Basin Rules are needed and whether it is the intent that they would only be changed in the context of existing state law, or does the Plan intend to change the law, too?
- Water Policy and Regulation Project #3: The Plan does not propose any specific recommendations on how to accomplish the policy coordination and regulation objectives, instead leaving it to other processes. Indeed, it does not clearly state what the policy and regulatory objectives are. This seems to be an important issue and the Plan should give some idea of what will be done. How will “clear and objective” standards be developed and when? Is it intended that the Plan be adopted as part of the County’s comprehensive plan?
- Water Policy and Regulation Project #4: This project may be inconsistent with policy #3, in that it says that exempt wells will not be managed. These wells could be a source of substantial drawdown in certain parts of the County, and if the County is not going to regulate the expansion of rural residential uses, the problem could get worse. Over drafting of groundwater by exempt wells has been a significant problem in other parts of the state. It appears from the graph on page 35 that OWRD continues to issue about 100 exempt well certificates per year, which would seem not to be inconsequential, at least in certain parts of the basin. The effect of the nitrate contamination problem on exempt wells should not be ignored. In short, regulation of exempt wells may be necessary to achieve the goals of Project #3.
- Water Policy and Regulation Project #9: This project (recommending that state agencies make clarifications with respect to land use and water supply responsibilities) should be deleted. OWRD and DLCDC have provided extensive responses to these issues in a joint letter dated January 23, 2008 which the Task Force has not yet had the chance to review or evaluate and which affects this proposed project.
- Funding (Section 6-6) Project #2: Reviewers of this proposal desire that the funds be used for other types of projects, not just for water supply projects. Others question whether it is good public policy for state taxpayers to fund projects that fix problems that are directly due to local actions.

Other Selected Comments

- Several reviewers note that the document is likely to be confusing to the average reader who opens the table of contents and looks for a chapter that describes the groundwater management plan. The closest to that is Chapter 6 which is titled “Management Alternatives”. What the document calls “alternatives” are really elements of a plan.
- The way the word “demand” is used is confusing to many readers. The document seems to equate “demand” with the total of water that could be withdrawn by all water rights holders if the water were available. But, in most water resources studies,

“demand” is calculated based on studies showing what water would be called for by existing and potential future uses for a certain set of beneficial uses – irrigation withdrawals, municipal, in-stream, etc.

- To a number of reviewers, the plan appears actually to be an “Irrigation Water Augmentation Plan,” not a “Sub-basin Water Management Plan.” A full management plan would cover many more topics. The writers may want to consider changing the title to fit what it actually encompasses.
- Section 4-3: Reviewers note that this section is very brief and does not provide a clear analysis of how much water is really needed. There also is no clear analysis of how much water is actually used in various parts of the sub-basin. Later in the document, at page 52, two “need” figures are stated, but they are not presented in Chapter 4. A table should be added that summarizes all the data for surface and ground water by various sub-parts of the sub-basin.
- Section 4-4 on “Future Water Needs” is only two pages long. The actual need for water is not carefully quantified. This would seem to be very important for any long-range water management plan. One reviewer questioned the demand for water for biofuels, saying that the biofuels producers in Oregon will not buy “wet” Oregon corn and prefer to buy dry feed corn from the Midwest.
- Water availability: Some reviewers found the figures provided on what water is actually available for the project to be confusing or incomplete. The state and federal governments, for example, have new requirements for peak flows, which modify the “availability” figures often used in the past. Has this and other recent information on salmon recovery planning been taken into account? It was also commented that it would be useful if the plan was consistent in how it measures water.
- Chapter 5 is confusing to some reviewers. Key comments are:
 - How could the decline in the deep basalt aquifer have been a “surprise,” since it occurred over 50 years and was monitored the entire time?
 - It is noticeable that measurement is not listed as a management tool. Several groups commented that they believe the old maxim: you can’t manage what you can’t measure.
- The definition of “sustainability” (page 90) is questioned. The definition sets the goal to sustain water levels at 2007 levels. A reviewer says that this represents a heavily depleted water level and is not a reasonable standard to use for “sustainability”. Also, this definition directly contradicts the stated goals (page 40 and 49, respectively) for a “gradual recovery of ground water reservoirs” and a “balanced deficit reduction plan.”
- “Remove regulatory hurdles” is mentioned several times in the Plan (page 50, page 52, Chapter 6). Several reviewers question the meaning of this and are concerned it implies that the Task Force wants the County to be relieved of the water rights permitting requirements of Division 33.
- The Plan identifies the importance of assuring water for municipal uses. Several parties ask whether it is the intent to use groundwater availability as a way to allocate population in the County. That is, would population growth be targeted to areas with good water supplies and limited in others?

IV. CONCLUSIONS AND RECOMMENDATIONS

The following conclusions and recommendations represent the opinions of the consultant team as informed by the Plan review process. This section is organized to respond to questions that the Task Force presented to the consultant team at the initiation of the review process.

What is the willingness of County residents to fund, implement, and comply with proposed management alternatives?

Based upon the input received through this review process, it is unlikely that County residents would be willing to fund, implement and comply with the Plan as *written*. The majority of questionnaire respondents, workshop participants and interviewees tend to have been involved in groundwater issues and the sub-basin planning process to some degree and are thus not a true indicator of the sentiment of the general County populace. While these participants generally support the Plan, they are also skeptical about the availability of funding to implement proposed management alternatives. More importantly, this self-selected group believes that the larger public audience will be resistant to the creation of a new governmental entity (i.e., water management authority) and to new funding mechanisms that involve local fees.

A common refrain in this review process is that additional work is needed to provide detail on proposed management alternatives, most notably the proposals to establish a new water management authority and a well head fee or other local financing mechanism. Without strong leadership, a broad public education program about the water availability “crisis” in the County, and explanation of how these and other key management alternatives respond to that crisis, it is doubtful that County residents will be willing to fund, implement, and comply with proposed management alternatives. Simply stated, the case has not yet been made.

Is the draft Plan ready to be moved forward to the County Board for adoption?

Yes and no. As suggested by several participants: “Is it really a “Plan?” Maybe call it a concept plan or management strategies. Indicate that it is the background for a plan yet to be developed. Given the strong sentiment that more detail is needed about the key management alternatives, the Task Force should either:

1. Forward the Plan to the Board as a concept plan with a recommendation that the management concepts be fleshed out and prioritized according to a specific schedule (an aggressive schedule is good even if it is not met); or
2. Advise the Board that the Plan needs additional work and request an extension of time (no longer than one year is recommended) to complete a more detailed Plan.

However the Task Force decides to act, it needs to provide the Board with a recommended schedule and prioritization of tasks for the next steps in the planning process. Without an aggressive schedule, interest in the Plan will quickly wane and “burnout” among key

participants (including Task Force members) can be expected. Most importantly, such a schedule is needed to sustain the Task Force's credibility. One of the major criticisms heard during the review is that, after four years of planning, a much more detailed Plan was expected. A detailed schedule will help demonstrate the Task Force's responsiveness to this criticism.

Are there fatal flaws; if so, what are they?

No, although the "funding, funding, funding" question has to be addressed before the Plan has any real credibility. If the cornerstone of the Plan is a water management authority to generate the funding needed to implement the Plan, then that should be clearly articulated and other management alternatives structured around this strategy.

Water quality and in-stream water rights either need to be more fully addressed or the scope of the Plan needs to be redefined. In any case, explain existing contaminated groundwater issues and include options for resolving the nitrate contamination issue as recommended by Department of Environmental Quality.

Are there any opponents to the Plan?

No, not per se, but there are entities (municipalities, East County groups, statewide environmental groups, and OWRD) that are highly skeptical and who could become opponents if more detail is not provided on proposed management alternatives and if they are not actively involved in fleshing out that detail.

Are there any management alternatives that are not politically viable?

At this conceptual stage, few entities have indicated that they oppose any of the management alternative concepts per se. At the same time, almost everyone indicates that they are starved for more detail. "The devil is in the detail." It is the developing the details about a new water management authority and a Countywide well head fee or other financing mechanisms that political viability may come into play.

What are the alternatives to what is being proposed?

Among the alternatives proposed that may merit further exploration are small-scale recharge projects (the Plan focuses only on large-scale projects) and raising the water level behind McKay Reservoir to provide additional storage.

What are the most important (highest priority) actions to take?

It is recommended that the Task Force (or County Board) select a limited number of priority actions that are moved forward together as a targeted implementation plan to be completed within a specified timeframe. These include:

1. Water management authority and structure

Questions about the authority to create such an entity, who would be represented, its responsibilities, its authority, its geographic scope, its funding and staffing all beg immediate attention.

2. Financing mechanisms

Almost everyone involved in this review agrees that a new financing mechanism of some type is needed to implement the Plan; they all also want to know exactly what's being proposed, who will have to pay, what will it finance, and how it will be fair to all.

3. Outreach

Despite the Task Force's extensive outreach efforts, there appears to be a lack of general public awareness of the Sub-basin's water quantity and quality issues. Public education on the severity of the County's problems is an essential first step in attaining broad support for the Plan. "A public outreach effort is needed to convince the citizenry that the Plan is a good thing." It is recommended that the Task Force develop an expanded program of outreach/education strategies that keeps water quantity and quality issues forefront in the public's attention. A focus needs to be the consequences of no action. One recommended technique is a weekly "news-spot" that highlights a key management alternative, providing both background information and querying about reaction to it ("Did you know...? What do you think about..."). Target audiences should be urban residents and school-age children.

4. Expanded coordination program with Morrow County, East County, OWRD and the Umatilla Basin Watershed Council.

Although Morrow County shares three of the Sub-basin's groundwater areas, County representatives feel that there has been little coordination on cross-county issues. They note that the Plan does not explain how Umatilla County intends to coordinate Plan implementation with Morrow County. "We would like a genuine query regarding the County's interests and intentions and a coordinated approach to inter-county issues or recommendations in the Plan; we would also like to share information with Umatilla County." Irrespective of where the fault may lie for any lack of coordination to date, it is recommended that, in the short term, the Task Force develop an agreement with Morrow County on a coordinated approach to interjurisdictional issues.

East County representatives express a similar desire to be more involved in the planning process, particularly related to management alternatives with Countywide application. They are primarily concerned about any new water management authority and fees being imposed without commensurate benefit to East County.

A major unanswered question is how much the County can really affect water quantity and quality planning and projects within the Sub-basin given OWRD's statutory authority. Without OWRD as an equal partner in the Plan, the County's ability to implement the Plan may always be in question.

A partnership opportunity that should be explored is the involvement of the Umatilla Basin Watershed Council in outreach and Plan implementation. As a broadly-representative non-profit organization, the Council may be in a position to assist in securing implementation funding that may not be available to government agencies.

How can a broader awareness level among local residents be created?

See comments on outreach above.

Other recommendations?

- Develop a Plan summary for general distribution and use. Given the volume of information in the Plan, few parties can be expected to read the full document. Focus on the purpose and need for the Plan itself, as well as for the key management strategies.
- Conduct a thorough editing to respond to comments, correct inconsistencies, provide more clarity and correct typos. Reformat Chapter 6 to more clearly define the proposed management alternatives. Add an introduction at the beginning of each section describing the contents of that section.
- Post Appendices M-Q on the web site. These documents were not available for review unless a reviewer requested copies. This was a limited problem in that only a handful of reviewers apparently sought to review these documents.
- Check the document for legal accuracy. For example, it appears that the comment on page 49 that a water right may not be taken without due compensation may not be legally correct. It is not clear what the word “taken” means in this context. The CGAs have prevented vested water rights holders from taking all their water; is this a “taking” in the sense of the text?
- To demonstrate transparency and a commitment to outreach, distribute this review to workshop attendees, interviewees and other key parties (for information purposes only, not for comment).

APPENDIX A: CASE STATEMENT

The Umatilla County Critical Groundwater Task Force (Task Force) has prepared a Draft 2050 Water Management Plan (2050 Plan) intended to assure adequate and sustainable short and long-term water supplies to meet community and environmental needs in the Umatilla Sub-basin (Sub-Basin). The Task Force is seeking a thorough understanding of the community's willingness to support the draft 2050 Plan.

Over-development of groundwater resources in the Sub-Basin has resulted in depleted groundwater supplies and the establishment of four "Critical Groundwater Areas" (CGAs) where use of groundwater is restricted. The development of new wells in the CGAs has been suspended except those exempted by state statutes. After struggling for over eight years to deal with a state mandate to address water quantity declines and additional water quality concerns, the County considered a moratorium on additional exempt well development in the majority of west Umatilla County, including the CGAs. More than 540 citizens attended public hearings to voice their opposition; however, everyone agreed that something had to be done to protect the area's water for future users. In addition to the CGAs, water has become a major concern Countywide, and is usually the primary development limitation expressed during County Planning Commission hearings.

The Umatilla County Critical Groundwater Task Force was formed in January 2004 to explore new approaches for managing the sustainability of groundwater and surface water resources and produce a plan that was technically possible and economically feasible. Limited federal and state funding for water resources planning played a role in prompting a community-based approach to groundwater management.

The draft 2050 Plan addresses supply issues, policy changes, and new funding authorities to meet long-term water supply needs in the Sub-Basin. Draft 2050 Plan goals include providing existing domestic users, irrigators and others with a consistent water supply by accessing Columbia River water; optimizing surface water supplies to stabilize and recover groundwater resources; providing water reserves to meet future needs; and distributing the benefits and cost of improvements among specific beneficiaries and among all County residents. The draft 2050 Plan:

- Emphasizes collaboration and cooperation among water users in the County;
- Addresses current and long-term needs on both a regional and Countywide basis.
- Proposes development of planning tools in collaboration with state, tribal, and municipal agencies;
- Provides recommendations on potential funding mechanisms needed to support new projects and water management programs; and
- Recognizes the need to find adequate funds for monitoring of water supplies and use and for conducting hydrologic research in the Sub-Basin to clarify relationships among the various water resources.

A wide range of management alternatives are proposed to support adequate and sustainable groundwater and surface water supplies in the Sub-basin. Key components of the draft 2050 Plan's management alternatives include:

- Creation of Countywide or regional Water Management Board(s) to administer the projects proposed in the draft 2050 Plan, including the authority to raise funds to build and manage water projects.
- Build projects that will be able to use Columbia River water to replace existing groundwater rights within designated critical groundwater areas.

- Support the exchange of Columbia River water for McKay Reservoir and Umatilla River water to satisfy tribal water claims, and complete Phase III of the Umatilla Basin Project.
- Curtail issuance of new primary groundwater rights until a scientifically-based water use budget is developed.
- Allow new funding mechanisms to be implemented to fund draft 2050 Plan management alternatives, which could include an annual well head fee.

The Task Force has initiated a broad public outreach process to assess the level of public understanding of critical water issues in the County and obtain input regarding County residents' willingness to fund, implement and comply with 2050 Plan management alternatives.

Copies of the Umatilla Sub-Basin 2050 Water Management Plan and an accompanying questionnaire can be obtained:

- At <http://www.co.umatilla.or.us/Groundwater.htm>
- By contacting:
J.R. Cook, Assistant Planning Director
Umatilla County Department of Resource Services and Development
Umatilla County
216 S.E. 4th Street
Pendleton, OR 97801
Ph: 541-278-6251
Fax: 541-278-5480
jrcook@co.umatilla.or.us

APPENDIX B: SUMMARY OF QUESTIONNAIRE RESPONSES

The following is a summary of the results of the Draft Umatilla Sub-Basin 2050 Water Management Plan Questionnaire. One hundred sixteen (116) questionnaires were returned as of April 22, 2008.

YOUR WATER USE

Are you a city or rural resident?

City resident	49.1%
Rural resident	50.9%

Classify your water use.

Domestic	47.8%
Irrigation	22.2%
Municipal	8.4%
Commercial/Industrial	4.4%
Other	4.9%

- Livestock (4)
- Lawn (4)
- Community well
- Hydrologist

If you are an irrigator, how many acres do you irrigate?

Less than 1	45.5%
1-10	27.3%
11-100	14.5%
101-500	9.1%
More than 500	3.6%

Are you located in a Critical Groundwater Area?

Yes	41.0%
No	59.0%

- Butter Creek (5)
- Stage Gulch
- Ordance (5)
- Umatilla (2)
- Ella Butte
- Hermiston
- LUBGWMA
- McKay Creek
- Milton-Freewater City
- Minnehaha area
- North Slope
- Pendleton

MANAGEMENT ALTERNATIVES

On a scale of 1 to 5 (1 = do not agree, 5 = strongly agree), how strongly do you agree with the following statement?

Taking No Action

Current programs and actions are adequate to assure the sustainability of groundwater and surface water resources (inside and outside designated CGAs).

Strongly disagree	47.4%
Disagree	22.8%
No opinion	22.8%
Agree	2.6%
Strongly agree	4.4%

Reducing Groundwater Deficits

Develop projects to obtain water from the Columbia River during available months and store for use during the irrigation season to replace use of existing groundwater rights within designated Critical Groundwater Areas.

Strongly disagree	4.5%
Disagree	5.5%
No opinion	19.1%
Agree	20.0%
Strongly agree	50.9%

Exchange Columbia River water for McKay Reservoir and Umatilla River water to satisfy Tribal water claims.

Strongly disagree	15.3%
Disagree	7.2%
No opinion	22.5%
Agree	21.6%
Strongly agree	33.3%

Coordinating Water Management

Form one or more Umatilla Water Management Boards to fund and build new infrastructure to supply water into Critical Groundwater Areas and serve as the local coordinating entity for management of water supplies in the Sub-basin.

Strongly disagree	7.5%
Disagree	8.4%
No opinion	22.4%
Agree	22.9%
Strongly agree	31.8%

Do you prefer a Countywide or Regional (e.g. West County) option?

County	47.9%
Regional	52.1%

Regulating Water Uses

Curtail issuance of new primary groundwater rights for as many years as needed to complete studies on the amount of groundwater available, the connection between groundwater and surface water, and until a scientifically-based water budget is prepared.

Strongly disagree	3.8%
Disagree	10.6%
No opinion	18.3%
Agree	23.1%
Strongly agree	44.2%

Continue to allow exempt domestic wells, including those within Critical Groundwater Areas, as long as they are allowed by state water law.

Strongly disagree	23.1%
Disagree	18.3%
No opinion	17.3%
Agree	17.3%
Strongly agree	24.0%

Funding Local Solutions

Create regional fundraising authorities to implement some or all of the projects proposed by the draft 2050 Plan, which could include charging an annual fee for every well head.

Strongly disagree	26.9%
Disagree	5.8%
No opinion	26.0%
Agree	28.8%
Strongly agree	26.9%

Do you prefer a County-wide or Regional (e.g. West County) option?

County	59.8%
Regional	40.2%

Other Comments

On a scale of 1 to 5 (1 = not at all well, 5 = very well), how well do you feel these management alternatives address the County's water needs?

Not well at all	8.9%
Not well	8.9%
No opinion	37.6%
Well	30.7%
Very well	13.9%

Is there anything else we should consider?

- No new wells unless impact is negligible on the current crisis or borderline water needs areas. Be specific and spell out in EO pinpoint crisis.
- The study quotes numerous DEQ/EPA/Clean Water Act standards and requirements. I question the scientific veracity of some of these standards.

- How the water is used (abused) is my main concern. If those who needed water used the water close to optimum I would have to problem managing for them. A plan for "how" water is used should be the justification for "how much" an irrigator gets. This would mean funding for education, implementation and enforcement. On the flip-side there should be rewards for those who choose to implement water saving techniques i.e. watering during days or times of the day where evaporation is not such a key component of water usage. It doesn't take long to find an irrigation practice during the late spring and summer months which could be classified as water waste. Forward looking science concerning water management should be focused on how to replenish for tomorrow, not just divvy out what we have due to bad water usage practices. The economic resources are there because of the water, not the other way around.
- Move swiftly and effectively to limit the time it takes to complete the task. Water is already short.
- Water management is a huge problem with irrigators. Recycling water from process plants is another way to conserve water. I know they are doing this, but not with a management plan. More acres could be irrigated with this water if used correctly. This water could be stored until needed. I'm sure there are more ways that I can't think of.
- Incentives for xeriscaping or alternative landscaping to reduce domestic water usage
- A storage area for Umatilla River water at high water level to use during low run-off periods.
- Set up test sites in 2050 plan to get seasonal water output in gallons as a projection for the year. In comparison to other year outputs to see if there's a difference in allocating water to whoever will have user costs to the wells which can fluctuate in charging people using water based on gallons used or not used.
- Promote population reduction.
- Making people, all people and entities responsible for their water use/consumption. The human use impacts on the landscape are at levels beyond disaster and we all want to live here and be productive. I'm willing to be responsible for my use, not expect someone or some other species to bare the burden of my use.
- Requirement for on-land conservation and water measurement. Realistic water duty (not paper right)
- Question 11 - just NEW exempt domestic wells? The question is worded as if even existing wells in CGWA would be curtailed. Question 12 - is not clear to me. If a major source of funding is wellhead fees, would the cost to urban and rural be similar? Would city wells, be assessed for fees in proportion to the number of users? I think that both the survey and the 2050 plan, which I have reviewed, need more context and explanation. This is a very complicated issue, and various technical and scientific judgments should be agreed upon and communicated before decisions are made via policy and political vehicles.
- Further explore aquifer storage and recovery.
- Charging annual fee based on quantity of use, rather than per well head would not only be fair, but would discourage unnecessary over use and make users think "do I really need to water 7 days" "maybe I should water in the PM instead of during the sunny part of the day" "maybe I should adjust the sprinklers from watering the road". Milton-Freewater domestic wells are going dry at an alarming rate and have to be dug deeper at the cost of the domestic landowner despite the overwhelming fact that irrigation uses 80-95% of the areas water, and have doubled take from the shallow aquifer every 10 years over a 50 year time period. Address the source, address the primary user group as the cause and restrict/remedy appropriately, despite local power and political influence. There is an abundance of existing science that has determined the cause so the need for much additional research does not have validity. We

need to act now to prevent a crisis. There should not be additional wells/water rights accepted at this time and domestic users should be protected against the negative effects of large scale irrigation withdrawals.

- Please support the management of the Umatilla aquifer with peer reviewed, objective, independent science. This precious resource demands more than a political approach.
- I truly believe that this sub basin does truly consider that the Tribes should have the first priority on water rights--we are more concerned about being good neighbors than enforcement our Tribal water rights.
- Any new water rights or water projects must be conditioned upon salmon and other fisheries protections. We must move beyond the fear of monitoring water use for existing users and water rights holders. It is really the only and best way to protect senior users and understand our use of water. Until we start monitoring water use we are like a family trying to balance its budget without paying any attention to how much its spending. It doesn't work. Those that are using their allocated amount have no reason to fear monitoring water use and their rights may be protected by ensuring that others aren't using too much. If there are folks who are using more than they should, they will stop and the system will be fairer for everybody.
- Consider ground water quality also
- More education and outreach to community before any decisions, referendums, or plans are made. This deadline to reach people about the plan and then get feedback is too short. The plan is new and will require more education and community support for the plan, as envisioned with water-use fees, expensive projects and local management to be implemented successfully.
- Assure all that Tribal claims are not excessive.
- I want to know more about what planners are thinking before going further. I would like more reservoirs built to store water from time of surplus (Spring / Storm) to be used during time of need. Consider installing pumps to startup before streams reach flood stage with pipes to reservoirs. We store grain, fuels, etc., why not water?
- User fees must support all costs associated with proposals.
- The real problem as with many other issues is overpopulation. Until we get that under control then we are just piping in the wind and the effect is like putting a band aid on a compound fracture. We will only push the problem into the future for someone else to really solve.
- The solution and the cost of the development through implementation needs to be the primary responsibility of the irrigated farm land/stakeholders who are the main consumers of the groundwater sources.
- Additional year round water is needed, not additional local regulation with no relief from existing regulations The CTUIR should not receive new year round water unless every one else does as well. The Columbia River is not over appropriated. We should not accept this CGW Plan when neighboring states do not and there is no regional i.e. PNW Water Plan.
- More recharge projects, more houses in marginal farm land, take control of water, throw out OWRD, they can't and haven't managed our water. Spend money on projects; stop studying everything to death.
- The Hermiston Irrigation District does a fine job managing the water that's available. This area is on their pumps and pipes from the Maxwell canal. We don't need any "management boards." Our water costs enough as it is!
- The tribes signed off their water rights in the early 1900s. Look at curtailing irrigation and promote salmon.

- The possibility of allowing replacement wells when necessary, as a conditional allowance.
- Control the domestic wells.
- A dam on Pine Creek or Walla Walla River.
- Countywide taxing district, i.e. everyone should pay for water city/county based on usage.
- Curtail deep irrigation wells; farmers use only irrigation district water.
- Drill deep well at Washington and Oregon State Hwy 730 at state line. To tap into underground river with more water than Columbia River.
- Consider more priority to the citizens of Oregon and less to the Confederated Tribes.
- Funding spent within collected basins.
- Clarity for Walla Walla basin implications.
- Walla Walla basin is separate from Umatilla Basin and should be addressed as such.
- If this is an annual well fee it must include all wells to include exempt and sand point.
- All wells should pay the fee zero exemptions e.g. sand point/current exempted wells.
- Protect and manage surface and ground water so it is available to those who already have water rights (example: 1895).
- The State of Oregon should withdraw all basins from further water right permitting until an adequate water supply picture for each basin is developed. The City of Hermiston and Port of Umatilla should take action now to expand and master plan the demand.
- In the Walla Walla Basin, we must help all the declining old wells as new ones go in everyday.
- Oregon to share in summer storage of Lake Roosevelt in Washington to be released in the summer for irrigation. This is an easy reservoir already constructed to augment the summer irrigation season. This could help with the cost of building new storage.
- Find a low cost, efficient way to line main irrigation ditches! Water absorbed by sides / bottom of ditches could irrigate more fields. Add lining cost to building reservoirs.
- A public education piece re: to government, municipal, residential advocacy for native and/or dry-landscape plants; rebates for low-flow toilets etc.
- Preliminary study of Pendleton area water treatment plant moving toward returning sewer water to residential.

Umatilla County Critical Groundwater Task Force

Are you aware of the work of the Umatilla County Critical Groundwater Task Force?

Yes	80.0%
No	20.0%

If yes, how did you learn of the Task Force?

Newspaper articles	55
Newspaper advertisements	7
Radio advertisements	2
Other	39

- Local meetings (9)
- Acquaintances/word of mouth (8)

- Through local government/Tribal staff (5)
- Task Force member/involved (4)
- County Fair (3)
- Work (3)
- Postcard (2)
- Board member (2)
- CUJ
- Internet
- SWCD
- Tribal Government
- UBWC
- Umatilla Basin Watershed Council
- WW Basin Watershed Council

APPENDIX C: SUMMARY OF WORKSHOP COMMENTS

Attendance

Tuesday, April 8 (Hermiston) - 26

Wednesday, April 9 (Milton-Freewater) – 20

Thursday, April 17 (Pendleton-Mission) – 11

Total – 57

The following is a summary of questions and comments from workshop participants. Task Force comments appear in *italics*.

REDUCING GROUNDWATER DEFICITS

Questions

1. Develop projects to obtain water from the Columbia River during available months and store for use during the irrigation season to replace use of existing groundwater rights within designated Critical Groundwater Areas.
2. Exchange Columbia River water for McKay Reservoir and Umatilla River water to satisfy Tribal water claims.

Comments

- Raise the level of McNary and John Day pools.
- Existing Columbia River water right (City and Port of Umatilla)?
- Raise the level of McKay Reservoir.
- Storage in Pine Creek would help a lot as well as providing some recreation opportunities.
- Will replacing groundwater rights allow aquifers to recharge? Yes.
- Is the water available? Yes, in winter months.
- Why not store water at top of hill instead of pumping from bottom? Look at long-term, life cycle cost including energy. Identified 12 potential small-scale storage sites on top of hill. Don't know what happens to that water.

COORDINATING WATER MANAGEMENT

Questions

1. Form one or more Umatilla Water Management Board(s) to fund and build new infrastructure to supply water into Critical Groundwater Areas and serve as the local coordinating entity for management of water supplies in the Sub-basin.
2. Which option do you prefer? County-wide Regional (e.g. West County, etc.)

Comments

- County-wide management (with other areas too).
 - Restore water levels to a certain level
 - Prevent declines in other areas
- County lines are not recognized in water issues.
- Keep management boards basin-specific.

- Difficult to coordinate with a volunteer board.
- Need to have representatives from upper and lower basin on one board.
- Use existing watershed council and conservation district boards and make more efficient. Do not create a new board.
- Communication is the most difficult task.
- Does the board need to have regulatory authority? This is a detail that needs to be worked out.

REGULATING WATER USES

Questions

1. Curtail issuance of new primary groundwater rights for as many years as needed to complete studies on the amount of groundwater available and the connection between groundwater, and surface water, and until a scientifically-based water budget is prepared.
2. Continue to allow exempt domestic wells, including those within Critical Groundwater Areas, as long as they are allowed by state water law.

Comments

- No choice but to curtail new appropriations.
- Need to re-examine position on exempt wells.
- Need exempt wells to account for water quality issues.

FUNDING LOCAL SOLUTIONS

Questions

1. Create regional fundraising authorities to implement some or all of the projects proposed by the draft 2050 Plan, which could include charging an annual fee for every well head.
2. Which option do you prefer? County-wide Regional (e.g. West County, etc.)

Comments

- Well head fee with 10 year life cycle, then back to local vote; not legislative extension.
- Local basin funding (e.g., Walla Walla, Umatilla, NF John Day).
- Concern about how flat tax would work in smaller versus larger cities.
- Clarify what money is being used for.
- Looks like the plan's only purpose is to establish seed money.
- If charging a county-wide fee, fund projects in each basin.
- How much would the well head charge be?
- Would inactive wells be charged? One proposal is to charge a flat rate to all wells and an additional charge for water usage.

OTHER COMMENTS

Questions

1. Are there other key management alternatives that should be considered?
2. Overall, how well does the Draft 2050 Water Management Plan address the sustainability of groundwater and surface water resources in the Umatilla Sub-basin?

Comments

- Chapter/section discussing how/what water quality issues link to AR/ASR groundwater recovery to include water quality.
- Will Pine Creek project be included in Plan? No.
- Infrastructure to deliver water for recharge.
- SB 1069 should be coordinated with the Groundwater Task Force.
- Upstream storage a possibility.
- Release water from Grand Coulee.
- Are jurisdictional boundaries related to Morrow County part of the Plan? Umatilla County will need to coordinate with Morrow County.
- Type of recharge to LUB, injection or seep for long-term recovery?
- Get message to urban residents through outreach and education; school-age children.
- How much decline would there have to be before a moratorium? Unknown. Goal is to stabilize.
- How is 2050 Plan addressing recharge of basalt wells? To recharge basalt aquifer, inject surface water through wells. Purification is expensive. May use alluvial aquifer as filter. Most alluvial wells are affected by nitrates. Pollutant problem not seen in surface water.
- Feasibility of raising water level behind McNary or John Day pools by one foot. Concern about effect on fingerlings.
- How does an exchange of Columbia River water for McKay water settle CTUIR claims? Columbia River water would go to Westland. McKay/Westland water would go to CTUIR to satisfy tribal water needs including return of salmon.
- Has the potential of changing irrigation techniques been identified, using low-water crops, conservation potential? No. Potential impact has not been quantified. Water conservation does not change water rights. Conservation is not always effective and may affect water levels unless diverted out of basin.
- Umatilla Basin is difficult to understand. Need more studies.
- Generally a good plan, but does not adequately address outreach.

APPENDIX D: SUMMARY OF INTERVIEW COMMENTS BY ISSUE

How well does plan address issues? Would you recommend any improvements?

- Most interviewees are familiar with the plan.
- The plan is comprehensive and a good starting point, but needs more details. The next steps are to determine how to implement and fund the Plan. Good job of initial research and analysis. Good historical perspective of where we've been and where we are going.
- The Task Force has good representation and the process has been thorough.
- It should be clarified that the focus of the plan is the Umatilla Sub-basin, not the entire county. Walla Walla Sub-basin and the North Fork of John Day are not adequately represented or targeted for solutions.
- Likewise with Morrow County as it shares CGAs with Umatilla County.
- The process has taken a long time
- The plan does not adequately address water quality issues
- The Plan is too comprehensive and tried to do too much. It lacks specificity. It addresses areas outside of critical groundwater areas. Some aspects of the plan address issues over which neither the Task Force nor the County have authority. These issues do not belong in the Plan. Recommendations regarding state agencies are beyond their purview.

What is your opinion of creating a county management board to administer the plan?

- Will need administrator
- County-wide seats if county tax so that funds are dispersed equitably
- Need to determine if can create a countywide district – then overlays existing districts
- Need to flush out details of how created, what types of authority
- Should be independent and include all stakeholders
- Should function with, not in place of OWRD
- Will need authority and staffing if expects to actually accomplish anything
- Likely results in resistance to countywide
- Need to have specific authorities for each of three areas in the county
- Coordinate with Morrow County or have no jurisdiction over Morrow County portion of CGAs
- Would rather have separate management/governance for each county, not joint
- Agreement then coordination
- Existing groups should be used; not another tier of regulatory government
- No support for a county or authority that has say over management of municipal water rights or the water system. The Plan lacks details about the authority, who it is responsible to and who it would be funded by.

What is your opinion of winter withdrawals from the Columbia River to replace groundwater rights and recharge groundwater aquifers? Settling CTUIR water rights claims?

- Double the power costs if store Columbia River water vs. send it directly to farms; power costs for pumping
 - Additional costs may discourage pumping from storage vs. pumping from wells

- Supports winter withdrawals from Columbia and Umatilla Rivers
- Success in Umatilla River Valley increases chances of the same for other areas
- No issue with Columbia River withdrawal. Oregon limits itself more than Washington or Idaho.
- The answer is no if the question is whether or not the City supports withdrawing winter-time water for a specific aquifer and a specific party's benefit and have the rest of the county pay for it.
- Settling CTUIR water rights claims doesn't belong in the Plan. The Task Force and the County have no say over this issue. It distracts from the rest of the plan. It is an important issue and should always be taken into consideration when water resources are evaluated. It should not be articulated as a county project.
- Involving the county in this issue would result in paying for county staff to sit in on meetings between the state and the tribes without any authority over the outcome.

What is your opinion of curtailing the issuance of new ground or surface water rights until a water budget is developed?

- Water for the water budget
- Need more research from USGS and others; funding mechanism could be supported by good science
- Experiencing water shortages while applications are increasing for new wells
- Take care of current problem before adding to it by allowing new development to draw more water
- Need more studies to understand relationship between surface and groundwater
- Can't ignore exempt wells; every drop counts
- Moratorium should not affect areas that aren't under County jurisdiction
- Water quality analysis will be useful
- There is no timeline or dollars proposed. The study is undefined with no standards or limits.
- It is OWRD's responsibility to manage water rights. The county has no say over OWRD decisions.

What is your opinion of funding the board and its activities through a well head fee?

- Need revenue base to make it happen; local funding mechanism or federal funding needed
- Well Head fee; need to explain why, how funds are used; how will it be administered and enforced?
- If county-wide tax is pursued in conjunction, then need to ensure county-wide representation
- Don't tax Ukiah or Milton-Freewater for a Hermiston solution
- Concern is "taxation without implementation"
- Well head fee seems like logical funding mechanism
 - Resistance in upper basin can be expected
 - Support holistic, countywide approach
- Has to be on every source of water
- Consider 3 regions – it will be easier to get support

- The Task Force should be careful about increasing water fees. It would be better if the state legislature could fund it so that taxpayers are paying for it without being assessed by the City.
- Any fee structure should be voted on by the people, especially when resource development is driven by benefit. There must be a nexus between fees and benefits.

Do you have any additional questions or comments?

- Plan covers too many things; bogged down process
- Public education of severity of problem is essential; needs to be major emphasis
- Upper and lower basins are connected and should be acknowledged in plan
- Need small scale recharge projects
- What will be the decision-making process for selecting implementation actions?
- Pick top 3-5 priorities – critical mass – move them forward together
- Driving (most controversial) issues:
 - Management Authority
 - Well head fee or other financing mechanisms
- Looking for solutions, not regulations
- Need to cooperate with Morrow County
- A vote may be a hard sell. A good plan can be sold to a majority of voters, but the plan isn't quite there yet. A public outreach effort is needed to convince people that it is a good thing.
- Key municipalities should be kept abreast of progress through quarterly updates. Cities can help sell the plan to municipal voters.
- The Plan needs a stronger focus.
- The idea of capturing excess water is great. Oregon, whether Morrow or Umatilla counties, should claim the water before Washington and Idaho take it.
- Support SB 1069, but lack of communication
 - Have been involved with OWRD in siting storage/recharge locations
 - Feasibility study will look at sites on both sides of county line
 - Recharge of aquifers will benefit both counties
 - Water quality analysis should be part of feasibility study
- The plan has general support, but there will be resistance to new funding mechanisms.
- Question of where watershed councils can fit into implementation as nonprofit, can pull in funds others can't

APPENDIX E: PARTIES CONTACTED

The following table lists the manner in which local and statewide stakeholder groups commented on the Draft 2050 Plan, whether through an interview, participation in a workshop or submittal of written comments. Every stakeholder group in the table was offered the opportunity to be interviewed in person or via telephone.

Party	Type of Contact
OWRD:	
• Headquarters	Written comments
• Regional Office	Workshop
ODEQ	Interview; written comments
ODOF	Written comments
DLCD	Interview
ODA	Workshop
ERT, Regional Coordinator	
OECDD	Written comments
ODH, Drinking Water Program	
WaterWatch	Interview
OEC	
OR Trout	Interview
Trout Unlimited	
Nature Conservancy	Interview
1000 Friends	
Morrow County	Workshop; interview
Port of Morrow	Interview
City of Boardman	
City of Adams	
City of Athena	Interview
City of Echo	
City of Helix	
City of Hermiston	Interview; written comments
City of Milton-Freewater	
City of Pendleton	Interview; workshop
City of Pilot Rock	
City of Stanfield	
City of Ukiah	
City of Umatilla	Interview; workshop
City of Weston	
BOR Regional Office	
NRCS Regional Office	Workshop
Columbia Blue Mountain RCSD	
Umatilla County SWCD	Workshop
Irrigation Districts:	
• Westland	Interview
• West Extension	Workshop
• Stanfield	Interview; workshop
• Hermiston	Interview; workshop

Party	Type of Contact
• Umatilla River Water Control District	
• Butter Creek	
• Echo	
• Teel	
Watershed Councils:	
• Walla Walla Basin	Interview; workshop; written comments
• Umatilla Basin	Interview; workshop
USFWS	
NOAA	
NWPPC	
USGS	
Senator Nelson	Interview
Rep. Dengfelder	
Senator Arakian	
Senator Schrader	
Rep. Jenson	
Rep. Smith	
Umatilla Electric Cooperative	
OR Wheat Growers League-	

APPENDIX F: WRITTEN RESPONSES

Written comments were submitted by:

- Oregon Department of Environmental Quality, Eastern Region Pendleton Office; April 21, 2008.
- Oregon Water Resources Department; May 19, 2008.
- City of Hermiston, May 8, 2008.
- Walla Walla Basin Watershed Council; April 22, 2008.



April 21, 2008

J.R. Cook
Assistant Planning Director
Umatilla County
216 SE 4th St.
Pendleton, OR 97801

RE: Comments on Umatilla Sub-Basin 2050 Water Management Plan

Dear J.R.,

I have reviewed the 1/17/08 DRAFT Umatilla Sub-Basin 2050 Water Management Plan and offer the following comments.

General Comments

1. Groundwater quality does not appear to be a high priority. The document does not discuss how the nitrate contamination in the alluvial aquifer might be mitigated. The causes of basalt aquifer depletion and alluvial aquifer nitrate contamination are closely related, and are largely the result of irrigation and fertilization. If new irrigation water is made available and used with no change in current practices, then alluvial groundwater quality will likely worsen. On the other hand, if additional irrigation water is made available and both irrigation and nutrient management are improved, it could lead to restoration of basalt aquifer quantity and improvement in alluvial water quality – a win-win for everyone. Another option might be to store water in the alluvial (rather than the basalt) aquifer allowing some of it to dilute the nitrate in the alluvial aquifer and hasten the mitigation of the nitrate contamination. Yet another option is to store water where nitrogen in the alluvial aquifer is elevated, then pump the nitrogen out with the stored water to be applied beneficially to crops.
2. A locally based Umatilla Water Management Board is probably a good idea. A better description of its makeup, responsibility, and authority would be useful. At a minimum it will need to include representation of all affected interests and agencies including those concerned with water quality. Rather than creating a new entity, requiring more volunteers and staffing, it might be worth considering combining this function with the LUB GWMA Advisory Committee and/or the Umatilla Watershed Council. This option may require adding or adjusting memberships to insure that all appropriate interests are represented.
3. An executive summary would be very helpful for readers unfamiliar with the topic.

Specific Comments

4. Because the Task Force Mission Statement is to “enhance and protect groundwater quantity and quality”, a more thorough discussion of the LUB GWMA would be appropriate. The DEQ section on page 20 seems a logical place.
5. Add a reference to Oregon’s Groundwater Quality Protection Act in the DEQ section on page 20.
6. Overlaying the LUB GWMA boundary on the Critical Groundwater Areas in Figure 3 would be appropriate.
7. Appendices M through Q are not available online for review.



8. A few sentences at the beginning of each Section describing the contents of the Section would be helpful.
9. Section 5.2 appears to contain a major conclusion of the report. The 4 prongs of the proposed management scenario (water banking strategies, efficiency technologies, augmentation with available surface water, and financial incentives) should be further discussed, perhaps in subsections.
10. The Section 5.3 discussion falls under the “efficiency technologies” heading and would work well as one of the subsection mentioned above.
11. The term “induced recharge” is used on page 39. Is this known to occur? This is the only place in the document the term is used. It should be explained.
12. The term “contemporary recharge” is used in Figure 12. Is there a difference between contemporary recharge rates and some other recharge rate? The difference should be explained.
13. Section 5-3 lists “Groundwater Rotation Agreements” as a management tool. The term should be explained.
14. A brief description of each of the management tools on page 41 would be helpful.
15. The first sentence in Section 6 summary should include agricultural needs as well as those indicated.
16. Some text guiding the reader through figures 13, 14, and 15 would be very helpful. These figures are difficult to navigate.
17. On page 61, the first Idea for Implementation is to “Audit the 1988 USGS transient model to test predictive ability of aquifer response and instream-flow rates with climate, continued groundwater development, changes in irrigation practices and UBP exchanges”. I don’t think the alluvial aquifer is adequately represented in this model to answer these questions.
18. Page 71; number 5. This statement is not necessarily true. It needs the caveat of “can, but do not necessarily” inserted before the word “supply”. Domestic wells in the LUB GWMA do not necessarily provide clean, safe water.
19. Page 71; number 8. I suggest the phrase “in depth from 0 feet (artesian) to depths running” be deleted. I don’t think there are any artesian alluvial wells.
20. Page 77; number 3c. This statement needs the same caveat as mentioned in comment 17.

Thank you for the opportunity to comment on the document. I look forward to working with you to implement projects to improve the water quality and water quantity issues in the Umatilla basin.

Sincerely,

Phil Richerson
Nonpoint Source Hydrogeologist





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

May 19, 2008

Kent Madison
Chair, Umatilla Ground Water Task Force
216 SE 4th Street
Pendleton, OR 97801

Dear Mr. Madison:

Thank you for the opportunity to review the draft Umatilla Basin 2050 Water Management Plan (dated January 17, 2008). We appreciate the hard work of the Task Force and your efforts to address the long-term water supply needs of the Umatilla Basin.

The State of Oregon, through the Oregon Water Resources Department (Department), is also very interested in continuing to address important existing and future water needs in the Umatilla Basin. As part of this continuing effort, the Department is exploring government-to-government approaches with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) that can result in long-term water supply solutions in a manner that is protective of existing water rights and other water users in the Umatilla Basin. This effort will also include a continuing government-to-government discussion between the Department and the CTUIR regarding the procurement, administration and management of water resources on CTUIR lands consistent with Oregon Water Law.

It appears, with respect to the draft 2050 plan, that the water management authority concept in Attachment A of the plan represents a cornerstone of how you would fund project construction and data gathering under the plan. Given the importance of this concept to the overall plan, we recommend that you review existing options for creating water authorities as described in the attached table (Attachment 1). You may be able to achieve your goals through existing authorities without seeking new legislation. We would be happy to discuss this table in more detail as follow up to our comments. Relying on existing authorities would also help ensure this type of organizational structure would not conflict with state authorities to manage water resources.

The draft plan recommends interim basin rules to restrict further ground water development while studies are being conducted. Considering how much time it may take to raise funding and complete these studies, this restriction could be in place for an extended period of time. We would also note that the statutory standard for restricting ground water use is that substantial evidence be in the record to support the action (See ORS 537.780). We may not have sufficient data to implement these steps on a basin-wide scale, even for this interim measure.

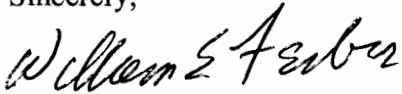


Kent Madison
Page Two
May 19, 2008

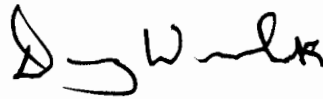
In addition to these general comments, we have provided a few detailed comments on the draft plan in Attachment 2.

We hope these comments are helpful as you finalize your plan. Please do not hesitate to contact us if you have any questions.

Sincerely,



for Mike Ladd
North Central Region Manager



Doug Woodcock
Ground Water Manager

Att: 3

c: JR Cook, Assistant Planning Director
Debbie Colbert, Field Services Administrator
Cogan, Owens and Cogan

Intergovernmental agreement formed under ORS 190		
Purpose	Representation	Formation Approval
Partnership created by an intergovernmental agreement between the various participants. This option provides the maximum flexibility in the formation of the business model. However, the risk factors associated with financing are the greatest under all of the organizational options.	Determined by the parties to the intergovernmental agreement and would be part of the agreement forming the intergovernmental agency.	Intergovernmental agreement is done by an agreement that stipulates the basis under which the entity will operate and is approved by ordinance by the various entities that are participants to entity

Example: Polk County Water suppliers and the Joint Water Commission.

County Service District formed under ORS 451		
Purpose	Representation	Formation Approval
Provide potable water service to the areas within the county service district.	County Commission	County Commissioners

Example: Alsea Valley County Service District

Domestic Water Supply Districts formed under ORS 264*		
Purpose	Representation	Formation Approval
This option is very similar to the options under ORS 450; however the annexation issues do not apply.	Five (5) members at large for four (4) year terms. The relationship of the participants to the district would be via contract.	County Commissioners or can be formed by a petition requiring a vote of the people for formation.

*The use of this option for multiple Cities would be unique and not recommended.

Organization Options

Water Authority Use formed under ORS 450		
Purpose	Representation	Formation Approval
<p>Combinations of districts and cities that currently may preclude the cities from taking over the assets and customers of the districts upon annexation. The statutes allow for the formation of a wholesale water authority that would not impact the annexation issues at a retail level. Some advantages for entity if participants allow water right certificates to be modified to cover entire area of authority.</p>	<p>Five (5) to seven (7) members elected within the boundaries; can be elected at large or by zones based on population. Voting is by majority. The relationship between the participants and the water authority would be by contract for the sale of water.</p>	<p>County Commission</p>

Examples of this arrangement are the Sunrise Water Authority

Peoples Utility District formed under ORS 261		
Purpose	Representation	Formation Approval
<p>Provide potable water service to participants within the service area</p>	<p>Five (5) members elected by zone within the boundaries of the Peoples Utility District- The zones are formed by population area with the intent of equal population within each zone. Voting is by majority.</p>	<p>Vote of the people. The statutes require that a majority of the people voting approve the formation of the Peoples Utility District.</p>

Example: Rockwood Peoples Utility District formed under ORS 261

**WRD Comments on Draft Umatilla 2050 Plan
Last Revised: May 8, 2008**

Section 2 – Water Governance

Page 20 – In regard to water governance and planning, please refer to attachment # 3, which is the joint WRD/LCDC letter and matrix on water and planning.

Section 5 – Water Management

We understand that 5-2 is the recommended management scenarios. Some of these tools might need statutory or rule changes; however, it is not clear based on the level of detail provided here what changes would be necessary to implement those scenarios. (e.g., water banking, etc.)

Section 6 – Management Alternatives

We appreciate the long term view the Task Force has taken regarding the timeline and benchmark approach to provide water security. (page 42)

It appears the Task Force recommendation is for gradual recovery of the aquifers. We would note that this exceeds the State's goal for stabilization so at face value it would not conflict with this existing standard. (page 42)

On p.43 the plan goal under section 3.b is not clear what is meant by local control over water management and regulation in Umatilla County. It is inherent in existing law the ability for a district, cities, Port Districts and others to manage their water supplies downstream from their diversion consistent with the water right entitlements. OWRD manages and regulates at the point of diversion.

6-1 Implementation

Figure 13

We appreciate the creativity and ambition of the Task Force in developing this concept. However, this figure needs substantial clarification. For example, what is the intended relationship between the stakeholders and entities listed at the top of the figure to the management board? Under the authorities and activities listed under the board, we would want to clarify that nothing listed conflicts or supercedes the state's management of water resources (e.g, delegating water under the bank).

Figure 14

Throughout Section 6 of the plan, it appears that this entire plan is dependent on passage of the legislative concept in Appendix A. We recommend that the Task Force develop alternative options for achieving the goals identified through existing statute and funding mechanisms. It would also be helpful to include a timetable that lays out the task force short and long term strategies for achieving the plan, understanding this will be

dependent on funding. Based on our reading of plan, it looks like even the intermediate steps such as the interim rules could be in place for several decades.

Under state law, once the Water Resources Commission adopts administrative rules they become effective. It might be helpful for the county to adopt land use ordinances that support the policies and direction of the basin rules.

With respect to tribal water claims in Figure 13, Figure 14, and throughout Section 6 (6-3), we would note that the state of Oregon and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) have requested the formation of Federal Water Rights Assessment Team.

We appreciate the Task Force's support for basin studies and monitoring ; however, it is not clear in this context who would be responsible for this monitoring.

6-2 Deficit Reduction

We would suggest updating the dates of the critical areas: Stage Gulch by order of the Director dated 1991 and Butter Creek by order of the Director dated 1986.

Clarify what are the regulatory hurdles and how those "hurdles" would be reduced?

Project #1:

Support for using alternative supplies to reduce pumping of ground water in the critical areas. The regional aquifer recovery approach via Senate Bill 1069 is an important first step to evaluating this approach. The focus is to look at developing winter Columbia River water. SB 1069 goes a long way to implementing this recommended management option.

We would like clarification on "replacement water protection rules." Is this the draft rule language suggested in Appendix B? We would also like more details on the water brokerage and banking system and any proposed changes to rules and statutes necessary to implement this concept.

It is not clear what the role of the improvement district would be. Since the surface water would only be available outside of the fish flow augmentation period, there would not really be opportunity to totally "replace" existing ground water rights with surface water for irrigation and other uses without storage. Rather, we understand that winter water rights might be obtained and developed by the improvement district for the purpose of recharging and recovering aquifers and then used as replacement water.

The stakeholders listed on page 53 should include the Department of Environmental Quality and Department of Human Resources/Drinking Water Program.

Page 58 –

Clarify 5) to say "identifies water available *to help meet the needs identified by the task force...*"

6-4 Scientific Needs

We appreciate support for a basin-wide ground water model. OWRD is currently entering into a contract with USGS to complete the audit of the 1988 USGS flow model as described in this section.

In the table on page 62, the draft plan recommends interim basin rules to restrict further ground water development while studies are being conducted. Given how much time it may take to raise funding for these studies and to complete these monitoring and studies, this restriction would be in place for an extended period of time. We would also note that the statutory standard for restricting ground water use is that substantial evidence be in the record to support the action (See ORS 537.780). We may not have sufficient data to implement these steps on a basin-wide scale, even for this interim measure.

Project #2

The Oregon Water Resources Dept. is currently undertaking a data gathering effort that will result in a state-wide water demand forecast out to 2025 and 2050. Through already existing reports and an original state-wide survey, the Department and a private contractor are engaged in a project that will broadly characterize in-stream and out-of-stream demands for water--at both the county level and also the administrative basin level. This project is scheduled for completion with a report available in time for the 2009 Legislative Session.

6-5 Water Policy and Regulation

The Task Force recommends interim basin rules to restrict new ground water development while studies are being conducted. We will comment with more specific comments below. Generally, the Department will need substantial evidence to be successful in this recommendation.

Project #1: The Task Force recommends interim basin rules to restrict new ground water development while studies are being conducted. Given the time it may take to raise funding for these studies and to complete the monitoring and studies, this restriction would be in place for an extended period of time. We would also note that the statutory standard for restricting ground water use is that substantial evidence be contained in the record to support the action (See ORS 537.780). It will take some time to collect sufficient data to implement these steps on a basin-wide scale, even for this interim measure.

It is not clear what is meant by implementing a temporary transfer system – we have current statute and rules that allow temporary transfers.

Page 66, # 4– typos – we think the reference is to Water Resources Commission (WRC?)

Page 67-Basin rules do not address the ability to do water right transfers. They address how and if we would issue new water rights.

Project #2:

It is not necessary to update basin rules to assure seniority of existing water right holders; fundamental to water code. Also what is meant by rules updated to provide interim options for water users?

Project #3:

WRD and DLCD have provided comments on the jurisdictional description of the water resource management and land use planning (see attachment # 3). The state encourages the county to adopt ordinances and elements of their comprehensive plan consistent with this matrix.

Project #4:

Notwithstanding the county's exempt well resolution, we encourage the task force to continue to focus on the impacts of new ground water uses on long term sustainability of the ground water resource. Future studies of demand and supply options should continue to consider domestic water supply needs on a basin wide scale as well as a priority focus on areas of continuing declines, such as the North Sub-Area of Butter Creek. In that area all but one water right has been denied their allocation, yet ground water levels continue to decline.

Section 6-6 Funding

History of creative water supply solutions such as the Umatilla project has demonstrated that it takes substantial funding and staff resources to manage these types of innovative solutions. So we agree that the projects envisioned by the task force will take substantial resources to develop, implement, monitor, and manage. Another recent success story is the passage of SB 1069 which will explore the feasibility of regional aquifer recovery efforts. All of the partners will need to be able to sustain long term funding commitments to implement these efforts.

Project #1:

Well head fee, alternative fee structures, or fees on existing and new water rights would require new legislative authority.

If a water restoration plan is the concept provided in Appendix A, we would reiterate that any proposed legislation not conflict with the state's existing water management authorities. See other comments on Appendix A legislative concept below.

Project #2:

As we have mentioned previously, the state is currently undertaking a data gathering effort that will result in a state-wide water demand forecast out to 2025 and 2050. Through already existing reports and an original state-wide survey, the Department and a

private contractor are engaged in a project that will broadly characterize in-stream and out-of-stream demands for water--at both the county level and also the administrative basin level. This project is scheduled for completion with a report available in time for the 2009 Legislative Session. Funding was included to assist communities and regions that are working to address their long term water supply needs. SB 1069 passed in the 2008 legislative session also included \$1.75 million to fund feasibility studies of water conservation, reuse, and supply projects.

Section 6-7 Summary

Page 81 – 8

Basin rules – It is not clear what is meant by “classify based on future determination of the highest and best use”

Page 81 – 7, 8

The public does not vote on proposed rules. The WRC conducts a public rulemaking process that would include at least one public hearing in the basin. The draft rules are voted on by the Commission.

Appendix A Legislative Concept

This appears to create a below ground version of an irrigation district with the primary function of creating new funding to address ground water supplies and create new water supplies. More specifically, it proposes to set up a water management board with very broad authorities including powers of eminent domain, fee authority for well owners, bonding authority, and to create and distribute water through conveyance systems.

Details of this concept would be very important. My first reaction is that legislation would be needed. This concept proposes that the Circuit Court initially would appoint the board members with future terms being elected. This differs from existing statute for water districts to see if they accomplished its goals. We recommend that the Task Force review existing statutory options for creating water districts and water authorities under Oregon law. See attachment I which is a summary of these authorities and statutory citations.

Appendix B Division 507 Rule Suggestions

May want to address the classification of water for aquifer storage and recovery throughout these rules if the basin is interested in this supply option.

Withdrawal of aquifers: In table on page 62, recommend interim basin rule to restrict further ground water development while studies are being conducted. Given how much time it may take to raise funding for these studies and to complete these monitoring and studies, this restriction would be in place for an extended period of time. We would also note that the statutory standard for restricting ground water use is that substantial evidence in the record to support the action (See ORS 537.780). We may not have sufficient data to take these steps on a basin-wide scale, even for this interim measure.

Policy statements do not direct the Department to do specific activities (e.g., direct WRD to assess feasibility; assess carrying capacity of ground water quality). Several of these activities are outside of the Department's current authority (e.g., assessing carrying capacity of water quality) and existing resources (e.g., assist existing water users secure needed capital).

507-0040

Current recharge rules allow up to 85% of the recharged water to be used, depending on the data. The proposed change to 70% would limit recapture and be more conservative than this existing standard. We would note that this would make the cost per acre foot for developing recharge water more expensive and may be a disincentive to undertake the storage of water. Is the Task Force intending the 70% apply to both recharge and recovery? Is the Task Force intending to apply the 70% to aquifer storage and recovery projects as well? Currently, aquifer storage and recovery allows up to 95% of the stored water to be recovered. This would be a substantial difference.

As a general comment in the 5 mile radius section we recognize the need to modify the rules throughout the Umatilla Basin Program based on AG advice. We would want to work with municipalities and stakeholders to adjust the 5 mile protection based on best available ground water data.

507-0020 (1)

Is this suggesting that the WRC develop policies regarding artificial recharge?

507-0040(3)(a)(C)

The proposed classification is not necessary given the earlier classification in that section.

507-0040(3)(b)

Is the goal here to require all ground water applicants to provide a hydrologic study? The language is awkward and the concept is not clear.

507-0610(3)

This places the responsibility on the Department to inventory alternative sources of water for domestic uses. We do not have sufficient resources to complete this inventory, especially within the time identified. Are you asking for consideration of not allowing exempt wells?

507-0680(1); 507-0820(1)

Directs Department to complete an updated sustainable annual yield by December 31, 2009. We put that update on hold pending the work of the task force. We agree it needs to be done, but we doubt we can meet that schedule.

507-0820(2)

Change standard from achieving sustained annual yield to gradual recovery. It appears to remove the opportunity to adjust the SAY upwards based on updated analysis.

507-0830

It directs the Department to assess alternative means of providing ground water in the critical areas and to complete a report with recommendations. We think we understand what this is intended to accomplish. It does not, however, belong as a rule. This could be a good product of the basin study.

507-0900

Appears to a placeholder for future rules. Obviously details of this approach will be important for the Department to review.



WRD

DLCD



January 23, 2008

Tamra Mabbott, Director
 Umatilla County Planning Department
 Umatilla County Courthouse
 216 SE 4th Street
 Pendleton, OR 97801

Dear Ms. Mabbott:

The Oregon Water Resources Department (WRD) and Department of Land Conservation and Development (DLCD) reviewed the February 1, 2007 memo that you provided to Umatilla County Planning Commission and other parties. Thank you for sharing it with us. We apologize it has taken us so long to get you our comments. Our agencies, after consultation with the Oregon Department of Justice, have developed the following summary of state and local coordination on land use and water issues provided for under Oregon law. We hope this summary will resolve some of your questions on this issue, and will enable Umatilla County to more readily move forward with its planning efforts.

Statewide Planning Goals

As you are well aware, the legislature enacted laws that require counties to develop comprehensive plans consistent with statewide planning goals, and implement regulations consistent with statewide goals. The goal that addresses water supply most directly is Goal 5, which requires inventory and protection of significant ground water resources, among other resources. The critical ground water areas in Umatilla County are, as you know, "significant ground water resources" according to the Goal 5 rule (OAR chapter 660, division 23). The rule does not prescribe how the resource is to be protected because each circumstance can be different. Additionally, the goal indicates that plans should, but are not required to consider, the carrying capacity of the water resources in the planning area.

OAR chapter 660, division 23, is not directly applicable to land use decisions at the county. In order for Umatilla County to protect this significant natural resource through its comprehensive plan, it must identify land uses that conflict with the resource; determine the impact area; perform an assessment of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use; and then develop and carry out a program to protect the resource or allow conflicting uses, as determined by county policy. OAR 660-023-0140(3).

This is what was contemplated by the task on the county's periodic review work program. Due to a variety of factors, this planning work was not completed and the task was removed from the county's work program.

In other words, Goal 5 and its implementing rules require the county to carry out long-range planning and policy-making. As you have found, attempting to apply Goal 5 on a case-by-case basis at the time of a permit request, with minimal (and perhaps conflicting) guidance from your comprehensive plan, does not work. We strongly encourage the county to update its comprehensive plan to comply with the Goal 5 rule for groundwater resources, as this offers an effective way to "connect" water supply and land use permitting responsibilities.

Your February 1, 2007 memo to the planning commission is correct that defensible findings must be based on compliance with applicable criteria and standards. Completion of the Goal 5 process described above would provide "applicable criteria" that are defensible and based on the best available data. A resolution that has not been adopted as part of the comprehensive plan cannot be relied upon for making land use decisions.

Land Use Compatibility Statements

Upon receiving a request from a county, WRD will provide any available information it has in order to assist counties with development of comprehensive plans and consideration of land use approvals. It is worth noting, that the more specific information the county provides, the better able we are to respond. For example, if an application for a land use approval were to identify the intended use of the water and the source, we are better able to reply. In addition, WRD continually seeks better data so that our agency can more effectively comment and provide information to local governments. For example we have been working toward a basin-wide ground water resource study for the Umatilla Basin for some time.

As you are also aware, state agencies are required to take actions affecting land use in a manner that complies with statewide planning goals and are compatible with local comprehensive plans, with some exceptions. ORS 197.180(1) and (2). Accordingly, the appropriate agencies, including WRD, have adopted State Agency Coordination Agreements (SACs). Agencies also work with local governments to develop, implement and evaluate local and state land use actions and plans.

Notwithstanding the SAC requirements to coordinate state and county actions, water is a public resource administered by the WRD and the Oregon Water Resources Commission (WRC). For example, with certain exceptions, water can only be used after obtaining a permit from the WRD. ORS 537.130; ORS 537.525. In addition, the WRD oversees among other things, transfers of water, development of water conservation plans, dam safety, and hydroelectric facilities. *See e.g.* ORS chapters 536, 537 – 543A. Finally, the WRD is vested with the authority to regulate the distribution of water among the various water right holders and among certain exempt uses. ORS 540.030; ORS 540.045; ORS 540.545.

With regard to integrated and coordinated planning of water resources statewide, the legislature has expressed a preference for these activities to be conducted by a single state entity. ORS 536.220. Accordingly, the legislature vested the WRC with the authority to study Oregon's hydrologic basins and to develop rules "for the use and control of all the water resources of this state." ORS 536.220; ORS 536.300; ORS 536.310. As with other

state actions affecting land use, both the WRD and the WRC review water permitting decisions and basin planning activities for compliance with land use goals or compatibility with acknowledged comprehensive plans and land use regulations. *See e.g.* OAR chapter 690 division 5. However, such land use coordination does not affect the WRD's primary authority over water allocation and regulation nor the WRC's authority to develop and implement basin plans for water resources.

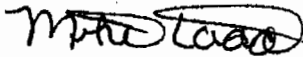
Despite the Department and Commission's clear authority over water resources allocation, distribution, management and hydrologic basin planning activities, local governments are not precluded from, and in fact, are encouraged to address local water supply issues when conducting land use planning and when planning for future growth and economic development. In fact, WRD is actively supporting such efforts by counties and other local governments and has included in its Water Supply and Conservation Initiative match funding for community-based and regional water supply planning. This component of the Initiative will provide incentive funding for communities that are looking to develop strategies to meet their long-term water supply needs.

In addition to the above summary, we (WRD, DLCD) have also provided comments on the Water/Land Use Governance Table created by J.R. Cook. For reading ease we have attached a clean version. If you would like a marked up version, please let us know. We have expanded some sections and provided corrections in a few cases. We hope these edits will assist you with your project.

Finally, the WRD has provided a second attachment to address a few points raised in your February 1, 2007 letter. It is not intended to take up every point on which you and WRD may have a difference of opinion, but simply highlights some areas where the agency believes it is important for you to understand its perspective.

Please feel free to contact either of us if you have any questions about this letter or the attached documents. You can reach Mike Ladd at 541-278-5456 and Jon Jinings at (541) 318-2890.

Sincerely,



Michael F. Ladd
Region Manager
WRD



Jon Jinings
Central/Eastern Oregon Regional Representative
DLCD

Att: 2

cc: Debbie Colbert, Division Administrator, WRD
Rob Hallyburton, Acting Deputy Director, DLCD

OWRD	COUNTY	DISTRICTS	
<p style="text-align: center;">PLANNING</p>	<p>1) Any planning activity undertaken by OWRD shall be in compliance with Statewide Planning Goals and compatible with local Comprehensive Plans. (ORS 197.180, OAR 690, Division 005.)</p> <p>2) ORS 536.310 (8): Watershed development policies shall be favored, whenever possible, for the preservation of balanced multiple uses, and project construction and planning with those ends in view shall be encouraged.</p> <p>3) ORS 536.241 (2): Requires planning in a "consistent and coordinated manner."</p> <p>Summary: OWR/C planning must be in compliance with Statewide Planning Goals. OWR/C may initiate a planning process and will coordinate with affected local governments in the "Planning Area" by providing notice and opportunity for hearing in the basin. ORS 536.300</p>	<p>1) ORS 195.025: Delegates coordination of all planning activities affecting land uses to counties. While this does not pre-empt the state's authority over formulation of water resource policy, it places a responsibility on counties to coordinate with the state in development of water policy, and to coordinate local comprehensive plans with such water policy.</p> <p>2) 197.225: The Department of Land Conservation and Development shall prepare and the Land Conservation and Development Commission shall adopt goals and guidelines for use by state agencies, local governments and special districts in preparing, adopting, amending and implementing existing and future comprehensive plans.</p> <p>3) 197.250: Except as otherwise provided in ORS 197.245, all comprehensive plans and land use regulations adopted by a local government to carry out those comprehensive plans and all plans, programs, rules or regulations affecting land use adopted by a state agency or special district shall be in compliance with the goals within one year after the date those goals are approved by the Land Conservation and Development Commission.</p> <p>Summary: Counties have statutory responsibility to coordinate all land use planning activities within the county. Those activities must comply with the statewide planning goals.</p>	<p>ORS 545.221 through 545.295 document a district's ability to conduct some planning, regulation, management and enforcement within their respective boundaries. Districts:</p> <ol style="list-style-type: none"> 1) Manage water rights cooperatively with patrons including distribution, transfer, storage etc. There are, however, formal processes, including notice requirements, involved in some of these processes. 2) Assess charges and collect fees through payments, condemnation or liens on crops 3) Elect boards, managers and other officers 4) Plan to ensure district viability through projects, conservation, etc.

OWRD	COUNTY	DISTRICTS
<p>1) Watermasters regulate distribution of water based upon water rights. (ORS 540.045.)</p> <p>2) Watermasters respond to complaints of water shortages or unlawful use. Regulatory action is based upon review of records (water rights on parcels) and field inspections. Watermasters distribute water based on relative rights (seniority), any rotation agreements, and, in the case of ground water, substantial interference with senior rights. (OAR 690-250-0100-- 690-250-0130.) Also, exempt wells can be regulated ORS 537.545 (3).</p> <p>3) The WRD director administers and enforces the laws of the state concerning the water resources of this state. (ORS 536.037.)</p> <p>Summary: OWRD has authority to regulate water use.</p>	<p>1) ORS 197.175: Counties shall exercise their planning and zoning responsibilities in accordance with statutes and the statewide planning goals. Each county in the state shall prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission and enact land use regulations to implement their comprehensive plans.</p> <p>2) OAR 660-023-0140: Local governments shall amend acknowledged plans in order to inventory and protect significant groundwater resources under Goal 5.</p> <p>Summary: County has the responsibility to regulate land use based upon its acknowledged Comprehensive Plan (ORS 536.370 does not authorize the WRC to delegate water use regulation to another public agency.)</p>	<p>ORS 545.221 through 545.295 document a district's ability to conduct planning, regulation, management and enforcement within their respective boundaries.</p> <p>Districts:</p> <p>5) Manage their water rights including distribution, transfer, storage, etc.</p> <p>6) Assess charges and collect fees through payments, condemnation or liens on crops</p> <p>7) Elect boards, managers and other officers</p> <p>8) Plan to ensure district viability through projects, conservation, etc.</p>

REGULATION

	OWRD	COUNTY	DISTRICTS
<p style="text-align: center;">MANAGEMENT</p>	<p>1) 690-410-0010: Establishes a policy of coordination with other governmental entities. ("Coordinated action by federal, state and local agencies, Indian Tribes, and special districts, along with public education, shall be fostered to promote the effective management, protection and beneficial use of groundwater.")</p> <p>3) "The primary method of managing water is through classification of streams and groundwater. Classification establishes the beneficial uses of water, and dictates how water can be put to use..." (1988 Basin Report)</p> <p>This is a difficult mechanism to implement in over-appropriated basins because new water rights are limited and no program is in place to classify Columbia River water or transfers.</p> <p>4) ORS 536.241(2): Requires management in a "consistent and coordinated manner."</p> <p>5) ORS 536.300 directs the OWRC to develop an integrated and coordinated water resources program for the use and control of all the water resources of the state.</p> <p>6) In formulating the water resources program, the OWRC is to consider numerous policies declared by the legislature, including that "[i]t is of paramount importance in all cooperative programs that the principle of the sovereignty of this state over all the waters within the state be protected and preserved, and such cooperation by the commission shall be designed so as to reinforce and strengthen state control."</p> <p>7) No state agency or public corporation (including counties) can exercise any power, duty or privilege that would tend to derogate from or interfere with state water resources policy, unless approved by the OWRC. (ORS 536.360 and 536.370.)</p> <p>Summary: OWRC has authority to develop programs and policies for the use and control of the waters of the state,</p>	<p>Summary: Counties do not have authority over managing water resources. That function is the exclusive responsibility of the state.</p>	<p>ORS 545.221 through 545.295 document a district's ability to conduct planning, regulation, management and enforcement within their respective boundaries.</p> <p>Districts:</p> <p>1) Manage their water rights including distribution, transfer, storage, etc.</p> <p>2) Assess charges and collect fees through payments, condemnation or liens on crops.</p> <p>3) Elect boards, managers and other officers</p> <p>4) Plan to ensure district viability through projects, conservation, etc.</p>

which must be adhered to by other agencies and governmental entities unless authorized by the OWRC to deviate from those policies.

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	OWRD	COUNTY	DISTRICTS
ENFORCEMENT			

Pertinent Policy

536.241 Policy on water supply. (1) The Legislative Assembly finds that availability of an adequate water supply is essential to the continued health and safety of all Oregonians.

(2) The Legislative Assembly declares that it is the policy of the State of Oregon to ensure a water supply sufficient to meet the needs of existing and future beneficial uses of water, and to adequately manage the state's water resources. Further, in recognition of this policy, the Legislative Assembly declares that the planning and management of the water resources of this state shall be conducted in a consistent and coordinated manner. [1999 c.984 § 2]

536.220 Policy on water resources generally. (1) The Legislative Assembly recognizes and declares that:

(a) 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.

(b) A proper utilization and control of the water resources of this state can be achieved only through a coordinated, integrated state water resources policy, through plans and programs for the development of such water resources and through other activities designed to encourage, promote and secure the maximum beneficial use and control of such water resources, all carried out by a single state agency.

(c) The economic and general welfare of the people of this state have been seriously impaired and are in danger of further impairment by the exercise of some single-purpose power or influence over the water resources of this state or portions thereof by each of a large number of public authorities, and by an equally large number of legislative declarations by statute of single-purpose policies with regard to such water resources, resulting in friction and duplication of activity among such public authorities, in confusion as to what is primary and what is secondary beneficial use and control possible and necessary.

(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.

(b) The state water resources policy shall be consistent with the goal set forth in ORS 468B.155. [1955 c. 707 § 1; 1989 § c.833 § 53]

537.525 Policy. The Legislative Assembly recognizes, declares and finds that the right to reasonable control of all water within this state from all sources of water supply belongs to the public, and that in order to insure the preservation of the public welfare, safety and health it is necessary that:

- (1) Provision be made for the final determination of relative rights to appropriate ground water everywhere within this state from all sources of water supply belongs to the public, and that in order to insure preservation of the public welfare, safety and health it is necessary that:
- (2) Rights to appropriate ground water and priority thereof be acknowledged and protected, except when, under certain conditions, the public welfare, safety and health require otherwise.
- (3) Beneficial use without waste, within the capacity of available sources, be the basis, measure and extent when, under certain conditions, the public welfare, safety and health require otherwise.
- (4) All claims to rights to appropriate ground water be made a matter of public record.
- (5) Adequate and safe supplies of ground water for human consumption be assured, while conserving maximum supplies of ground water for agricultural, commercial, industrial, thermal, recreational and other beneficial uses.
- (6) The location, extent, capacity, quality and other characteristics of particular sources of ground water be determined.
- (7) Reasonably stable ground water levels be determined and maintained.
- (8) Depletion of ground water supplies below economic levels, impairment of natural quality of ground water by pollution and wasteful practices in connection with ground water be prevented or controlled within practicable limits.
- (9) Whenever wasteful use of ground water, impairment of or interference with existing rights to appropriate surface water, declining ground water levels, alteration of ground water temperatures that may adversely affect priorities or impair the long-term stability of the thermal properties of the ground water concerned be authorized and imposed under voluntary joint action by the Water Resources Commission and the ground water users concerned whenever possible, but by the commission under the police power of the state except as specified in ORS 537.796, when such voluntary joint action is not taken or is ineffective.
- (10) Location, construction, depth, capacity, yield and other characteristics of and matters in connection with wells be controlled
in accordance with the purposes set forth in this section.
- (11) All activities in the state that affect the quality or quantity of ground water shall be consistent with the goal set forth in ORS
468B/155. [1955 c.708 § 2; 1985 c. 673 § 46; 1989 c. 201 §2; 1989 c. 833 § 56]

Definitions:

Definitions pertinent to this document highlighted in the attached 2050 Plan Definitions chapter.

City of Hermiston's Comments

Draft Umatilla Sub-Basin 2050 Water Management Plan, dated 1/18/08

Project No. 1¹ – Provide property owners in critical ground water areas (CGAs) new surface water rights to use instead of the ground water rights that are no longer sustainable to use.

- Clarify who could potentially be asked to pay the costs for this project outside of the CGA property owners.
- Clarify what benefits property owners outside of the CGAs would receive from this project.
- Clarify who is proposed to own the new surface water rights and whether they could be sold.
- What analysis has been done to determine that the best economic use of new surface water in Umatilla County is to use it for new irrigation water in the CGAs.
- Clarify how and which residents would have "the potential for vote."²

Project No. 2 – CTUIR water rights settlement

- Clarify what Umatilla County's authority is with respect to achieving this settlement.

If the County has no direct involvement and is just an interested community member, then this should not be included as a County "project" in the 2050 Plan and this concept should be clearly identified as a "project by others."

Project No. 3 – Complete Phase III of Umatilla Basin Exchange Project.

- Clarify what Umatilla County's authority is with respect to achieving or approving Phase III.

If the County has no direct involvement and is just an interested community member, then this should not be included as a County "project" in the 2050 Plan and this concept should be clearly identified as a "project by others."

¹ These comments use the project numbering system identified in Section 6.7 of the draft plan which summarizes all the proposed projects on pages 80-82.

² This refers to the remark on the summary sheet for this particular project (and a number of others) that Residents have the potential to vote on this project.

Project No. 4 – Assuming implementing state legislation is adopted, create a Umatilla Sub-Basin Water Management Board with authority to develop new water supply projects and implement funding mechanisms (such as well head and water use fees).

- Clarify what management alternatives there are to authorizing a new governmental authority that could develop new water storage and delivery projects.
- Clarify why just one management board is being proposed given that new water development projects in the County will likely not be interconnected, and if instead separate management boards could be created for each proposed water project.
- Clarify what authority the draft plan proposes this new board would have over cities and city residents.
- Clarify whether this board is proposed to be governed by the County Board of Commissioners.
- Clarify how and which residents would have "the potential for vote" for this project.

Project No. 5 – Complete a comprehensive ground water study of all the aquifers in the Umatilla Sub-Basin.

- Clarify if the draft plan proposes to allow any new water development projects in the sub-basin before this study is completed.
- Clarify why OWRD now allows new water rights in Umatilla County without this study being complete.
- Clarify the cost and time estimates reasonably necessary to accomplish this project.
- Clarify how this study would be funded and who would oversee the work
- Clarify why the draft plan states that the "public support and participation" of residents is required for a study of the groundwater aquifers.

If this is not a study that Umatilla County will have authority over, it should not be labeled as "project" in the County's 2050 Plan and instead this work should be identified as an effort likely managed by OWRD and supported by the County.

Project No. 6 – Encourage Oregon to develop a "Columbia River Water Management Plan."

- Clarify what other entities/agencies need to be involved with this effort and how Umatilla County is proposed to be involved.

This project is better identified as a "political project."

Project No. 7 – Recommend to the Oregon Water Resources Commission that all new water rights be "curtailed" in the Umatilla Basin until more aquifer studies are completed.

- Clarify who is proposed to pay for the studies and the proposed completion timeline.
- Clarify if any other exceptions to the moratorium concept are proposed besides supplemental water right applications.
- State clearly in the plan that this is a proposed "moratorium" on new water rights.
- Clarify how this project would affect the proposed new Water Management Authority's ability to develop new water supply projects.
- Clarify how residents would have "the potential for vote" with respect to this project.

The plan should affirmatively state that this proposal is for Umatilla County to lobby the state for an indefinite moratorium on all new water rights in the entire Umatilla Basin, and use the word "moratorium" to describe this idea instead of "curtailment."

Project No. 8 – Update the Umatilla Basin Rules

- Clarify that any Basin rule updates are managed by OWRD, and the process is managed by that agency pursuant to state rule making processes.
- Please provide a comprehensive list of the suggested changes to the Basin rules that are reflected by edits to the existing rules attached as Appendix B and the rationale for each proposed change, including how these suggested rule changes would affect cities with respect to the "five mile" rule. Would it be more correct to characterize these proposed changes in Appendix B as "suggestions" for now rather than "recommendations?"
- Clarify how residents would have "the potential for vote" with respect to this project.

Project No. 9 – Recommend state agencies make clarifications with respect to land use and water supply responsibilities.

This project as proposed should not be included as a project in this Plan because OWRD and DLCD provided extensive responses to the these issues raised in this regard by Umatilla County in their joint letter to Umatilla County of January 23, 2008 which the Task Force has not yet had the chance to review or evaluate and which affects this proposed project. See attached copy of this letter.

Project No. 10 – Continue to implement Exempt Well Resolution if mitigation projects are developed.

This draft project indicates that County support of the continued implementation of the Exempt Well Resolution should be contingent on funding and completion of mitigation projects.

- Clarify why the Task Force is recommending not supporting keeping the Exempt Well Resolution in place unless mitigation projects are built.
- Clarify what mitigation projects are proposed and their approximate locations and cost.

Project No. 11 – This project identification number was not used on the summary pages.

Project No. 12 – Support legislation to allow creation a new governing body that can collect fees on existing water right holders and develop new water storage and delivery projects.

- In Section 1 in this project description on page 75 it states that the "gradual recovery scenario" benefits "all users." Clarify how the gradual recovery scenario, which only applies to declining aquifers benefits (1) Columbia River surface water right holders, (2) other surface water right holders, (3) ground water right holders in deep aquifers that are not showing significant declines, and (4) ground water right holders in alluvial aquifers.
- In Section 1.iii. of this project description, the plans states that groundwater characterization studies will not be reliable if water right holders are pumping their wells. Clarify why aquifer studies conducted in the winter, when wells are not being pumped, would not suffice to address any technical study needs, and why wells must be off for more than one winter season to study the aquifers.
- Clarify how residents would have "the potential for vote" with respect to this project.
- Clarify whether this proposal is to lobby for a new administrative agency under the purview of the County, of OWRD, or an independent body accountable to the state legislature.

Project No. 13 - Suggest the state provide one million dollars annually to address water quantity and water quality issues.

- Clarify what County resources would be necessary to lobby the legislature for this concept and whether this project consists of more than writing letters to policy makers.

This concept should be identified as a "political project" that allows for public participation.



April 22, 2008

Umatilla County Planning Department
216 S.E. 4th St.
Pendleton, OR 97801

Re: comments on the draft **Umatilla 2050 Groundwater Management Plan**

We commend Umatilla County and the volunteers who have worked the last four years to develop the Groundwater Management Plan. This Plan represents a good effort to address critical groundwater issues in the western portion of Umatilla County based on scientific data and local know how. However, it needs to be clarified that this plan was developed to resolve issues for the West side of Umatilla County, and has not assessed conditions and groundwater problems in East County (Milton-Freewater area) and does not propose to implement solutions for East Umatilla County. Even though this Plan focuses on West side issues, it suggests the development of a funding source that the Milton-Freewater area will also contribute to. And finally, the Plan proposes a County water management board that would make recommendations regarding groundwater management across the county even though the conditions analysis has only been on conditions in the West County area.

The methods for creating a Countywide funding mechanism, based on well use fees, or other sources, is being discussed. Whether or not that is an appropriate action will be decided by legislation. However if it does happen then the funds collected in the east end of the County, (Walla Walla subbasin), should be used for developing solutions to groundwater problems we have in this part of the County.

We are also concerned that authority could be given for a county wide water management board to be established, but population and acreage realities, will mean the Umatilla River Valley water users will be able to out vote whatever Milton-Freewater area water users are on the board. As an alternative, I will recommend that the Walla Walla subbasin be given the authority to establish its own board and if a funding structure is developed, that Walla Walla subbasin area revenue be used for Walla Walla area implementation.

The use of the term basin and subbasin needs to be better defined and consistent throughout the plan.

If in the future we develop our own groundwater plan, then we will consider using this West County Groundwater Plan as our template.

We do not think the County is intentionally forgetting about this end of the County. There are groundwater issues over here and informed local citizens that can make appropriate recommendations for this part of the County.

Thank you considering these comments. If you have any questions, please contact John Zerba at 938-6105 or our Director, Brian Wolcott at 938-2170.

Sincerely,

John Zerba
Chairman
Walla Walla Basin Watershed Council