



WATERWATCH

PROTECTING NATURAL FLOWS IN OREGON RIVERS

MEMBER UPDATE JUNE 2007

Stream of Consciousness

By John DeVoe, Executive Director

According to Robert Glennon, in his wonderful book *Water Follies*, a typical American now consumes, on average, 30 pounds of french fries per year. I confess I probably skew that data upwards, though not with fast food fries. I am not picky about the length of my french fry. Other Americans apparently are. According to Glennon, the fast food industry decided that to appeal to consumers, the french fry had to be a specific length – long enough to extend just beyond the super size box so the consumer can grasp it and dip it in ketchup. Why does this matter? Because potato producers in search of uniform potatoes that generate long french fries are now using groundwater to irrigate potato crops in areas where potatoes grow just fine without irrigation. According to Glennon, big potato interests – Simplot and Frito Lay among others – will only contract with growers who irrigate and provide potatoes of uniform length, appearance and color. This stimulates excessive new and unnecessary groundwater use. Because streamflows are often highly dependent on groundwater, rivers and their inhabitants are degraded for reasons that can only be described as frivolous. This is a water folly. There are plenty more in Glennon's book

WaterWatch works every day to prevent water follies and to reform the outmoded laws and policies that allow these water follies to persist. WaterWatch remains the only organization in Oregon committed to reforming water law to ensure there is enough water in our rivers and streams for fish, wildlife and people who depend on healthy rivers. With climate change, population growth, land use changes, new water storage proposals, and other emerging threats to our rivers, WaterWatch is more relevant now than ever before. In some ways our work is evolving. In other ways it stays the same. Noted author Charles Wilkinson, the Moses Lasky professor of Water Law at the University of Colorado, described

WaterWatch's approach thirteen years ago. His words remain true today:

“Western water policy, more than any other front-line environmental issue, is left mainly to state law. Rightly or wrongly, deep traditions push towards state dominance. Despite some truly impressive contributions, the national conservation organizations have never been able to dedicate themselves to detailed, structural reform of state water policy. The only way to do this is through day-to-day oversight in the state water agencies, the governors' offices, the state legislatures, and the state courts. . . . Everyone who cares about our rivers – not just in Oregon but all across the West – should keep a close eye on WaterWatch. This is an idea, and an approach that holds the brightest possible promise for making historic advances in reforming the outmoded laws and policies that continue to rule our waters.”

WaterWatch was the first organization in the West to take on water policy reform in this way. Today, after twenty-two years, WaterWatch remains the only conservation organization in Oregon doing this critical work. Some of the promise Wilkinson described has been achieved. WaterWatch's advocacy has produced historic river conservation advances and policy reforms that protect and restore rivers and streams across Oregon. However, if you care deeply about rivers and water policy, WaterWatch needs your generous support so that we can continue to reform the outmoded laws and policies that continue to rule our waters. Please join us in fulfilling the promise of reform that Charles Wilkinson envisioned and in preventing water follies from spreading across Oregon. Thank you for your support of WaterWatch's unique and important mission.

Klamath Basin Update

By Lisa Brown, Staff Attorney & Bob Hunter, Senior Staff Attorney

Klamath dam relicensing and settlement negotiations: Freeing the Klamath River and protecting the "Everglades of the West"?

WaterWatch has participated for several years in the relicensing process for PacifiCorp's Klamath River hydropower dams and in the broader settlement negotiations arising from the relicensing. In these processes, WaterWatch has advocated for removal of the four seaward dams, restoration of streamflows, better water management, and improved water deliveries and management for the Klamath Basin's National Wildlife Refuges. The lower four PacifiCorp dams on the Klamath River currently block salmon and steelhead from 60% of their historic spawning habitat, most of which is in Oregon. Reservoirs behind the dams contribute to water quality and temperature problems adversely affecting all Klamath River fish. In January, the federal agencies finalized strong fish passage requirements for any new dam license. These fish passage requirements advance the possibility of removing some or all of the four seaward dams due to the expense of bringing these antiquated, low power generating dams up to modern standards. The final Environmental Impact Statement is due soon, though a new license will not be issued until California and Oregon certify the hydro project under section 401 of the Clean Water Act.

While removal of some or all of the lower four dams is critical, dam removal alone is no panacea for the basin, especially if a dam removal agreement weakens protections for Klamath River flows, Upper Klamath Lake levels or the basin's National Wildlife Refuges. Reforming water management in the Upper Basin remains a key to restoring Klamath fish runs and aquatic habitat. Any acceptable settlement package addressing more than dam removal must include: significant water allocation reforms both on and off of the Bureau of Reclamation's Klamath Project to bring demand for water back into balance with what nature can provide; sufficient water deliveries and other safeguards for the basin's National Wildlife Refuges; and a package of measures designed to protect and restore aquatic habitat and streamflows in the basin. WaterWatch will continue to work for dam removal and to ensure

that any dam removal deal also helps restore, rather than further compromise, the basin's outstanding natural resources.

Surprise! Groundwater and surface water in the Klamath Basin are connected: The new United States Geological Survey/Oregon Water Resources Department Groundwater Report

The United States Geological Survey (USGS), in cooperation with the Oregon Water Resources Department, just published the long-awaited study of ground water-surface water connections in the Klamath Basin. The new report is the first to provide quantitative estimates of groundwater contributions to streamflows over the entire upper basin. The report finds that an estimated 1.8 million acre-feet of groundwater discharges to streams throughout the basin, supplying substantial water to streams. This study was the first regional analysis of the issue and further documents the important role that groundwater plays in sustaining tributaries and water levels in Upper Klamath Lake – and, accordingly, streamflows in the Klamath River. The study can be downloaded here: <http://pubs.usgs.gov/sir/2007/5050/>

A Sea Change: Oregon finally says "No" to new groundwater withdrawals in the Klamath Basin that have the potential to impact streamflows

Based on data from the new USGS/OWRD Report and direction from the Water Resources Commission, Oregon took a big step forward by beginning to deny new groundwater permits in the Klamath Basin where the groundwater is hydraulically connected to surface water. Previously, Oregon denied groundwater permits only where the pumping had the potential to interfere substantially with surface water flows. WaterWatch, along with other groups, had petitioned Oregon twice to close the basin to new groundwater development (with limited exceptions) based on this hydraulic connection and worked to educate the Commission about the importance of improved groundwater management. WaterWatch is monitoring and participating in Klamath groundwater permitting activities to support the new and improved approach and to push for further advances. This is a critical step in beginning to solve the water crisis in the basin.

2007 Oregon Legislative Update

By Kimberley Priestley, Assistant Director

WaterWatch has been working on over a dozen water bills in the Oregon legislature this session. With tremendous help from new lobbyist, Dave Moskowitz, along with our long time lobbyist Doug Myers, we have been pushing for needed reforms and fighting bad bills. A few highlights include:

HB 2564 - What gets measured gets managed

The original bill called for all water users to measure and report water uses. The amended version, which passed out of the House Committee on Energy and the Environment, would codify the Water Resources Commission's strategy on measurement, which among other things, calls for measuring significant diversions in priority basins. The bill also broadens the Commission's general authority to require reporting, and provides for a cost share program to help defray costs to users. While not requiring all users to measure and report, this bill will move measurement efforts forward and will promote better management of Oregon's precious water resources. The bill has been sent to the Joint Ways and Means Committee. **Please e-mail your representatives and the Committee today and urge them to vote "YES" on HB 2564.**

HB 2566 Exempt Wells - Closing in on unregulated groundwater use

The original bill called for the elimination of a "loophole" in Oregon law that allows some groundwater uses to go forward without first obtaining a water right, thereby avoiding any review to understand impacts of the new use on other users, streamflows, fish or groundwater resources. The amended version, which passed out of the House Committee on Energy and the Environment, shrinks the loophole by granting the Water Resources Commission the authority to require groundwater users in critical groundwater areas and other groundwater restricted areas to go through the regular permitting process. It also imposes a \$250 registration fee on exempt wells, with the moneys being used to support further groundwater studies and reduces the size of certain exempt uses from 15,000 gallons/day to 5,000 gallons/day. The bill has been sent to the Joint Ways and Means Committee. **Please e-mail your representatives and the Committee today and urge them to vote "YES" on HB 2566.**

HB 2785 - Harnessing the energy going down irrigation canals

This bill streamlines procedures for certain small-scale hydropower projects on existing diversions or irrigation canals. WaterWatch amended the bill in several important ways. First, we secured amendments to allow a new use of water on the existing diversion but to ensure that no new water right for hydropower was created for this new use of water. This allows hydropower projects on existing diversions, but does not create a new water right that could lock in the diversion of water if the underlying beneficial use (usually agricultural) goes away due to urbanization or other pressures on the underlying use. In addition, we amended the bill to ensure Oregon will not regulate, for or against the new hydropower use. This is important to protect existing instream water rights from regulation in favor of the new hydropower use. Finally, we amended the bill to ensure that if public interest issues are raised during a comment period, the proposed project will be reviewed under the existing stringent hydropower project siting rules.

HB 3585/SB 483: An attempt to circumvent existing rules that protect Columbia River salmon

The so-called "Oasis" bill directs the Water Resources Department to issue permits to appropriate 500,000 acre-feet of additional water from the Columbia River during the summer months and to repeal any fish or flow protection standards that would get in the way. This bill takes a direct shot at undermining Oregon's existing protections for streamflows in the Columbia River and its imperiled fish runs, in spite of huge investments and multi-state efforts to protect and restore those flows for imperiled fish runs. WaterWatch has been actively opposing this bill. It has been referred to the Joint Ways and Means Committee. **Please e-mail your representatives and the Committee today and urge them to vote "NO" on HB 3585/SB 483.**

SB 838A -Renewable energy package

This bill establishes renewable portfolio standards for electric utilities and electricity service suppliers. WaterWatch supports most forms of renewable energy but has proposed an amendment that would

place needed limits on new hydropower development. Our suggested amendments would make the bill comparable to the renewable portfolio standards of neighboring states and consistent with Oregon's leadership role in river conservation.

Improved funding for the Water Resources Department

WaterWatch, working with a coalition of water stakeholders, strongly supports full funding of the Department's proposed budget. In the Joint Ways and Means Committee, we were successful in securing funding to pay for a permanent water measurement specialist position, groundwater investigations and restoring five field staff positions to better manage water across Oregon.

The State of Oregon's Water Supply and Conservation Initiative

The Water Resources Department's Water Supply and Conservation Initiative is part of the Department's proposed budget. The initiative has five key components: (1) Assessment of existing and future water needs, (2) Completion of a statewide inventory of potential storage sites, (3) Statewide analysis of conservation opportunities, (4) Completion of a statewide investigation of basin yield estimates, and (5) Match funding for community-based and regional water supply planning. WaterWatch has supported this effort, with one exception---section 4 which contemplates a statewide investigation of basin yield estimates, without a concurrent assessment of peak, flushing and other ecological flow needs in each basin. We believe Oregon needs to understand the ecological and channel maintenance flow needs of rivers and protect those flows – particularly where new storage projects are proposed. Channel maintenance and ecological flows analyses are needed to ensure we can maintain healthy river habitat and to assess honestly how much water might actually available for storage. A simple basin yield estimate won't do this.

SB 600 - An unnecessary bill

This bill tracks the Water Supply and Conservation Initiative but also calls for study of new withdrawals of water from the Columbia River. WaterWatch believes that this component of the bill is unnecessary, as current water availability rules and policies provide answers as to when water is available from the Columbia. We proposed substantial amendments at the public hearing on the

bill, most notably those that call for the study and protection of peak, flushing and other ecologically important flows as part of proposed studies.

Contact information for Ways and Means Committee members and legislators can be found at:

<http://www.leg.state.or.us/comm/>

<http://www.leg.state.or.us/house/>

<http://www.leg.state.or.us/senate/>

Water and Growth Update: Working to ensure fish will survive as Oregon grows

By Lisa Brown, Staff Attorney

In the 2005 legislative session, WaterWatch helped negotiate a fish protection standard that applies to development of old, dormant municipal water permits. This new standard requires that proposed water use under these dormant permits be conditioned to maintain the persistence of listed fish in the affected waterway. The first permit to move under this new standard is held by Tualatin Valley Water District (202 cubic feet per second from the main stem Willamette River). WaterWatch recently protested the WRD's application of the persistence standard to this permit and we are currently in settlement discussions. Meanwhile, the Oregon Department of Fish and Wildlife just completed its review of eight dormant municipal permits on the Clackamas River and provided its advice to the WRD on how to condition these permits as they are developed so as to maintain the persistence of listed fish in the Clackamas River. We are now preparing to evaluate WRD's application of this advice to the eight dormant Clackamas permits. We anticipate some or all of the Clackamas municipal water developers will litigate the fish persistence standard as applied to these permits.

Freeing the Rogue

By Bob Hunter, Senior Staff Attorney

Oregon's Rogue River is famous for its scenic beauty, world-class whitewater, salmon and steelhead. WaterWatch has made substantial progress to free the lower 153 miles of the Rogue River (from Lost Creek Dam to the ocean), from the three dams that impede fish and boat passage in this reach:

Savage Rapids Dam, the City of Gold Hill Diversion Dam and Gold Ray Dam.

Savage Rapids Dam, at river mile 107, is the first dam migrating fish encounter on their way upstream from the ocean. Savage Rapids is the most harmful to fish and is a total barrier to boat passage. After years of legal wrangling, the removal project is now well underway. Construction on the pumping plants that will replace the dam began last October and work continued through the winter. This summer the contractor will be able to start work on the pump intake structures. The contractor is currently ahead of schedule, and if all goes well the dam will be removed in 2009. The Savage Rapids Dam removal project is arguably one of the largest and most important dam removal projects in the nation.

Oregon's congressional delegation has been instrumental in providing funding for the project. The delegation and Governor Kulongoski helped to secure \$13 million for this year's work and \$15 million in the President's FY 2008 budget for the project. WaterWatch is working with the Grants Pass Irrigation District to ensure that the funding stays in the budget through the congressional appropriations process. With this funding and the \$3 million that the Oregon Watershed Enhancement Board (OWEB) has dedicated toward dam removal, completion of this landmark project should be assured.

About 12 miles upstream from Savage Rapids Dam is the Gold Hill Diversion Dam. This dam is also very harmful to Rogue River fish, and though rafts can go over the dam, it makes boat passage very difficult. This dam was once used by the City of Gold Hill to divert water for its municipal use, but the city has just recently installed pumps to meet its needs and the dam no longer serves any function. OWEB has dedicated funds toward the removal of this dam as well. WaterWatch is working with the City of Gold Hill, Rogue Valley Council of Governments, OWEB, state and federal fishery agencies, and other stakeholders to move this project along. A request for proposals soliciting bids on the project has gone out and a number of qualified responses have been received. A contract for the dam's removal should be awarded soon so that the dam can be removed in the summer of 2008.

The last of the three dams is Gold Ray Dam located about 5 miles upstream from the Gold Hill Diversion Dam. It also impacts fish passage and totally blocks boat passage. This dam is an obsolete hydropower dam that has not been operated for years. It is now owned by Jackson County and is a liability to the county. WaterWatch is participating on a subcommittee to give input on a Jackson County study that will be assessing the feasibility of dam removal. This is a first step that could ultimately pave the way to removing the dam. Eventually, funding will be needed for a sediment study, and ultimately to remove the dam. This project is still a number of years out, but the opportunity to free the lower 153 miles of the Rogue River is within reach.

2007 WaterWatch Donor Campaign: Help Oregon rivers by supporting WaterWatch

A campaign to raise funds to support WaterWatch's work to protect Oregon's beloved rivers and streams is currently underway. The WaterWatch board of directors organized the campaign during their annual retreat held in Portland and set a fundraising goal of \$50,000. The campaign started May 15th and ends June 30th.

"It's not just about raising \$50,000 in 45 days", says WaterWatch board member and campaign chairman, Paul Franklin. "We're planning to strengthen our membership base by encouraging current supporters to increase their level of annual giving. We also need to get our important mission of river protection out to more people and increase our annual membership numbers."

WaterWatch Executive Director, John DeVoe, adds "increasing awareness with our members and the rest of the public is crucial, especially during the current legislative session. We are working on several bills that can improve water policy throughout Oregon; however, we are also spending a lot of our time defending against new bills that threaten to rollback existing water, fish and wildlife protections. We're stepping up the number of member updates, email action alerts, newsletters, educational material for legislators and our presence in state and national media. We'll also be launching a new web site later this summer."

How You Can Participate

Contributions can be sent in using the enclosed form and envelope or you can give by credit card, online at www.waterwatch.org and click on "Join or Give".

If you're not already a *RiverPartner* monthly donor, please consider signing up today! The *RiverPartners* program is easy, secure and spreads your annual gift over the entire year. Monthly giving also saves

money by eliminating renewal letters, which reduces paper use, postage and other supplies.

If you have any questions about the campaign, *RiverPartners*, or would like to make your contribution by phone, please contact Stacy Webb, WaterWatch Development Director, at: (503) 295-4039 extension 24.

Save the Date!

A Celebration of Oregon Rivers: October 20th, 2007!

The fifth annual dinner and auction benefiting WaterWatch of Oregon will be held Saturday, October 20th at Ambridge Event Center in Portland. The event has been scheduled during the weekend to encourage more WaterWatch members to attend from across the region.

Last year, 200 people attended the event, which raised more than \$36,000. "We're planning a bigger and better event for 2007", says WaterWatch board member David Davies who is this year's event



chairman. "We're expecting at least 250 people to attend this year and enjoy great food, drinks and excellent silent and live auctions."

More details including how to make reservations will be announced later this summer. If you would like to donate an item or service to the auction or find out more information about event sponsorship, please contact Stacy Webb, WaterWatch Development Director, at: (503) 295-4039 extension 24.

Thank You!

We would like to thank all of you who continue to support our important mission! We also would like to thank the many foundations and family funds that have awarded grants to WaterWatch of Oregon in the past year:

The George Gund Foundation
Laird Norton Foundation
The Penney Family Fund
The Boyer Foundation

Weeden Foundation
The Brainerd Foundation
Flintridge Foundation
Jubitz Family Foundation

The Lazar Foundation
The Harder Foundation
The Bullitt Foundation



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Questions or Comments? You can reach us by phone at (503) 295-4039, email us at info@waterwatch.org or by mail:

WaterWatch of Oregon
213 SW Ash, Suite 208
Portland, OR 97204

WaterWatch of Oregon is a not-for-profit, 501(c)(3), river conservation organization. We work in the courts, the legislature, with state and federal agencies and through the media to ensure enough water is left in our rivers to sustain native fish, wildlife and the people who depend on healthy rivers.