



WATERWATCH

PROTECTING NATURAL FLOWS IN OREGON RIVERS

MEMBER UPDATE JUNE 2008

Stream of Consciousness

By John DeVoe, Executive Director

I want to share with you a recent success story. Mill Creek is a special place. It flows out of the Blue Mountains in southeastern Washington into Umatilla County in Oregon and then crosses the border again to flow northwest into the Walla Walla River near the city of Walla Walla. It's a place some may know, but many of us will likely never visit. The headwaters are wild, adjacent to the Wenaha-Tucannon Wilderness. Maddy Sheehan, in her book *Fishing in Oregon*, has described Mill Creek as "a beautiful, pristine trout stream" that "abounds with rainbow and bull trout." A recent Oregon Native Fish Status Report concluded that high quality bull trout-spawning habitat is extensive in the upper reaches of Mill Creek. The stream also supports threatened steelhead. There are not many places left like Mill Creek. I sleep better at night knowing places like this are out there.

In 2004, the City of Walla Walla asked Oregon to use a substantial amount of water from Mill Creek for municipal and power purposes. The city also has other water rights high on Mill Creek that, if developed, would destroy pristine bull trout habitat and degrade many miles of Mill Creek. WaterWatch went to work. Over the past four years, WaterWatch worked closely with the city, the Oregon Department of Fish and Wildlife, the Oregon Water Resources Department and the Washington Department of Fish and Game to craft a solution to benefit Mill Creek and its fish. Once approved by the city council, the Mill Creek agreement provides for the following results:

- It restores and protects cold, clean water (from the city's 1866 water right, the oldest water right in the basin) during the hottest summer months to benefit approximately 17 miles of Mill Creek. This cold water will provide a critical safety net for the aquatic ecosystem in the hottest summer months.
- It requires the City to protect "peak flows" by stopping water use during certain high flow events. This is the first time Oregon has required a "peak flow" condition in a new water right. The high flow events will help maintain critical spawning and rearing habitat in Mill Creek for steelhead, bull trout and other species.
- The agreement is designed to result in cancellation of one of the city's existing Washington water rights higher in the basin. Full development of this right would have had serious negative consequences for bull trout and many miles of Mill Creek.
- The agreement reduces the season of water use from a year round right to one that can only be used between November 1 and April 15. The agreement also requires substantial bypass flows to ensure that streamflow standards are met. These conditions will help protect Mill Creek, particularly during the dry season.
- Finally, the agreement moves the City's point of diversion downstream by approximately two miles, benefiting that reach of Mill Creek.

WaterWatch's involvement, tenacity and expertise made these successes possible for Mill Creek. But, the results on Mill Creek are not unique. From the Columbia to the Rogue to small desert streams – in every corner of Oregon - WaterWatch continues to build a strong legacy of healthy rivers and streams. Our work is not optional and our mission remains unique. Thank you for supporting a strong legacy of healthy rivers and streams in Oregon.

The Clackamas River:

A gem in Portland's backyard or the poster child for why we need regional water planning?

The Clackamas River is a gem in Portland's backyard. The river supports four species protected under the federal Endangered Species Act (fall and spring chinook, steelhead and coho salmon), provides tremendous recreational opportunities and supports local economies. The Clackamas is also a stunning example of dysfunction between local water developers, water developer resistance to water conservation measures, agency sloppiness and the downright illogical ways in which Oregon sometimes allocates water. Here is a basin with multiple municipal water developers – five big ones right now; six if you count Estacada. Some are water rich but lack service area. Others have service area but want more water. Political squabbles between the water developers, criminal activity (personnel at one provider have been indicted for embezzlement), irrational and mathematically impossible demand calculations and “service area envy” all conspire to prevent rational water planning in the basin.

Meanwhile, the Oregon Water Resources Department (WRD) has no rational process for tracking or managing regional water demand. As a result the river, its fish and the public values that the Clackamas supports, suffer.

WRD has proposed to allow 150 cubic feet per second (cfs) of new municipal water withdrawals from the lower Clackamas via eight old, un- or underdeveloped permits. Municipal water developers are already allowed to divert approximately 140 cfs from the Clackamas (though it is not all currently diverted). The permits at issue are held by the City of Lake Oswego, North Clackamas County Water Commission, Sunrise Water Authority, and South Fork Water Board (serving West Linn and Oregon City). Lake Oswego is justifying holding onto all of its permits (totaling almost twice the city's demand at full build out) by trying to cut a deal to sell approximately 20 cfs of Clackamas River water to Tigard, whose water demand the WRD is improperly allowing to be used by multiple other entities to justify the existence of their water permits.

WaterWatch has protested the state's approvals. The South Fork Water Board (one of five major Clackamas River water developers) also protested. WaterWatch's interests include securing better protection for Clackamas River fish, including fall and spring chinook, steelhead and coho salmon, and addressing inadequate WRD analysis regarding demand for the water.

In the final analysis, there is no water supply shortage for any of these water providers. The City of Portland water supply, including Bull Run reservoir, is underutilized and Clackamas River Water District (yet another basin water developer) sits on substantial water rights that are also underutilized. What's in short supply in the Clackamas (and at WRD) is common sense, including regional water planning, water conservation and a commitment to obtain water from less environmentally sensitive sources, including sources held by other providers. Stay tuned.



Another Coalition of the Willing:

Seriously flawed draft Klamath settlement proposal released

On January 15th, 2008, the Proposed Klamath River Basin Restoration Agreement, Draft 11 (<http://preview.tinyurl.com/59hc3m>) ("draft proposal") was publicly released. The draft proposal stems from confidential negotiations which originally related to the relicensing of PacifiCorp's Klamath hydroelectric project on the Klamath, but which quickly grew into a negotiation of basin-wide issues unrelated to these dams. Though the draft proposal states that it is contingent on an agreement to remove PacifiCorp's four lower Klamath River dams, no dam removal agreement exists and some parties are attempting to move the draft proposal forward without a dam removal agreement with PacifiCorp, part of a strategy by the Bush Administration to deliver to its political allies in the basin before it leaves office.

While WaterWatch supports removal of the lower four Klamath dams, we do not support the draft Klamath proposal because, among other things, it contains provisions harmful to Klamath Basin National Wildlife Refuges (including locking in commercial agriculture on the Refuges for 50 years). The draft proposal would also guarantee an amount of irrigation water to the Klamath Reclamation Project without providing any minimum streamflows for fish, even in drought years. The proposal is seriously flawed.

To review the draft proposal or read analysis by WaterWatch and others, please visit our website and go to Programs/Restoring the Klamath Basin/Current Klamath work or follow the link:
<http://preview.tinyurl.com/4lbgdn>

Pump and Dump ≠ Green Power:


WaterWatch opposes damaging pumped storage projects at Summer Lake and Lake Abert

WaterWatch joined Oregon Natural Desert Association (ONDA), Oregon Wild and local residents in opposing two damaging projects proposed by NT Hydro, an Idaho company, on Summer Lake and Lake Abert. NT has applied to the Federal Energy Regulatory Commission (FERC) to develop "pumped storage" projects at these lakes.

These "pumped storage" projects would pump significant quantities of water out of these alkali, closed basin lakes, wreaking havoc on the ecosystems of the lakes and the fish and wildlife that depend on them. Water would be pumped uphill at night or when power rates are low, stored on the rims of the lakes, and then run downhill through pipes to generate power when power rates are high. These projects would "play" fluctuations in electrical rates to make money for the utility. Ironically, these projects – which NT is promoting as "green" power - would be net power losers – consuming more power than they generate. Summer Lake and Lake Abert provide avian oases and significant fish and wildlife habitat in arid southeastern Oregon. While pumped storage may make sense somewhere, it doesn't pass the smell test at these locations. WaterWatch, ONDA, Oregon Wild, biologists, and the local residents will continue to work together to oppose these ecologically damaging projects that, if developed, would result in a net loss of power and harm these unusual lakes.

Free the Rogue!

Good things often come to those who are patient. This next year will be a very good year for the Rogue River and its fish. The Savage Rapids Dam removal project remains ahead of schedule. This project is arguably the most important dam removal project in the nation. The pumping facility that will replace the water diversion function of the dam will be completed this summer, allowing dam demolition to start in April 2009. Congress recently approved an additional \$14.76 million for the project for this fiscal year and the President included \$3 million in his budget for next year. The Oregon Watershed Enhancement Board already committed \$3 million to the project. Together, these commitments cover almost all of the remaining project costs. WaterWatch is also working with the



WRD to transfer 800 cfs of water rights associated with the dam to an instream water right to protect streamflows in the Rogue forever.

Just upstream from Savage Rapids Dam, permitting is almost complete to allow removal of the Gold Hill Diversion Dam at Powerhouse Rapids. This dam will also be replaced with pumps. Removal begins this summer starting in mid-June.

After Savage Rapids Dam and the Gold Hill Diversion Dam fall, Gold Ray Dam, a defunct hydropower dam, will be the only obstacle to a 153-mile stretch of free-flowing Rogue River from Lost Creek Dam to the ocean. Toward that end WaterWatch has been working with Jackson County, the dam's owner, and other interested parties to investigate the feasibility of removing Gold Ray Dam. WaterWatch recently helped Jackson County secure a \$100,000 grant to study the sediment behind Gold Ray Dam. If the study shows the sediment behind the dam can be safely managed, then serious dam removal planning efforts can begin.

The long running battle over Elk Creek Dam, a partially completed U.S. Army Corps of Engineers dam on an important spawning tributary of the Rogue River, is also coming to a satisfactory conclusion this year. This project was an acknowledged economic and environmental boondoggle. Construction halted in 1987. Since then, WaterWatch, Oregon Wild, and other groups have been pushing for notching the dam to provide fish passage. This summer the US Army Corps of Engineers plans to notch the dam. In 2009, the Corps will restore a mile of stream channel back to natural conditions.

The Rogue is experiencing an unprecedented level of restoration work, providing tremendous benefits to the salmon and steelhead of the Rogue as well as river recreation and the local economy. Free the Rogue!

Deschutes Mitigation:

Five years later - the lower Deschutes takes the hit and the Metolius is at risk

In the Deschutes Basin, a 2001 US Geological Survey study confirmed what had been known for years, that groundwater and surface water are connected and that groundwater pumping ultimately depletes streamflows. In 2002 the Water Resources Commission adopted rules to govern groundwater mitigation in the Deschutes Basin. Major flaws in the rules included the failure to match the timing of mitigation water with the impact to streamflows of groundwater pumping and the metrics of measuring impacts. WaterWatch challenged these rules in the Court of Appeals and invalidated the entire program. However, in 2005 the Legislature did an end run around the decision and validated the rules.

The WRD recently completed a five-year review of the Deschutes Basin Mitigation Program (using the same flawed metrics the court rejected) and concluded that everything is just fine on the Deschutes. Read on for the real story. The WRD fails to discuss negative impacts to streamflows (that we predicted) from the late fall to the early spring months. For these months, the WRD modeling is showing a negative impact to streamflows in the Lower Deschutes as a result of the mitigation program. The drop in streamflows coincides with spawning and rearing seasons for steelhead as well as spawning, incubation and rearing seasons of Chinook salmon. And while some may subscribe to the myth that there is an abundance of water in the Lower River and thus a reduction in streamflows is not a problem, this is not the case. In 1998, the WRD determined that protected flows in the Lower Deschutes were already not being met 9 months of the year. Data from the Oregon Department of Fish and Wildlife indicate that even a small decrease in flows in the Lower Deschutes River has a significant impact on steelhead spawning habitat. And even in 2008, a banner "wet" year by all accounts, the state's instream water rights for the Lower Deschutes were not met nearly all of January and February.

What about the Metolius? There have been no mitigation projects on the Metolius yet. However, two new destination resorts are proposed in or near the sub basin. Both would rely on groundwater. Studies have



demonstrated that impacts from new development will likely affect the Metolius headwater springs. However, under the current mitigation program, mitigation water could be provided to the bottom of the river system and the current rules would “call it good”. Moreover, in a recent letter to the Governor, Phil Ward, the Director of the WRD, acknowledged that groundwater withdrawal outside of the Metolius sub-basin (by, for example a proposed destination resort) could have an impact on Metolius streamflows and that the mitigation program would not require mitigation of this impact. Impacts to the Metolius are, to put it simply, not acceptable.

So where are we? A report on the mitigation program is due to the Legislature in 2009. The legislation “validating” the rules the court invalidated will sunset in 2014. With these deadlines looming, rather than ignore the mitigation program’s failings, the state needs to be honest about the program’s successes and failures alike. Only when the state acknowledges this can all interests work together to modify the mitigation program and keep the entire Deschutes River system flowing.

Governor Kulongoski Announces 2009 Water Policy Agenda

In January, Governor Kulongoski made public his commitment to a 2009 Water Policy Agenda. The draft “Headwaters to Ocean” (H2O) initiative aims to do many things. The primary goal is: “To achieve sustainable water supplies and quality to benefit Oregon’s people, communities, economy, environment and ecosystems, and fish and wildlife.” While the draft document contains some admirable measures such as increasing water measurement and protecting streamflows to provide ecological benefits for fish and wildlife, it initially appears to be heavily weighed towards finding more “supply” for out-of-stream users. The Governor’s office has committed to reaching out to stakeholders in the coming months. You can review the draft document online and register your comments with the Governor. Please emphasize the need to protect and restore streamflows, increase instream water rights statewide and assess and protect peak and other ecological flows. To view the draft “Headwaters to Ocean” document, follow the link at: <http://preview.tinyurl.com/5ed8fy>

Water in the February 2008 Legislative Session


Water was an important topic in the 2008 Legislative session. One water bill passed both chambers and was signed by the Governor. SB 1069 will provide \$1.75 million in grants to study the feasibility of water storage, conservation and reuse projects. The bill also provided funding for a study of the feasibility of storing “winter” water from the Columbia River in aquifers in the Umatilla Basin for use during other times of the year when water from the Columbia is not available or use would harm salmon and steelhead. WaterWatch worked closely with multiple agricultural and municipal water user groups, the Umatilla Tribes, the Senate Environment and Natural Resources Committee and Sen. Brad Avakian to secure crucial amendments to SB 1069 that will help protect rivers and streams and implement sound water policies as the state moves forward with these studies and implements projects. Our numerous amendments to the bill will help ensure that Oregon asks the right questions in feasibility studies for applicable projects and protects Oregon's rivers and streams as these move forward.

WaterWatch also obtained state assurances (and state testimony before a Senate committee) that the feasibility study proposed for the possible use of Columbia River “winter” water in the Umatilla Basin will adhere to Oregon’s water availability determinations for the Columbia and Oregon’s “Sensitive Stock” rules that protect streamflows for salmon and steelhead, in this case, in the Columbia River.

The Oregon Water Supply and Conservation Initiative (O-Whisky):

A poor attempt at quantifying Oregon’s water needs

In the 2007 Legislative Session, the WRD received over \$800,000 in funding for the “Oregon Water Supply and Conservation Initiative (OWSCI)”. OWSCI was supposed to provide the following: 1) an assessment of existing and future instream and out-of-stream needs; 2) a statewide inventory of potential above and below ground storage sites; 3) a statewide analysis of conservation opportunities, including an analysis of supply to be gained through



greater adoption of efficient water use practices; and 4) match funding for community-based and regional water supply planning.

Unfortunately, OWSCI today doesn't resemble the project that was funded. In implementing OWSCI, the WRD has moved away from the project that was sold to the Legislature. Rather than engaging in true water planning, OWSCI is only compiling existing information. This is not planning. To calculate demand, OWSCI is merely preparing a list that compiles "already existing information" regarding water demands and needs in Oregon. And with regard to conservation, rather than perform a statewide assessment of conservation opportunities, including a look at the adoption of efficiency standards, OWSCI is now only compiling an inventory of "already identified, potential conservation projects". Simply compiling existing data does almost nothing to help inform decision makers who are grappling with water issues statewide about actual demand forecasts and/or the savings to be gained from the wide variety of conservation opportunities available. True water planning apparently will have to wait for another day.

Save the Date!

A Celebration of Oregon Rivers

WaterWatch's 6th annual dinner and auction event will be held Saturday, October 25th at Ambridge Event Center in Portland. This is the largest member event of the year bringing together WaterWatch supporters from across the state and region.

This year's event will feature a family style dinner, Oregon wines, live and silent auction items, live entertainment, special presentations and awards.

To donate, volunteer or register to attend, visit our website at www.waterwatch.org

2008 New Donor Challenge

WaterWatch of Oregon was recently issued a challenge to raise \$25,000 in new donor contributions in 2008. Once the goal is reached, an anonymous donor will contribute an additional \$35,000.

Please help WaterWatch reach its goal by telling your friends, family and colleagues to start their support of WaterWatch now. If your membership is lapsed by more than one year, your renewal will qualify for the challenge also. To learn more about the challenge, WaterWatch's programs or to make a quick and secure donation online, visit our website at www.waterwatch.org

Welcome Laura Rost

WaterWatch welcomes Laura Rost to the staff as our new development and outreach assistant. She comes to us after completing a fellowship with Senator Ron Wyden's office. Laura graduated last June with a BS in Environmental Studies from Southern Oregon University in Ashland. We're thrilled to have Laura on staff!

Welcome New Board Member Marty Sheppard

WaterWatch welcomes Marty Sheppard to the board of directors. Marty is a fly fishing guide on the Sandy, John Day, Grande Ronde, Clackamas and Klickitat rivers and is owner of Little Creek Outfitters (www.oregonsteelhead.com)



WaterWatch Receives \$25,000 Conservation Alliance Grant

WaterWatch's *Free the Rogue Campaign* recently received a boost of support from the Conservation Alliance. The *Free the Rogue Campaign* includes efforts to free the lower 153 miles of the Rogue River by completing the removal of Savage Rapids Dam and converting water rights to protected instream water rights. The campaign also works to remove the Gold Hill Diversion Dam, Gold Ray Dam and complete other restoration and streamflow projects in the Rogue Basin.

The Conservation Alliance is a group of more than 130 outdoor industry companies who join together to support grass roots, environmental organizations and their efforts to protect threatened habitat. The Conservation Alliance is expected to grant \$900,000 in 2008. To learn more about the Alliance's important mission and how your outdoor industry business can become a member, please visit them at www.conservationalliance.com.

RiverPartner Program Growing!

Monthly donors making a difference

WaterWatch would like to thank all of our *RiverPartner Members* who are part of the growing trend to give monthly through automatic donations from their checking or credit card accounts. More donors have signed up and 2008 is seeing an increase by more than 27 percent from just two years ago.

How RiverPartners help WaterWatch

Administrative costs are reduced dramatically by eliminating the renewal letter process. Paper, printing, postage, and staff time are reduced which lets WaterWatch focus our resources on our mission. Of course, this means we are reducing our impact on the environment as well.

To learn more about RiverPartners and how to sign up, please visit us online at www.waterwatch.org.



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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:

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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.