WATER FLOWS THROUGH ALL OF US

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WaterWatch's mission is to protect and restore streamflows in Oregon’s rivers for fish, wildlife, and the people who depend on healthy rivers.

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As I write this, it’s almost fall. Tomorrow there is rain in the forecast for the first time in three solid months. The last measurable precipitation where I live was over 90 days ago. That gets one to thinking. Maybe it will rain soon. Maybe it will snow again someday. Hard to get too invested in rain and snow as the desiccated plants crackle underfoot. Hard to believe in rain or snow while kicking a clod of dry dirt in a hot dusty wind that carries the scent of smoke. But it is a time of transition, season wise and otherwise. But transition to what? It seems pretty clear that the climate is changing, perhaps faster than expected—or perhaps in line with the more aggressive climate model predictions. Glaciers are shrinking and disappearing. Forests are burning. Extinction is at levels not seen in millions of years. Meanwhile, multiple pandemics—virus, racism, violence and deliberate misinformation—rage on in our country and across the world.

Yes, hope is sometimes in short supply. But hope, while valuable and helpful, doesn’t by itself make it rain and isn’t enough to cause reform and change. For that, we need action. If you want to feel hopeful, take action. Action is the antidote for hopelessness and for drought, climate change and a host of other ills. Action is the path forward for the reforms needed if we want a future that includes cold water habitat, healthy rivers, wild fish and everything beneficial they bring to the world. It is time for all of us to participate and make our voices and desires for the future heard by the people who make decisions about water.

This newsletter has several actions that you can take right now to make Oregon’s rivers and waters more resilient to a changing climate—to help ensure that we have cold water habitat in our state and across the West in the future. Rather than wallow in hopelessness, let’s participate. Let’s all demand more from our elected—and appointed—leaders. Let’s let them know that the status quo isn’t working for rivers and salmon, wetlands and waterfowl, for farmers and people who rely on wells for drinking water.

Let’s remind the decisionmakers and administrators, over and over, in no uncertain terms, that we sure give a damn and find it absolutely unacceptable to lose wild salmon and steelhead runs or streams, or the aquifers that give life to streams and wetlands. If those leaders can’t produce the needed reforms, then we’ll find other leaders. Enough is enough. Extinction is not an option for these fish, for lamprey, for other cold water aquatic species or migratory birds. And let’s remember the plight of many farmers but also remind them that if we do not permit the earth to produce beauty and joy, it will in the end not produce food either.

When the electeds and appointees do right, let’s let them know that too. For example, we can thank Oregon legislators (and, of course, WaterWatch) for securing about half a billion dollars in new investments in smarter water management for the state in the last legislative session. And we can thank state agencies for moving forward with new instream water rights—a potent form of natural insurance against a changing climate. But let’s also let those legislators and agencies know that with the money, we expect better government and much greater accountability, sustainability and science-based decision making in the management of our surface and ground waters. No more Klamath, Umatilla and Harney type crises manufactured by poor agency decisions will be acceptable.

Remember, when you get a break from the smoke and can look into a cloudless night sky, across the Milky Way, and into distant galaxies, the only Metolius and Deschutes and John Day and Umpqua and Rogue rivers that we know of are right here, right now, in our state. These are the rivers we have, the rivers we still could lose. So hope for rain and snow but please take action. Let those who decide know your opinion. And take action to support WaterWatch so we can continue to advocate for smarter water management to protect Oregon’s waters for fish, wildlife and the people who depend on healthy rivers. Thank you for your support.

TO DONATE: WATERWATCH.ORG/DONATIONPAGE

By John DeVoe

“Action is the antidote for hopelessness and for drought, climate change and a host of other ills.”

Joseph Wood Krutch
WaterWatch of Oregon is challenging state approval of a plan to dampen the water-temperature impact of a $1.3 billion municipal water withdrawal project on the Willamette River.

WaterWatch is asking the Multnomah County Circuit Court to overturn or re-evaluate a decision by the Oregon Department of Environmental Quality approving a “Thermal Trading Plan” to offset the water-temperature impact of withdrawing 150 million gallons of water a day from the Willamette River near Wilsonville. The search for other water sources was driven by the need to supply Washington County’s growing businesses and population.

The Willamette Water Supply System has a federal Clean Water Act permit that requires it to address the temperature impact of its water withdrawals.

As Oregon and the West are increasingly mired in drought, the water withdrawals of city and municipal water agencies will have even greater temperature impacts on rivers and streams, whether in the Willamette Valley or east of the Cascades.
CAMPAIGN DRIVES ACTION ON OUTLAW DAM

On the North Umpqua River, WaterWatch of Oregon is leading a coalition of over 20 local and statewide fishing, conservation, and whitewater groups working to end the harm caused by Winchester Dam, the Oregon Department of Fish and Wildlife’s second highest priority for fish passage improvement among all privately owned dams in the state.

The disintegrating, 17-foot-high, 130-year-old Winchester Dam is maintained solely to create a private waterski lake for surrounding landowners, but it kills, injures, or delays salmon and steelhead trying to access 160 miles of high quality habitat upstream. Impacted runs include spring and fall Chinook, summer and winter steelhead, cutthroat, and Pacific Lamprey, as well as threatened Oregon Coast Coho listed under the federal Endangered Species Act.

To protect the irreplaceable North Umpqua, our coalition has so far intervened in a state proceeding to hold the dam owners accountable for a botched 2018 repair that killed numerous fish and harmed the primary drinking water source for 37,700 people, moved Oregon officials to require the owners to meet state dam safety standards for the first time in decades, and filed suit to stop harm the dam causes to protected Coho – after the dam owners rejected our coalition’s offer to raise the public and private funds necessary to remove the dam at little to no direct cost to the owners.

One of just twenty designated high hazard dams evaluated by state officials to be in poor or unsatisfactory condition in Oregon, Winchester is categorized as high hazard by the Oregon Department of Water Resources primarily due to likely loss of life in the case of dam failure among the people who frequent the river, parks, and boat ramps just downstream. There may be an increased risk of failure at this dam in the near term due to recent catastrophic fire in the North Umpqua.

Unfortunately, Winchester Dam’s owners reneged on a verbal commitment to repair known safety issues at the dam in 2021, after already delaying action for 17 months on a 2019 request from safety officials for a comprehensive inspection and repair of the derelict dam. These safety problems, including many large holes through and under the structure, also cause delay, injury, and death for salmon and steelhead. Previously, Winchester’s owners ignored or delayed action on warnings regarding leakage under the dam’s south abutment contained in state inspection letters in 2016 and 2017. In late 2018, fear of a dam failure due to the growing leakage precipitated a hurried, unpermitted, and ultimately botched repair at the dam.

River advocates will continue pushing the dam owners to comply with state and federal protections for fish, water quality, and public safety. Our preferred alternative to resolve the myriad problems at Winchester Dam is to remove this obsolete structure through a cooperative agreement. We prefer removing the dam to bolster fish runs and improve overall river health and resiliency in the face of climate change.

Your support helps make this work possible. Please consider a donation today at waterwatch.org/donationpage.

DISASTER ON THE CROOKED RIVER

YANCY LIND, Board Member, WaterWatch of Oregon

Drought conditions the past few years have made agriculture difficult, but not lethal to farmers. Irrigation withdrawals this past summer, however, made a mockery of efforts to ensure survivable conditions for resident fish as well as the reintroduction of anadromous fish. This has been a disaster for the Crooked River.

Densely populated with wild, native redband trout and mountain whitefish, the 8-mile Wild & Scenic section of Crooked River below Prineville is one of the most popular fishing destinations in Oregon. Less known is that prior to construction of the impassable Pelton Round Butte Hydroelectric project near Madras in the early 1960s, the Crooked and its tributaries contained the primary spawning grounds for steelhead and spring chinook that annually migrated up the Deschutes River.

WaterWatch of Oregon was a key participant in negotiations that ultimately granted a new 50-year operating license to the project in 2005. A key element of that license is a significant effort to provide passage and restore anadromous fish populations above the project in the Upper Deschutes Basin.

WaterWatch was also the key negotiator representing the environmental community for the Crooked River Collaborative Security Act of 2014. This bill states that approximately half the water held in Prineville Reservoir at full pool would be released “for the maximum biological benefit of fish and wildlife.” The intent of the bill was to provide a minimum 80 cubic feet-per-second flow from Prineville Reservoir to Lake Billy Chinook all year.

Despite WaterWatch’s hard work, however, in July a significant stretch of the Crooked River was essentially dry. While the Wild & Scenic section continued to have ample water, irrigation withdrawals began immediately after this stretch, with a final major diversion just upstream from Smith Rock State Park.

In this July 9 photo of Crooked River, the river at that level could be crossed without getting your feet wet and was impassable for fish. The Oregon Water Resources Department website showed the water temperature on that day was 90 degrees. Clearly, this is deadly habitat for resident redband trout and mountain whitefish, as well as the aquatic insects they feed on. Even worse, thru July 22, 72 spring chinook had returned to the Upper Deschutes Basin as a result of the reintroduction effort. Per tracking data, over half of them moved up the Crooked River. Unfortunately, lack of water would stop them low in the river; many miles from the spawning beds they were seeking. Juvenile summer steelhead growing into smolts were also impacted by these terrible conditions.

WaterWatch knows that implementing and enforcing agreements can be more difficult than creating them on paper. To ensure this happens, we need your continued support. Please consider donating today to help us with this important work on behalf of rivers and streams throughout Oregon as well as fish and other species that need cold instream flows for survival.

Regarding the Crooked River, we continue to advocate to the Bureau of Reclamation that the 2014 Crooked River Act be implemented as it was intended. This includes obtaining water rights so that water released for fish from Prineville Reservoir makes its way to Lake Billy Chinook.

While parts of the Deschutes Basin Habitat Conservation Plan have been finalized, the areas that cover anadromous fish have not, and we continue to monitor developments. One thing we know for sure, however, is that low flows this summer highlight that the habitat conservation plan does not require minimum flows. This is certainly a fatal flaw for fish.

CAMPAIGN DRIVES ACTION ON CROOKED RIVER LEVEL JULY 9

This Oregon Water Resources Department website chart shows flows after this last diversion. There were periods in July when the flow was so low that it could not even be measured. In this chart, the flow on July 9 was about 10 cubic feet-per-second.

SPRING CHINOOK ARE BIG AND NEED PLENTY OF WATER

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ANALYSIS CONFIRMS CONTINUED MISMANAGEMENT OF OREGON’S GROUNDWATER

By law, in Oregon, “All water within the state from all sources of water supply belongs to the public.” ORS 537.110

That means groundwater, in addition to surface water, belongs to the public. Oregon adopted a forward-looking Groundwater Act in 1955, but sadly it states that OWRD only issue new groundwater permits if the proposed pumping is within the capacity of the resource and will not cause groundwater level declines.

Despite these mandates, the department has continued to issue new groundwater permits where it can’t determine whether it already issued more groundwater permits than the resource can sustain. This is the approach that created the severe problem in the Harney Basin, which includes the internationally significant wetlands and lakes of the Malheur National Wildlife Refuge. About seven years ago, WaterWatch and our colleagues in the Harney Basin uncovered dramatic overissuement of groundwater permits for the basin. The Oregon Water Resource Department (OWRD) was “defaulting to yes” on groundwater applications even when the available evidence showed or could have shown that whether the proposed use was within the capacity of the resource. We have also discovered significant illegal use of groundwater in the area—both without any water right and outside of the capacity of the resource. These are not academic issues. Today, domestic wells are drying up and declines in the water table are of 100 feet in some places are threatening groundwater dependent ecosystems and causing uncertainty for irrigators. Countless hours and significant public funds are now being spent to try to address this difficult situation. One would hope that for the water rights overallocation problems of the Umatilla Basin (where WaterWatch also played a major role in addressing overallocation and illegal water use) and now the Harney Basin, the agency would change course. Unfortunately, the department continues not to directly implement the Groundwater Act, but—irrespective—OWRD instead continues this damaging and unlawful approach all across the state.

Recently, OWRD groundwater scientists presented a troubling new analysis to the Oregon Water Resources Commission confirming even bigger problems with OWRD’s approach to managing groundwater. The analysis shows that 80% of new groundwater permit applications filed since 2010 are in areas of concern or significant concern due to declining groundwater levels and OWRD has approved the majority of those applications. The analysis also notes that fully half of Oregon’s groundwater data needed to even do this critical analysis.

OWRD’s analysis shows that not only is the agency damaging places by issuing new groundwater permits, but OWRD has approved the majority of those applications filed since 2010 in areas of concern or significant concern due to declining groundwater levels.

WaterWatch will continue to work on reforms to Oregon’s groundwater management. With the significant new funding secured for the agency during the 2021 legislative session and growing concerns statewide regarding groundwater, we are hopeful that with continued effort, reforms are on the horizon.

Please contact OWRD Director Tom Byler to urge him to take steps now to sustainably manage groundwater: Director@wrd.state.or.us

Climate change, and associated frequent droughts, make it even more urgent that Oregon start to manage groundwater sustainably.

Groundwater could be a resource to help get us through droughts when surface water is unavailable, but this can’t happen when OWRD continues to permit new unsustainable groundwater pumping year in and year out. OWRD’s approach is outdated, unlawful, and damaging to communities and to groundwater dependent ecosystems all over the state. Those ecosystems include springs, wetlands, lakes and streams that depend on inputs of clean, cool water. Groundwater levels are more important than ever with intensifying climate change.

END OF SESSION WRAP UP!

Despite holding session in the middle of a worldwide pandemic and unprecedented economic times, the 2021 legislative session ended up being one of the most impactful for water for both a budget and policy perspective.

AGENCY BUDGETS: Top of the list for the Session was the Natural Resource Agencies Budget. Specifically, both the Oregon Water Resources Department (OWRD) and the Oregon Department of Fish and Wildlife (ODFW) saw decreases in their agency budgets, especially to their science and water management functions. OWRD gained 31 positions, an unprecedented gain for this very small agency (increased from 176 to 209 positions). ODFW saw a 5% increase in their general fund dollars, much of which went to ODFW’s Water Program, and the creation of a new Habitat Division. Reversing the chronic underfunding of these agencies, particularly, the science and water management functions, is critical to improving water management and river and aquifer health.

KEY AGENCY BUDGET HIGHLIGHTS INCLUDE:

• OWRD: Groundwater data and studies: The legislature approved a proposal requested in the Governor’s Recommended Budget that would have lost in the budget discussions. The approved both HB 2018 and Policy Option Package 110, which includes an additional 16 groundwater staff to the agency. With streams across the state over-appropriated, more and more people are turning to groundwater to serve their needs. Funding more staff to make sound decisions is one of the most important areas needing attention.

• ODFW and ODFW tackling complex water issues: The OWRD Budget includes funding for staff work on complex water issues in the Deschutes, the Willamette and select other basins. The OWRD budget includes three new positions on the Willamette Basin Reallocation.

• OWRD staff field for on-the-ground water management: The OWRD budget includes 6 new watermaster positions to help with on-the-ground management, including managemnt for instream rights.

• ODFW Water Program: The OWRD Water Quality and Quantity Program is one of the most important programs in the state, and not just for Oregon. OWRD has been a proponent of WaterWatch for the last several biennia. The legislature added 2 new positions to the OWRD Water Program for 2021-23 budget, and we could not be more excited.

• OWRD Water Measurement Cost Share Fund: The legislature dedicated $5 million dollars to the Water Measurement Cost Share fund. This fund helps water rights holders pay for water metering devices. We are hopeful this will help incentivize increased measurement and reporting of water use across the state.

• OWRD data collection: The OWRD received $3 million dollars to purchase and deploy data collection devices (document both surface and groundwater e.g. pages to measure streamflow and groundwater levels).

• ODFW Fish Passage: The ODFW budget includes nearly $5 million to help address fish passage problems at dams, culverts, and other obstructions.

• ODFW Dam Safety: The legislature established and funded the newly formed Habitat Division within ODFW to elevate the land and water issues facing fish and wildlife to and to allow the agency to effectively work with other agencies to promote habitat health, protection, and restoration, and focus resources on challenges presented by climate change.

• OWRD Dam Safety: The legislature invested over $6 million into OWRD’s dam safety program. This will bring much needed staff to the dam safety function and should help WaterWatch’s dam removal efforts.


• OWRD Legal Fees: The OWRD budget includes $300,000 to fund legal work, and $2.2 million to help the agency work towards resolving the contested case at the Oregon Supreme Court.

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• Stored Water, Transfers of Type of Use: In 2021, the legislature dedicated $5 million dollars to the Water Measurement Cost Share fund. This fund helps water rights holders pay for water metering devices. We are hopeful this will help incentivize increased measurement and reporting of water use across the state.

We are disappointed to report that SB 387 and SB 583 — aimed directly at addressing Oregon’s water management problems by prioritizing state needs over local, watershed rights and preventing large-scale industrial animal feed lots – died. And months-long discussions on the bills’ redrafted versions failed. OWRD still refuses to use measurement and reporting of water use measurement and reporting (HB 3166) led by the legislative. There are a number of bills that will help restore streams and Groundwater and lead to sustainable management of these agricultural activities.

WaterWatch is hugely thankful to all of our members who weighed in this session, from the “virtual” budget hearings and on policy bills! Your voices were heard and because of your strong advocacy, this session was a success! Please take a moment to thank your legislators for their attention to water in the future.

Find your legislator and/or their contact info at this link: https://www.oregonlegislature.gov/findyourelectedlegislators/dist-h.html