

Deschutes Ground Water *Mitigation Program*

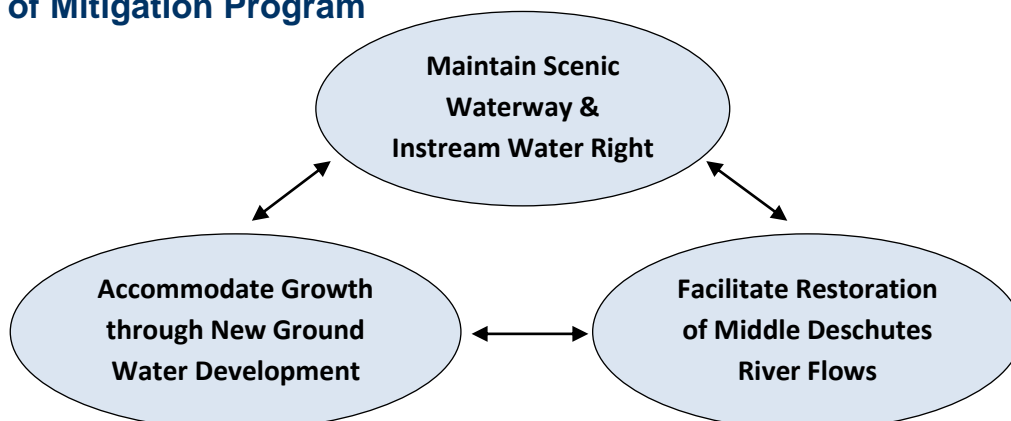
How Did We Get Here?

- 1970 Scenic Waterway Act – Deschutes Scenic Waterway Established
- 1991 Scenic Waterway Flows Established
- 1995 SB 1033 – Measurably Reduce Standard (1 CFS or 1% Average Daily Flow)
- 1996 Instream Water Rights Established with 1989 & 1991 Priority Dates
- 1998 Deschutes Ground Water Study
- 2002 Rules confirmed by legislature 2005
- 2011 Program Sunset Extended to 2029

Ground Water Study Conclusions

- Virtually all ground water not consumptively used in the Upper Deschutes Basin discharges to surface water near Pelton Dam
- Virtually the entire flow of the Deschutes River at Madras is supported by ground water discharge during summer & fall
- Ground water and surface water are, therefore, directly linked, and removal of ground water will ultimately diminish streamflow.

Goals of Mitigation Program



Elements of Mitigation Program

- Requires mitigation for all new ground water permits in the Deschutes Ground Water Study Area
- Identifies tools for providing mitigation
 - i.e. mitigation projects
- Allocation Cap – 200 CFS
- Allows for formation of mitigation banks
- Annual review and 5 year review of allocation cap

Mitigation for Ground Water Use

- Amount – Generally based upon the average consumptive use of the proposed type of use.
- Examples:
 - Domestic Use = 20% consumptive
 - Municipal Use = 40% consumptive
 - Irrigation Use = 1.8 AF per acre consumptive
- Location – Zone of Impact
- Mitigation must be committed for life of ground water use
- Allows incremental development of mitigation for municipal and quasi-municipal water uses

Ways to Provide Mitigation

- Complete a mitigation project
- Obtain mitigation credits from a credit holder
 - Completed mitigation projects
 - Credit Holders
 - Individuals
 - 2 mitigation banks

Mitigation Project Types

- Permanent Mitigation Projects
 - Instream Transfer
 - Allocation of Conserved Water
- Performance Dependant Mitigation Projects
 - Storage Releases
 - Aquifer Recharge
- Temporary Mitigation Projects
 - Time-Limited Instream Transfer
 - Instream Lease

Mitigation Project Review

- Mitigation projects must result in a quantity of water that is protected instream
- Amount of mitigation determined by the Department
- Example: Instream transfer or instream lease
 - Consumptive use of the right
 - Reliability of the right
- Location of mitigation
 - The location and extent of the reach affect the zone of impact (area) in which a mitigation project may be used

Mitigation Banks

- 2 in the Deschutes Ground Water Study Area
 - Deschutes River Conservancy Mitigation Bank (Previously Deschutes Water Exchange Bank)
 - All types of credits
 - Deschutes Irrigation Mitigation Bank
 - Permanent credits only
- Only mitigation banks may hold temporary mitigation credits

Mitigation Bank Establishment

- Allowed by rule and statute
 - Specific to Deschutes Basin
- Must file an application with the Department
- Authorized by charter agreement, which must be approved by Commission
- Charter agreement goes through public process prior to approval by Commission

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