WATER LEAGUE

Engaging the public in water stewardship.

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June 12, 2024

To:
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Re: Testimony on the Notice of Proposed Rulemaking for Chapter 690, Divisions 8, 9, 300, and 410

Herein is Water League's continuing testimony on the *Notice of Proposed Rulemaking for Chapter 690, Divisions 8, 9, 300, and 410*.

We provided in-person testimony at the public hearing on May 16, 2024, at Central Point, Oregon. We also emailed the hard copy transcript of this spoken testimony to OWRD on June 5, 2024.

The following testimony addresses a few important factors that we urge you to consider. As we stated in previous testimony, Water League strongly supports the revision of Division 8, 9, 300, and 410 administrative rules, despite some serious concerns we articulate below. We are grateful for the visionary leadership and the hard work of all participants.

Thank you,

Christopher Hall
Executive Director
Water League

Introduction

Water League supports the need for resilient definitions capable of resisting erosion by special interests that harm the public interest. (Some unique interests do not harm the public interest.) In our critique below, we discuss our concerns with two loopholes that subvert the very intent of this rules package by undermining the definitions of Reasonably Stable Groundwater Levels in Division 8, all of the definitions and every section in Division 9, and the definition of Water is Available in Division 300. The extent of the impairment has the potential to nullify the rules and indicates the degree to which the lobbyists who pushed for the loopholes will aggressively exploit them in the short, mid, and long term going forward.

As written, the loopholes undermine the two core pillars of these rules. The first is what we call ***The Allocation Loophole***, and it negatively impacts the proposed rules that restrict the allocation of new groundwater water rights when groundwater levels are unstable and declining. The second is what we call the ***Groundwater Controls Loophole***, and it negatively impacts the proposed rules that OWRD uses to regulate existing junior groundwater water rights. We request the removal of these loopholes.

We also request reasonable considerations for municipal public water supplies to access water as needed because they use so little water compared to industrial irrigation operations. Municipal public water supplies serve 80% of the public but use only 10% of all groundwater pumped annually; whereas, irrigated agriculture uses 82%, which approaches an order of magnitude (See Figure 1). Oregon's public water supplies did not drain the state's aquifers to the extent that irrigation has drained them.

Water League contends that it is a bad policy to punish cities and towns for groundwater declines caused almost exclusively by the irrigation industry. To this point, OWRD must require irrigated industrial agriculture to strictly adhere to the proposed rules without the two noted loopholes, which we describe at length in our testimony below. Oregonians can no longer stand by and watch irrigators drain Oregon's aquifers and leave our cities stranded high and dry without future access to water – it's downright immoral. That Oregon exports 80% of all agricultural crops makes the problem worse since water leaves the state in *Virtual Water Exports* – this is water that cities should have access to, whether through water right transfers or the restriction of new irrigation water use allocations.

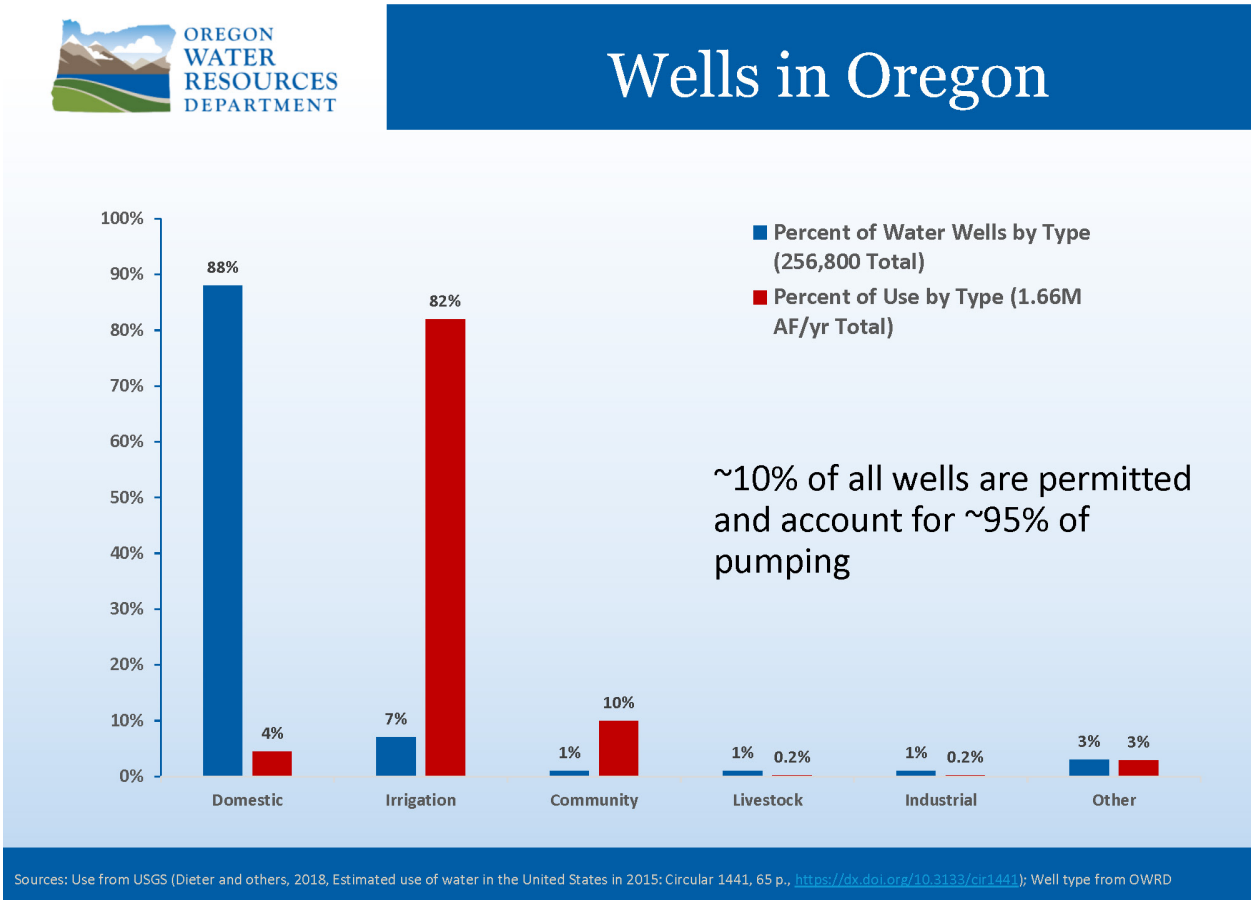


Figure 1. Source: Oregon Water Resources Department – Pre-Hearing, Information Slideshow – Pubic Hearing, May 16, 2024 (Slide #5).

The governor has called for all Oregonians to help solve the housing crisis. The way OWRD and the WRC can help is by not obstructing urban growth by forcing water limitations onto municipalities that are the responsibility of large-scale irrigated agriculture to shoulder. Oregon will never conserve its way out of the water crisis by cracking down on cities; indeed, water conservation will necessarily, if not mathematically, have to come substantially from industrial irrigation operations commensurate with the scope of their water use. In regions where surface water is hydraulically connected to groundwater, the responsibility to stop irrigation from harming cities that use groundwater is ever more pertinent.

The housing deficit is unacceptable, if not shocking, and to propose rules that make groundwater a limiting factor for municipalities cannot stand. The OWRD cannot let the irrigation industry's massive scale water use problems further harm 80% of the public who rely upon municipal water uses by ensconcing that harm into the proposed rules. We

incorporate by reference the public testimony by Redmond City Mayor, Edward Fitch, on agenda item K. *Groundwater Allocation Rulemaking Update* at the WRC meeting on Friday, June 14, 2024. Mr. Fitch called for the implementation of the OWRD State Agency Coordination Program in the context of drafting these proposed rules so that city and county Comprehensive Plans can better coordinate with statewide planning goals that are both land and water based. We agree.

The inclusion of these loopholes without protections for cities harms the greater public interest. The proposed rules must not be allowed to inure benefits to the irrigation industry via these loopholes while cities whither. We also note that arguments in favor of the loopholes, saying that cities need them too, are specious: OWRD should remove the two loopholes and create a straightforward provision that public water supplies may have reasonable access to future water sources as needed for municipal uses to house and care for 80% of Oregon's population that survives on public water supplies.

The Allocation Loophole

We begin our critique of the two loopholes by way of highlighting how the proposed rules offer a workaround to the new standard that the OWRD "will make a finding that no water is available" when there is insufficient hydrologic data to make a determination on water availability. (This is technically a third loophole, but it figures in the first *Allocation Loophole*.) In the past, industry pressured staff to approve a water right permit if water availability was unknown; now these new rules take the opposite approach, known as *The Precautionary Principle*.

The most clear expression of the new standard is not in the rules but in the public relations document for communications with the public about these proposed rules. OWRD says:

> If the Department is not able to make site-specific determinations based on existing data, a finding would be made that no water is available for the requested use and the application would be denied.

Nowhere in the Notice of Proposed Rulemaking for Chapter 690, referred to as the Groundwater Allocation Rulemaking process, do the draft rules make such a clear and direct statement. The stance against allocating water use in the absence of data is a cornerstone of the new rules package that OWRD has been heralding. Any efforts to weaken the concept

are not only counter-intuitive; they are a poison pill killing off the core aspirations of these proposed rules.

The two closest statements in the proposed rules that approximate the new standard to deny allocations in the absence of data are:

> 690-008-0001 *Definition and Policy Statements* (9)(b) If water level data are insufficient to perform either test in (a) for a given year, then the Department will presume that groundwater levels are not reasonably stable unless...[and then two reasonable alternative conditions for testing are listed unrelated to the loophole];
>
> 690-410-0070 *Water Allocation* (2)(b) The groundwater of the state shall be allocated to new beneficial uses only when the Department makes a finding that water is available for a proposed use as defined in OAR 690-300-0010. Restrictions on additional appropriation for exempt groundwater uses may be considered when a groundwater source is over-appropriated.

Ostensibly, these sections are supposed to stop groundwater allocations in the absence of data. But they are undermined by factors that these sections rely upon, which we explain below. As such, these paragraphs play a role in a loophole that undermines *The Precautionary Principle*, basin-by-basin.

In addition to weakening the policy "insufficient data = no new water right," there are several other ways pumping proponents can bend the rules when data is available. Here's how the *Allocation Loophole* works regardless of whether there is sufficient data or what condition the data is in:

First, Superseding Entities go to the WRC and press for new basin rules in their region under 690-008-0001 *Definition and Policy Statements* (9)(d) to supersede the limits in 690-008-0001 *Definition and Policy Statements* (9)(a) *Reasonably Stable Groundwater Levels*.

690-008-0001 *Definition and Policy Statements* (9)(d) states:

> The limits in part (a) of this definition may be superseded by limits defined in a basin program rule adopted pursuant to the Commission's authority in ORS 536.300 and 536.310. Any proposed superseding basin program definition must consider, at a

minimum, the anticipated impacts of the new definition on:

> (A) the number of wells that may go dry; and
> (B) the character and function of springs and groundwater dependent ecosystems; and
> (C) the long term, efficient, and sustainable use of ground water for multiple beneficial purposes.

This effort to supersede the rules would be to permit less stable groundwater levels in a given basin than section (9)(a) permits by changing the standards for the rates of decline (over time) in groundwater from benchmarked Annual High Water Levels in any given area. The Superseding Entities would also seek to increase the permissible overall depth of declines as measured from a reference level taken at a point in the past, the time of which, would also be changed. The Superseding Entities will use the ability to supersede the entirety of the Division 9 rules (we discuss later on) to manipulate the conditions present in subparagraphs A, B, and C in 690-008-0001 *Definition and Policy Statements* (9)(d). They will do this by pressing for weaker standards on what a Hydraulic Connection, Streamflow Depletion, and Potential for Substantial Interference mean in Division 9.

Furthermore, in the absence of favorable data that would otherwise signify greater pumpage allowances, new data will be created under the superseding provisions allowed in 690-008-0001 *Definition and Policy Statements* (9)(d). The same special interests who pushed for the (9)(d) carve-out for special consideration in these proposed rules will use the same influential force later on to press for changes they seek that will increase groundwater pumping. The effect has an unreasonably high chance of destabilizing groundwater levels in basins across the state because it is precisely more of the same lobbying that has occurred over the past decades that caused the problem these proposed rules address. If OWRD can't resist the (9)(d) superseding carve out now, how can the public expect them to resist future pressure that pits special interests against the greater public interest?

Following the logic of this chicanery, and with the intent to supersede the statewide rules as permitted in the rules, the superseding entities then go to OAR 690-300-0010 *Definitions* and cite the definition in section (57) "Water is Available," paragraph:

> (d) The requested groundwater source exhibits reasonably stable groundwater levels, as defined in OAR 690-008-0001;

Now, with desirable alternative metrics on rates of decline and overall depths of decline in hand, the "Water is Available" determination will register as a "Yes." These *Alternative Facts*, which are all the rage these days, will result in further groundwater declines that the state would otherwise prohibit. Lest we have not been clear: when there is insufficient data for OWRD to make a determination about whether groundwater levels are reasonably stable, pumping proponents will use this loophole to acquire favorable data as needed to press their case.

But it's much worse: the entirety of Division 9 rules are preempted by Division 9 rules language, which states:

> 690-009-0010 *Basis for Regulatory Authority, Purpose, and Applicability* (2) states: "The authority under these rules may be locally superseded where more specific direction is provided by the Commission."

Therefore, in OAR 690-300-0010 *Definitions* (57) "Water is Available," paragraph (e), "the rules governing groundwater interference with surface water OAR 690-009-0010 through 0040" will also be whittled down so that definitions in OAR 690-009-0020 *Definitions*, Hydraulic Connection, Streamflow Depletion, the Potential for Substantial Interference, and others in Division 9 are weakened to the extent necessary to allege that more "Water is Available" than the statewide rules permit. With the weakening of these definitions in certain localities (that are not defined as basins but are any version of what the term *Local* means), more water will be made available by the very same means of lobbying pressure and influence that have wracked OWRD water management policies and practices over the past decades. We are reminded of an ironic phrase when thinking of the very literal statement: *The lobbying will continue until more water is made available*.

The Groundwater Controls Loophole

For purposes of outlining the *Groundwater Controls Loophole*, we restate the extraordinary provision from 690-009-0010 *Basis for Regulatory Authority, Purpose, and Applicability* (2): "The authority under these rules may be locally superseded where more specific direction is provided by the Commission." This is notable since section 690-009-0010(1) states:

> The right to reasonable control of the ground waters of the State of Oregon has been

> declared to belong to the public. Through the provisions of the Ground Water Act of 1955, ORS 537.505 to 537.795, the Water Resources Commission has been charged with administration of the rights of appropriation and use of the groundwater resources of the state.

While these proposed rules do not have supremacy over the statutes, they have the force of law and serve to streamline and clarify the statutes. Ironically, OWRD appears to have established a form of *state-sponsored preemption*. Just what does OWRD think will happen when a pumping proponent seeks to carve out the public interest provision in their basin under the pretense that "The authority under these rules may be locally superseded where more specific direction is provided by the Commission?" Our question here is not rhetorical or speculative; it is a very real concern for the public interest standard.

The Division 9 rules are wide-ranging. 690-009-0010(2) also states:

> These rules apply to all wells, as defined in ORS 537.515(9), and to all proposed and existing appropriations of groundwater except the exempt uses under ORS 537.545.

The Division 9 rules are also powerful. In the same paragraph, 690-009-0010(2), the rules "establish criteria to guide the Department in determining whether a proposed or existing groundwater use will substantially interfere with a surface water source." This is an important metric that determines if OWRD will permit a new water right and if OWRD will regulate off an existing junior water right.

Critically important definitions, such as Hydraulic Connection, Streamflow Depletion, and the Potential for Substantial Interference in 690-009-0020 *Definitions* are now vulnerable to manipulation by lobbyists for the most powerful water users in the state. The same fate awaits the Determination of Hydraulic Connection and Potential for Substantial Interference in 690-009-0040 *Determination of Hydraulic Connection and Potential for Substantial Interference*, for Groundwater Controls in 690-009-0050 *Groundwater Controls* that regulate off junior water users, and for Groundwater Controls that determine the Potential for Substantial Interference in the allocation of new water rights in 690-009-0060 *Groundwater Controls: Determination of Potential for Substantial Interference*. All sections of Chapter 690 Division 9 are now variable from one locality to the next even though every aspect of these rules listed above should equally apply across the state as the proposed rules otherwise dictate.

Hydraulic Connection, Streamflow Depletion, and the Potential for Substantial Interference, to name a few of the affected definitions, are provable facts. Saying that the hydrologic science determining a hydraulic connection varies from one locality to the next is preposterous. What varies from place to place is the strength of the hydraulic connection, not the methods hydrogeologists use to measure it. This is a conflation error, where the standard for what constitutes a hydraulic connection is conflated with the evaluation of the data itself.

The same critique extends to Streamflow Depletion and the Potential for Substantial Interference. The proposed rules state: "'Streamflow depletion' means a reduction in the flow of a surface water due to pumping a hydraulically connected groundwater source." There are no *Alternative Facts* about what this definition means. Special interests wishing to supersede the entirety of the Division 9 rules cannot be allowed to attach preferential numbers to what a reduction means so that a "reduction" doesn't exist until a stream has been almost dewatered.

Most surprising is how these rules permit special interests to supersede the Potential for Substantial Interference, which, in these rules "means that a groundwater use will cause streamflow depletion based on the assessments described in OAR 690-009-0040 or OAR 690-009-0060, and therefore may cause or may have caused substantial interference with a surface water source." Since sections 0040 and 0060 are both in Division 9, the Superseding Entities can rewire those sections first, then come back to the definition of the Potential for Substantial Interference and rewire that one as well. If they are successful at doing that, then jerry-rigging the definition for Streamflow Depletion is made even easier.

The proposed rules language poses serious questions about the resilience of these rules and how they even matter to the public interest if special interest water users relentlessly press for decades to weaken them into a patchwork of failed groundwater policies. OWRD undermines the very basis for allocating new rules restricting groundwater water rights and controlling existing water rights.

Were these rules to overcome the incredulity of reason and become law, then the WRC would be placed in the unfortunate position of constantly deflecting lobbyist pressure seeking to erode groundwater protections as they have for decades. How, then are the proposed rules any different from the past policies that have permitted special interests to drain Oregon?

And yet, there's even more bewildering language: OWRD does not specifically define the superseding entities in 690-009-0010 *Basis for Regulatory Authority, Purpose, and Applicability* (2), which states: "The authority under these rules may be locally superseded where more specific direction is provided by the Commission." Rather, OWRD alludes to them **as if they were to exist** by the presence of an adverb (locally) modifying an action they describe in the passive tense (superseded), which is notable for its ambiguity. Are Superseding Entities political subdivisions of the state asking the WRC for permission to preempt state supremacy? Are they residents who are asking the WRC to open a Basin Rulemaking process to amend the Basin Rules in their region to counter the statewide rules in 690-009-0010 *Basis for Regulatory Authority, Purpose, and Applicability*? Are the Superseding Entities any locals anywhere who decide they don't like the statewide rules and wish to supersede them? The conceit of defining who may take action by obliquely referring to their existence in an adverb is extraordinary.

In any likely scenario, the Superseding Entities would go to the WRC and seek to loosen the rules in their locality on any aspect of Division 9. Then they would, once again, point to 690-300-0010 *Definitions*, (57) "Water is Available," which states:

> (e) The requested groundwater use will not substantially interfere with existing rights to appropriate surface water, as per the definition of "substantial interference" in OAR 690-008-0001 and the rules governing groundwater interference with surface water in OAR 690-009-0010 through 0040.

In this case, pumping proponents would cite how their "requested groundwater use will not substantially interfere with existing rights to appropriate surface water, as per...the rules governing groundwater interference with surface water in OAR 690-009-0010 through 0040." By doing so, they would control to the greatest extent possible (that their lobbying and influence can affect) how OWRD manages Groundwater Controls in 690-009-0050 *Groundwater Controls*.

Assessment and Recommendations

Water League has a grudging respect for the legal and political minds who fabricated the two loopholes described above: the first that undermines Reasonably Stable Groundwater Levels, the other that undermines the entirety of 690 Division 9, and how both cripple the concept in 690-300-0010 *Definitions* (57) of "Water is Available." The conceit is truly impressive,

and we wonder what could be done in the name of the public interest if these actors had shifted their alliances to the public good.

Water League has advocated extensively for place-based planning in the context of establishing political subdivisions called Basin Districts. These districts differ from the proposals in these proposed rules for local control ("locally superseded") in Division 9 and for a basin-by-basin patchwork of groundwater allocation standards in 690-008-0001 *Definition and Policy Statements* (9)(d). **Basin Districts would have to comply with statewide water-based planning goals; whereas in these proposed rules, undefined localities and basin rulemaking would circumvent the proposed statewide rules, which is the exact opposite concept.**

Water League calls for OWRD and the WRC to reject these broadside attacks against statewide rules that seek to undermine the public interest in securing groundwater sources for the future. The loopholes in these rules will lead to destabilizing groundwater levels: wherever lobbyists for special interests have sought in the past to pressure state officials to approve water rights when the data plainly showed no water was available or when there was no data, they will press ever harder under the provisions of these loopholes that they sought.

It is this exact kind of subterfuge that has gotten Oregon officials, led by the governor, to finally say "*Enough is Enough*" and propose a sweeping omnibus water package for the 2025 legislative session. The letter to Governor Kotek from four water law experts details how the governance leadership, which includes the executive branch and legislators, must take responsibility for failures in water management. Such aspirations take the high road and establish that the buck stops with those in a governing capacity. We agree and hold our governing officials in the highest regard for their leadership in this manner and on this matter.

To that extent, we call for the WRC, appointed by the executive branch, to reject the loopholes inserted in these rules and establish a provision to protect public water supplies:

1) Remove the paragraph in 690-008-0001 Definition and Policy Statements (9)(d), which states:

> **The limits in part (a) of this definition may be superseded by limits defined in a basin program rule adopted pursuant to the Commission's authority in ORS**

536.300 and 536.310.

2) Remove the sentence in 690-009-0010 Basis for Regulatory Authority, Purpose, and Applicability (2), which states:

> **The authority under these rules may be locally superseded where more specific direction is provided by the Commission.**

3) Create a straightforward provision for the WRC to consider that public water supplies may have unimpeded access to future water sources as needed for municipal uses to house and care for the 80% of Oregon's population that survives on public water supplies.

Conclusion

There have been many complaints in the past few years by irrigators and water conservationists that OWRD was too permissive in allocating water rights to use groundwater for non-exempt uses. On one hand, conservationists believe too much groundwater has been pumped, and they want to preserve water in-ground for the environmental health of the ecosystem and future uses by humans. On the other hand, irrigators have been vocal in blaming OWRD for misleading them that water was available in sufficient amounts to realize the full potential of their water rights. In many places, there is not enough groundwater to pump for irrigators to maximize the full use of groundwater their water right certificates authorize. Both constituencies exemplify the reason why OWRD initiated the Groundwater Allocation Rulemaking process.

One of the leading voices from the irrigation perspective is Representative Mark Owens, an irrigator in the Harney Basin, where a separate rulemaking process is underway to designate a Critical Groundwater Area (CGWA). In an email to this writer, Representative Owens noted:

> There also needs to be a conversation with affected Ag producers that when WRD has issues a GW permit with full knowledge that the basin is over appropriated that those that oversee managing this public resource should be held accountable. Our Ag producers when they receive a permit or a certificate to use water assume the WRD has made this allocation on knowledge that the resource is present and available when the permit was approved. If permits are issued when the state has current available

information the basin is over appropriated the state does bear responsibility. (February 27, 2023)

This is perhaps the best articulation of the historic problem issuing water rights in over-appropriated regions to use groundwater for non-exempt purposes. While there is a large body of research that demonstrates the extent to which OWRD staff were pressured to issue permits against their better judgment, Representative Owens makes a very good point about how "Ag producers when they receive a permit or a certificate to use water assume the WRD has made this allocation on knowledge that the resource is present and available when the permit was approved."

Irrigators who feel like they were misled, criticize the OWRD for approving water rights when there was not enough data to justify the groundwater appropriations. Lobbyists for the irrigation industry shirk all responsibility for their decades of pressuring agency staff and elected officials to blindly approve water rights. And yet, throughout this Groundwater Allocation Rulemaking process, irrigation advocates have been vocal detractors bristling at the upcoming restrictions that will make the process of acquiring new groundwater water rights much more restrictive. Such dissonance is a serious impediment to good water policy; it has resulted in the two counterproductive loopholes we discussed above. We call on the WRC and OWRD to cut through the morass in service to the public health, safety, and welfare.

We ask: What does accountability look like in the context of over-appropriating Oregon's groundwater in every basin of the state? It looks like this statewide Groundwater Allocations Rulemaking Process – plus protections for public water supplies and minus the two loopholes.

In the course of revising these proposed rules, OWRD should not misconstrue ideological and emotional responses as hydrologic facts; nor should OWRD conflate the opinions people have about hydrologic facts with hydrologic facts. Such errors have serious consequences that run directly counter to this Groundwater Allocations Rulemaking process. As such, the error undermines the intent of the rules to streamline the implementation of ORS 537.525(7) *Policy*, which requires Oregon to maintain reasonably stable groundwater levels. For far too long, Oregon has not maintained reasonably stable groundwater levels because its elected and appointed officials have too often served the special interests of a few vocal influencers to the detriment of the public interest, whose future is the quintessential silent majority.

While cultural heritage, ecosystem diversity, and economic livelihood vary from basin to basin, there are core facts that cross all boundaries and have no alternatives. For example, wherever Oregon residents live, water flows down gradients above and below ground. Another fact is that water fills gaps, pores, and channels. Water moves up or horizontally under pressure, and when that force is not present, water moves down or settles in stasis. An important fact across every basin is that declining groundwater levels tracked over time and measured in years (in some cases, going back decades), result in a "new normal" for the Annual High Water groundwater levels that are lower than they were under Natural Variability before human groundwater pumping began. (We note how excessive irrigation water use has raised unconfined groundwater levels in the Deschutes Basin, and OWRD should acknowledge this fact as well.)

What is not factual is how different people feel about the groundwater declines. For example, some people in agricultural regions (including a subset who might be content to mine water until it is gone) may have a higher tolerance for excessive groundwater declines than others who wish to protect the water sources in the basins for the environmental health of the ecosystem and future residents they will never know. Cultural heritage, ecosystem diversity, and economic livelihood play important roles in shaping how people understand and react to hydrologic facts. These views do not change the facts.

ORS 537.525 *Policy* (1) declares that "the right to reasonable control of all water within this state from all sources of water supply belongs to the public," and then lists numerous provisions "to insure the preservation of the public welfare, safety and health." To the extent the groundwater flowing under the property of a person does not belong to them as a possessory fact but that they may have a right to use that water within limits set by the state, so too, do all Oregonians have a usufruct interest in all the water in every basin in the state.

We understand not everyone has a right to each other's faucet, spigot, or the use of water authorized by a water right certificate that's vested in a person, but Oregonians do have an interest in that water use, especially if they find themselves among the collateral damage resulting from that use. Whole nations have fought resource wars, and the history of water law in the West has been to settle disputes resulting from water use. When we say the public has a usufructuary interest in all the water throughout the state, we do not parse the 4.2 million residents' discrete uses; rather, we acknowledge that every use impacts many other uses in various ways: some are hydraulic connections, while others are spiritual, emotional,

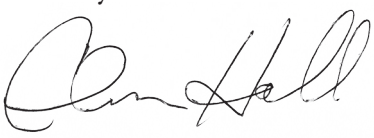
cultural, environmental, and even recreational connections. There are untold numbers of humans, flora, and fauna connected to water use in the present and future.

To that degree, and within reason, each has an interest in the way others use water. The public interest in water is a gestalt comprised of everyone's uses; as such, the whole public interest is greater than the individual (personal) interests. Because we are Oregonians (in Grants Pass, *We Are GP*) we have a usufructuary interest in the way all the water that belongs to us is used. The best description of this concept is by Mark Squillace in his article for the Utah Law Review titled: "Restoring the Public Interest in Western Water Law." Squillace describes three ways to look at the term public interest, with his third example being the most reasonable expression of the concept:

> A third theory views the public interest as solely reflective of shared communal and societal values. The essence of this approach is recognizing that public interests are distinctly different from private interests and describing the communal aspect of the public interest in normative, values-based terms. A communal perspective of the public interest acknowledges the value of private interests in common resources, but only to the extent that the shared, public values of those resources are protected first. (Pg. 638)

The concepts of Reasonably Stable Groundwater Levels and Annual High Water Levels, the rates of decline and the total declines of groundwater over time, the evidence of a Hydraulic Connection, Stream Flow Depletion, and the Potential for Substantial Interference, and whether Water is Available are all factors that matter to Oregonians whether they know about them or not. OWRD has a fiduciary duty to manage these factors for the entire public by preventing special interests from harming the public health, safety, and welfare in the present and the future. Holding water in trust for the public is a big job and we appreciate the opportunity to be of service.

Thank you



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