

HARTT Laura A * WRD

From: Y Lind <yancy.lind@gmail.com>
Sent: Monday, May 6, 2024 1:50 PM
To: WRD_DL_rule-coordinator
Subject: Groundwater Allocation Rulemaking Comments

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Hello,

Please accept the comments below regarding your current rule making on groundwater allocation. I will get right to the point. The proposed rules are a long overdue but welcome step in the right direction. It is simply common sense that permits should only be granted if there is a “reasonably sustainable” aquifer.

Unfortunately the proposed groundwater rules will not address the causes of current declining groundwater levels, they will simply slow the rate of future decline. Current overallocation of the resource will not be addressed. Declining aquifer recharge due to global warming will not be addressed. We will still be rearranging deck chairs on the Titanic, even if the ship sinks more slowly.

OWRD needs to implement the new rule and keep going. A truly stable aquifer needs less pumping and more recharging. More aggressive water conservation, water transfers or reallocation between irrigation districts, artificial aquifer recharge, water reuse, charging for water, etc., all need to be considered. These tactics, and others, are being used in other states, why not here? The new rule also needs to be applied to exempt wells. I remain dumbfounded that domestic wells, like mine in rural Deschutes County, do not require a permit or any metering or monitoring. I could run water all day long, every day and no one would know.

I am aware that the primary argument against the proposed rule in Central Oregon comes from cities who state they need more water to keep growing. I would argue that they need to conserve a lot more. Most water in cities is used for landscaping. We live in the high desert, our yards should look like it.

At the comment meeting in Bend, local cities and the Deschutes River Conservancy argued that Central Oregon is special, and we should be able to create our own rules for water through collaboration and placed based planning. I disagree. I am an active, engaged member of the Deschutes Basin Water Collaborative, a place based planning process that is an outgrowth of the Basin Study Work Group where I was also a participant. I honestly hope these efforts will yield results but they have been going on for years. Excellent data has been gathered but progress on creating collaborative solutions has been painfully slow. The various stakeholders in the Deschutes Basin Water Collaborative continue to primarily represent their own interests.

To the extent that progress has been made on surface water issues it is due to the requirements established by OWRD or the Deschutes Basin Habitat Conservation Plan. OWRD's Deschutes Basin Groundwater Mitigation Program forced new, non-exempt, groundwater users to "mitigate" the impact of their withdrawals on surface flows. This program did put a small amount of water back into the Middle Deschutes around 20 years ago, but consistent, guaranteed increases have not occurred. Don't be misled when people say that the Mitigation Program has increased flows in the Middle Deschutes by 8x or some similar nonsense. When you start with a very small number and multiply it by 8, 10, whatever, it's still a small number. In the past few weeks the Middle Deschutes has been flowing as low as 65 cfs, which is an ecological disaster.

Further, progress made in restoring flows in the Upper Deschutes and the requirement to increase flows in the future is mandated by the Habitat Conservation Plan. Local irrigators must do this to continue to divert irrigation water. Understanding how to do this, and helping implement it, has been collaborative, but the decision to require it was not.

Placed based planning is a worthwhile endeavor, but it is something that should be done within the structure of agency, legislative, and federal rules. Real progress requires a carrot and a stick. We should be using our planning efforts to understand how we can work within the rules, refine, and implement them.

My final comment is that contrary to statements made in Bend, your proposed rules will not simply transfer growth from cities to rural areas like where I live. We have land use and planning rules that can control growth outside urban growth boundaries. Requiring new domestic wells to obtain groundwater permits under the new rules would be a big help.

Please adopt the proposed groundwater allocation rules and work on new rules that will help stabilize and even increase aquifers. We will learn how to live with these rules.

Thank you.

Yancy Lind

PO Box 633

Bend, OR, 97707

yancy.lind@gmail.com

www.coinformedangler.org