



# Oregon

Tina Kotek, Governor

**Water Resources Department**

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November 20, 2024

Chairwoman Cheryle Kennedy  
Confederated Tribes of Grand Ronde  
9615 Grand Ronde Rd.  
Grand Ronde, OR 97347

RE: City of Stayton Aquifer Storage and Recovery Project Seasonally Varying Flows Analyses

Dear Chairwoman Kennedy,

This letter follows up on email correspondence sent in June and August of 2022 to staff and leadership with the Confederated Tribes of Grand Ronde, inviting staff-to-staff engagement and government-to-government consultation concerning the City of Stayton's grant application for an Aquifer Storage and Recovery project. The application was submitted to the Oregon Water Resources Department (Department) Water Project Grants and Loans Program in April 2022 and awarded funding by the Oregon Water Resources Commission in November 2022. The applicant submitted the following project description:

The project aims to develop an aquifer storage and recovery (ASR) system at Mill Creek Park to store approximately 480 acre-feet (156 million gallons) of drinking water for the City of Stayton. This redundant water source will improve municipal water security and drought resilience, enabling the city to meet peak seasonal demands and provide uninterrupted water when the primary North Santiam River supply is unavailable. Currently, the city is limited to about three days of stored water during such outages. Proposed activities include permitting, design, and construction of an ASR well and associated water system improvements.

Per ORS §541.689(1) and OAR 690-093-0130(2), a Seasonally Varying Flow (SVF) is required for certain above and below ground storage projects funded through Water Project Grants and Loans. An SVF is defined as streamflow that should remain instream in order to protect and maintain the ecological functions of winter flows balanced with the need to store water. Specifically, an SVF is required for projects that require a water storage or aquifer recharge permit or limited license for the storage of water outside of the official irrigation season and:

- (a) Impounds surface water on a perennial stream;
- (b) Diverts water from a stream that supports state or federally listed sensitive, threatened or endangered fish species; or
- (c) Diverts more than 500 acre-feet of surface water annually.

The City of Stayton’s project requires the Department to develop an SVF. As part of the SVF development, the Department drafted a Seasonally Varying Flow (SVF) study. The SVF study process also requires consultation with “any affected Indian tribes” (OAR 690-093-0130(4)). The State Physical Anthropologist with the Legislative Commission on Indian Services confirmed that the Confederated Tribes of Siletz Indians may be an affected tribe. Findings from OWRD’s SVF analyses are presented below:

OWRD recommends that the Seasonally Varying Flow (SVF) prescription for the City of Stayton’s ASR project align with the previously identified ecological flow thresholds: bypass flows of 1,200 cfs during January and February, and 1,500 cfs for the other ASR’s operational months. No additional permit conditions are necessary, as the proposed diversion does not threaten the river's ecological integrity.

Further investigation into streamflow functions is unnecessary since it would not affect the project's permit conditions. The SVF analyses will be valid only for the City of Stayton’s ASR project due to its minimal hydrological and ecological impact documented in the SVF study. Future projects with larger withdrawals triggering SVF requirements will require further analysis proportional to their impacts on the North Santiam River's reference hydrograph.

If the Confederated Tribes of Grand Ronde would like to review and provide input on the draft SVF study, we kindly ask that you respond by contacting Francisco Guerrero, Senior Technical Analysis ([francisco.j.guerrero@water.oregon.gov](mailto:francisco.j.guerrero@water.oregon.gov) or 458-253-0311) at your earliest convenience, preferably by December 10, 2024.

If instead the Tribes desire to initiate formal consultation, please contact our Tribal Liaison, Laura Hartt ([laura.a.hartt@water.oregon.gov](mailto:laura.a.hartt@water.oregon.gov) or 971-720-0963) who will coordinate with my office to begin that process.

Sincerely,



Ivan Gall  
Director

c:

Francisco Guerrero, Senior Technical Analyst, Oregon Water Resources Department  
Laura Hartt, Water Policy Analyst & Tribal Liaison, Oregon Water Resources Department  
Stacia Martin, Tribal Council Chief of Staff, Confederated Tribes of Grand Ronde  
David Harrelson, Manager, Cultural Resources Department,  
Colby Drake, Natural Resources Director, Confederated Tribes of Grand Ronde  
Briecce Edwards, Manager of Historic Preservation/THPO, Confederated Tribes of Grand Ronde