

OWRD 2022



Photo of Wallowa Lake in Winter. Credit: Jason Spriet (OWRD)

Oregon Water Resources Department 2022 Government-to-Government Report



The Oregon Water Resources Department (OWRD) values its long-standing working relationship with Oregon's nine federally recognized Tribes. This report contains key contact information, a summary of interactions, and related training attended by OWRD staff.

**2022 Government-to-Government Report
Oregon Water Resources Department**

www.oregon.gov/owrd

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OREGON WATER RESOURCES DEPARTMENT STATEMENT AND POLICY

On September 23, 1997, the Oregon Water Resources Department (OWRD) adopted the Government-to-Government Interest Statement, based on two key objectives: (1) honor and protect existing Tribal rights to use water, and (2) continue forging partnerships to share responsibility for water management. That interest statement forms the foundation for our current policy on tribal relations (see *Policy on Relationship with Tribes*, appended to this report).

OVERVIEW

OWRD works with Oregon's nine federally recognized Tribes on issues related to water supply, watershed management, and water distribution, including matters related to water rights held or claimed by Tribes. In addition, OWRD works with Tribes on a government-to-government basis to address water issues of mutual interest.

The following are agency actions undertaken to engage with all nine Tribes.

General Coordination

The Director's Office houses OWRD's Tribal Liaison to facilitate engagement between OWRD and the Tribes. OWRD's newly hired Water Policy Analyst and IWRS Coordinator also is serving as OWRD's Tribal Liaison. See the OWRD's discussion on the 2023 session regarding a request below to obtain a position that would solely be dedicated to tribal work.

The Natural Resources Workgroup (NRWG) and the Cultural Resources Cluster (CRC) offer valuable opportunities to share information on agency programs, efforts, rulemaking, and legislative concepts. During 2022, OWRD participated in both the NRWG and the CRC, although there were some months where OWRD was unable to attend due to vacant positions. OWRD will continue to attend and seek to engage Tribes through the NRWG and CRC on OWRD projects and policies of potential interest to Tribes. OWRD also participated in the annual State-Tribal Summit.

OWRD has noted that it needs to explore other options for annual training, as it has been relying on the Department of Justice Public Law Conference and statewide DEI conference, which did not occur this year. OWRD will share this report and state laws, policies, and educational resources with staff.

The Director's office also processes fee-to-trust applications.

Tribal/State Water Task Force

In response to the Tribes' September 15, 2021, letter to the Governor, staff from the Governor's Office, OWRD, and Oregon's nine federally recognized Tribes engaged with Oregon Consensus to facilitate a Tribal/State Water Task Force. The task force was initiated in June 2022, with state agencies sharing their responsibilities related to water. Tribes shared their histories, their perspectives on water, and opportunities and challenges interacting with state agencies. Task force recommendations are anticipated by the end of 2022. OWRD also is seeking to engage the task force on an expenditure plan for funding received in the 2021 legislative session for indigenous water resiliency.

Items of Tribal Cultural Interest

In November of 2019, OWRD submitted an Inventory of Items of Tribal Cultural Interest to the nine federally recognized Oregon Tribes, the Governor's Office, and the Legislative Commission on Indian Services (LCIS). OWRD periodically assesses whether there are needed updates to the 2019 Inventory and, if there are changes, will include the update in the annual Government-to-Government Report. No additional items of cultural interest beyond those identified in the 2019 report have been identified.

Water Rights

OWRD is engaged in ongoing discussions with some of the Tribes on issues related to water rights and administration of water resources. Activities are generally conducted under Executive Order 96-30, or specific provisions of federal and state law.

As the lead agency for Oregon's hydroelectric laws (ORS 543 and 543A), OWRD administers the Hydroelectric Application Review Team (HART) for state projects. Besides OWRD, the core HART is made up of representatives from DEQ and ODFW. Where Tribes may be affected by a project or is involved as a project applicant, the HART members work to ensure coordination. OWRD also notifies LCIS of any new applications filed for hydroelectric projects and this notice is forwarded to the appropriate tribal representatives.

Water Management and Water Use Regulation

OWRD works with Tribes to plan and implement strategies for streamflow restoration and riparian protection on both reservation lands and lands that are culturally significant to Tribal communities. These strategies may include streamflow measurement and monitoring, enforcement on illegal water uses, and the transfer or lease of out-of-stream water rights to instream water rights for the benefit of fish, wildlife, and water quality. The OWRD Surface Water Section and Groundwater Sections coordinate and communicate any soil disturbance activities related to stream gaging activities or OWRD observation well drilling with tribal cultural resource representatives across the state.

2023 Legislative and Budget Development and Community Engagement Plan

In late 2021, agencies were directed to develop community engagement plans for a particular program area as part of the requirement to develop a racial equity impact statement for the Agency Request Budget development process. Agencies presented their plans to the Racial Justice Council or a committee of the Council and later presented on their racial equity impact statement. As a result of this work, OWRD broadened participation in its legislative and budget development meetings, and increased transparency of the process. OWRD sent letters to Oregon's nine tribes to understand how or if they would like to provide input, and at least one Tribe engaged in further discussions.

2023-2025 Agency Request Budget

OWRD has twenty policy option packages that address a variety of the water challenges the Oregon faces. Increasingly, the agency has recognized a need to increase engagement with Tribes on water issues. OWRD included a policy option package in its Agency Request Budget to increase its capacity to engage with Oregon's Tribes. Package 112 – Supporting Tribal Water Solutions & Relations would add one position for Government-to-Government coordination, as well as for further development of relationships with Tribes to better understand their interests and needs, and to partner in accomplishing shared water resources management objectives. This position would seek to provide more regular formal Government-to-Government consultation where desired, as well as develop relationships with tribal staff and council members to increase mutual understanding and allow the agency to be a better partner. [OWRD's legislative and budget proposals for 2023 are available online.](#)

Chewaucan Watershed Collaborative Process Scoping

In response to a request from both local and statewide interests, OWRD has contracted with Oregon Consensus (OC) to conduct a neutral situation assessment to determine whether and how a collaborative agreement-seeking process might help address ongoing concerns around water quality, quantity, and habitat in the Chewaucan Basin and Lake Abert. The objectives of the assessment are to:

- Identify key participants whose perspectives must be included to move forward;
- Identify areas of agreement and disagreement – as well as opportunities to build consensus;
- Identify key issues and information gaps;
- Consider whether, under the circumstances, there is a realistic opportunity for, and meaningful benefit to, convening a collaborative process; and
- If the opportunity does exist, consider what should be the appropriate scope of the process and how the process should be designed for the greatest likelihood of success.

OWRD sent a letter to Oregon Tribes to seek their interest in participating and, if so, how they would like to participate in this assessment. Oregon Consensus is still conducting the assessment; however, they have reported engagement with several Tribes.

Willamette and Deschutes Basin Assessments

In 2022, OWRD added two Basin Coordinator positions to work on complex water issues in the Willamette and Deschutes River Basins. To inform the agency's work and plan for future needs, staff are meeting with diverse interests in both river basins to better understand what water management challenges are of greatest concern and should be a priority in the coming years. OWRD is sending a request to engage with interested Oregon Tribes in these efforts and anticipates further in engagement in early 2023.

Rulemaking

OWRD has initiated two rulemaking efforts and has just begun the Rules Advisory Committee phase. In Fall 2022, OWRD invited staff from some of the Tribes to participate on the Rules Advisory Committees (RACs) to help improve draft rules before they go out for public comment. At the same time, OWRD is preparing to send a request for formal consultation for these rulemakings, as well as ones OWRD anticipates starting in 2023.

Integrated Water Resources Strategy (IWRS)

The IWRS provides an inter-agency framework for better understanding and meeting Oregon's instream and out-of-stream water needs. The first IWRS was adopted in 2012, and the second in 2017 by the Oregon Water Resources Commission (OWRC). As indicated in ORS 536.220, the IWRS is required to be updated every five years.

Due to the number of projects arising out of the 2021 session and staffing capacity, OWRD has postponed the 2022 update. OWRD has hired a limited duration position to work on the update, and work has begun. OWRD will lead the update in conjunction with staff from the Oregon Department of Agriculture, Oregon Department of Environmental Quality, and Oregon Department of Fish and Wildlife consistent with the statute.

OWRD anticipates OWRC adoption of the next update in late 2023 early 2024. The next IWRS is anticipated to address climate more holistically, apply an equity lens to the framework, and incorporate findings from the work under the 100-Year Water Vision. Additional topics may be identified during outreach and engagement.

For our next five-year IWRS update, OWRD has contracted with Oregon's Kitchen Table to develop and implement an inclusive outreach and engagement process. OWRD is also in the process of sending a letter to Oregon's Tribes to with a request to understand how best to engage with each Tribe and their members on the IWRS update process.

OWRD has completed a 2017-2022 Progress Report, summarizing Oregon agency accomplishments since the last plan update. We collected data from 15 water-related agencies, documenting IWRS implementation efforts, and presented our findings to the Oregon Legislature in early December 2022. Our [2017-2022 IWRS Progress Report is available online](#).

State-Supported Regional Water Planning and Management

In June 2021, the Legislature provided funding and direction for OWRD to form a workgroup to discuss regional water planning and management this biennium. Each of the nine federally recognized Tribes in Oregon were invited to participate. [Members of the State-Supported Regional Water Planning and Management Workgroup](#) included representatives from the Burns-Paiute Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs, the Confederated Tribes of the Grand Ronde, the Cow Creek Band of Umpqua Indians, and the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.

The workgroup began meeting January 2022 and focused primarily on the next generation of place-based planning. A subgroup of the workgroup developed a draft guidance document on community engagement best practices for planning areas to use. The workgroup had its final meeting December 6, 2022. Oregon Consensus will transmit the final report in late December 2022 or early January 2023. [Workgroup meeting materials are available online](#).

Place-Based Integrated Water Resources Planning

In 2020, OWRD began a statewide planning assessment to better understand the planning needs of places across Oregon and to reflect on and make improvements to the current Place-Based Integrated Water Resources Planning framework and guidelines. This includes an independent evaluation of place-based planning, in which Tribes were invited to participate. Tribal representatives participated in the independent evaluation which was completed in 2022.

There are four places that are currently undertaking Place-Based Integrated Water Resources Planning in partnership with OWRD: Harney Basin, Mid-Coast Region, Lower John Day Sub-Basin, and Upper Grande Ronde Sub-Basin. In 2022, three of the four planning groups received state recognition of their final plans and are now turning their attention to implementation. The Harney Basin has completed work on the groundwater portion of their plan and is beginning work on the surface water portion. Several Tribes are vital partners in the currently funded planning efforts. Specific tribal involvement in these planning efforts is discussed further below.

Funding Programs and Tribal Collaboration

Between 2019 and 2020, OWRD assessed the Feasibility Study Grants and the Water Project Grants and Loans funding opportunities. The purpose of the assessment was to help determine

what is and is not working, as well as where improvements can be made in statute, rule, and program procedures and functions. OWRD reached out to the Cultural Resources Cluster and the Natural Resource Working Group and each of the nine federally recognized Tribes to solicit feedback on the way it engages Oregon Tribes to participate in the review of funding applications and aspects of its funding opportunities that may be of interest to affected Tribes. Feedback from Tribes were incorporated into a prioritized list of recommended actions. These actions will be addressed over the next several years as part of an annual Continuous Improvement Plan. Other recommended actions included because of feedback from one or more Tribes were:

- Engage stakeholders, Tribes, and other external groups to gather feedback on the Seasonally Varying Flow (SVF) requirement, when the timing is right. While we did consult with the Confederated Tribes of Warm Springs and the Confederated Tribes of the Umatilla Indian Reservation for feedback on the first SVF, broader engagement of Tribes was postponed due to the coronavirus pandemic.
- Further engage Tribes in evaluating the public benefit language or guidance to make appropriate revisions to promote benefits to Tribes consistent with legislative intent. We received feedback that some public benefits invoking benefits to Tribes may not actually benefit Tribes. This action would include engaging the Tribes to evaluate those benefits and revise as needed to address environmental justice and to provide opportunities to revise materials and approach.

Feasibility Study Grants: Tribes can apply for [Feasibility Study Grants](#) to assess water conservation, reuse, and storage projects. These grants are designed to fund 50 percent of the qualifying costs of feasibility studies. OWRD also invites comments from the Tribes on the funding recommendations for its Feasibility Study Grant funding opportunities. In 2022, OWRD reached out to all nine Tribes to submit government-to-government comments regarding the proposed studies and funding recommendations. OWRD received no comments from Tribes on Feasibility Study Grant applications during the 2021-2022 funding cycle.

Water Project Grants and Loans: Tribes are also eligible to apply for [Water Project Grants and Loans](#), which provide funds through a competitive process for a variety of instream and out-of-stream water projects with economic, environmental, and community benefits. OWRD also offers several ways that Tribes may participate and review applications for Water Project Grants and Loans funding. Based on input from Tribes and the LCIS, OWRD's current process for each annually held funding cycle includes contacting LCIS and asking them to identify which applications may be of interest to each Tribe, based on a project's location. OWRD then contacts each Tribe identified by LCIS and provides relevant information regarding the project proposal(s) and access to the application(s). This includes project type, project summary, the

county, the nearest city, and a link to the application where applicants list all ground-disturbing activity by tax lot.

Opportunities offered to Tribes to engage in the review process include:

- Providing government-to-government comments on the application(s) for consideration by the Technical Review Team (TRT) during scoring;
- Providing comment during the initial 60-day public comment period on applications;
- Serving as a member of the TRT to review, score, and rank applications;
- Providing government-to-government comments for consideration by OWRD and WRC on funding recommendations; and
- Providing comment during the 30-day public comment period on the TRT ranking and funding recommendations.

During the 2022 funding cycle, LCIS determined that all nine Tribes may have an interest in one or more Water Project Grants and Loans project applications. An invitation was sent to the identified Tribes detailing the opportunities listed above as ways they could choose to participate in the review process. A multi-agency TRT scored and ranked the project proposals based on potential public benefits in three categories: economic, environmental, and social/cultural. OWRD practice is to share all comments with the TRT to be considered as they score and rank projects and develop a funding recommendation list.

OWRD did not receive any comments from Tribes on the four applications received or on the three projects recommended for funding for the last funding cycle.

Water Well Abandonment, Repair and Replacement Fund: With \$5.7 million in funding from the Oregon Legislature, OWRD launched [the Water Well Abandonment, Repair and Replacement Fund \(WARRF\)](#) in June 2022. This funding program can provide financial assistance to individual households, or members of a federally recognized Tribe in Oregon to permanently repair, or replace a water well used for household purposes, or to abandon a well.

For the first phase of the program, OWRD is currently accepting applications from low-to-moderate income households with domestic wells in areas that are impacted by drought or wildfire. These impacted households are prioritized to meet urgent public health needs and based on the direction from the Oregon Legislature during the December 2021 special session. OWRD anticipates a broader set of wells will be eligible for funding in the future during the next phase of the program.

OTHER WORK WITH INDIVIDUAL TRIBES

In addition to efforts outlined above, OWRD has engaged with individual Oregon Tribes on specific issues involving water rights, water management and use, planning, and funding. These efforts are outlined below.

The Burns Paiute Tribe

As summarized below, OWRD has engaged with the Burns Paiute Tribe on water rights, watershed enhancement, the Harney Basin Groundwater Study Report, and the Harney's Water Future place-based planning effort.

Water Rights

OWRD has worked with the Burns Paiute Tribe on general water rights issues, including transfer applications and groundwater planning. In 2018, OWRD issued a final order for an instream lease renewal between the Tribe and the Freshwater Trust (IL-1693, reassigned from IL-1582). The instream lease was in effect through September 30, 2022, and provided for the conservation, maintenance, and enhancement of fish and wildlife habitat.

Watershed Enhancements

OWRD staff in the Eastern Region continued their work with the Burns Paiute Tribe to review proposed watershed enhancement projects in the area and secure funding for implementation.

Harney Basin Groundwater Study

OWRD and the U.S. Geological Survey (USGS) have completed a five-year groundwater study in the Greater Harney Valley Area in the Malheur Lake Basin. In conjunction with the Harney County Court, OWRD appointed members of a local Groundwater Study Advisory Committee to track progress and provide input as the study progressed. A representative of the Burns Paiute Tribe served on this committee. In April 2022, the Groundwater Study Report went through a peer-review process before publication. In October 2022, the Advisory Committee reconvened to review the published study. In November 2022, OWRD held a public open house to present conclusions as well as discuss current and future efforts to stabilize groundwater levels in the Harney Basin. More information about the Groundwater Study Report can be found here:

<https://www.oregon.gov/OWRD/programs/GWWL/GW/HarneyBasinStudy/Pages/GWSAC.aspx>

Now that the Study is complete, in Spring 2023, OWRD will convene a rules advisory committee to look at water management options for the Harney Basin. The Burns Paiute Tribe will be invited to participate in those efforts.

Place-Based Planning

In 2016, OWRD awarded a grant to the Harney County Watershed Council to undertake and develop a collaborative water planning group in the Malheur Lake Basin. Through this planning process, partners are developing strategies to meet current and future instream and out-of-stream water needs. The planning group has developed a Draft Plan focused largely on groundwater issues and strategies for addressing them. A representative from the Burns Paiute Tribe is participating in this process as a member of the broader planning group and various working groups. More information can be found here: <https://harneyswaterfuture.com/>.

The Confederated Tribes of the Umatilla Indian Reservation

The State of Oregon, the Confederated Tribes of the Umatilla Indian Reservation, federal agencies, and irrigation districts have worked for about 20 years to improve the Umatilla River Basin's water supply for farmers and ranchers, fish and wildlife, and the community. As part of the water supply efforts underway in the Umatilla Basin, OWRD is working with representatives of several federal agencies, the Oregon Department of Justice (ODOJ), and the Confederated Tribes of the Umatilla Indian Reservation to achieve a shared goal of satisfying the region's long-term water needs. OWRD continues to provide water rights information to the Confederated Tribes of the Umatilla Indian Reservation and have offered to meet as needed.

Water Rights Negotiations

OWRD, the Confederated Tribes of the Umatilla Indian Reservation, ODOJ, a federal negotiation team, and the Westland Irrigation District initiated formal water rights settlement negotiations in June 2012. Discussions include protecting instream flows for fisheries and cultural traditions, while also providing water for economic and agricultural development. Negotiations also include ODFW, ODEQ, Stanfield Irrigation District, Hermiston Irrigation District, and West Extension Irrigation District.

Water Rights

In the Wallowa River Basin, staff have worked with the Confederated Tribes of the Umatilla Indian Reservation and The Freshwater Trust on a series of complex transactions, which included instream leases and Allocation of Conserved Water (ACW) projects. The ACW projects have been completed and instream water right certificates were issued.

In 2022, OWRD issued a final order approving Instream Lease IL-1919 (reassigned from IL-1724) in the name of the Confederated Tribes of the Umatilla Indian Reservation, including Trout Unlimited. The instream lease was in effect through October 31, 2022, and provided for the conservation, maintenance, and enhancement of fish and wildlife habitat.

OWRD also holds voluntary monthly meetings to discuss ongoing projects and proposed projects and any issues they may need to be discussed with the Restoration Partners (Trout Unlimited, The Freshwater Trust and many others). A representative from the Confederated Tribes of the Umatilla Indian Reservation regularly attends these meetings.

2023 Legislative and Budget Requests

OWRD engaged with tribal staff and lobbyist on needs for the 2023 session, particularly to support the tribal water settlement work. OWRD included resources to support the ongoing water right negotiations in its 2023-2025 Agency Request Budget.

Walla Walla Basin Initiatives

During 2022, OWRD collaborated with the Confederated Tribes of the Umatilla Indian Reservation on several initiatives benefitting the Walla Walla Basin. As a member of the Walla Walla Basin Advisory Committee, OWRD is working in cooperation with the Confederated Tribes of the Umatilla Indian Reservation, Washington Department of Ecology, and other Committee members to evaluate strategies for restoring instream flows for fish in the Walla Walla River

The Director's Office is working with the Confederated Tribes of the Umatilla Indian Reservation and Washington's Department of Ecology to explore opportunities to work together as co-managers of water in the Walla Walla Basin. The three sovereigns met several times throughout 2022 to discuss both groundwater and surface water management goals.

OWRD, the Confederated Tribes of the Umatilla Indian Reservation, USGS, and Washington Department of Ecology are engaged in a cooperative study of the groundwater systems of the Walla Walla Basin. Ongoing data collection efforts include monitoring quarterly bi-state groundwater levels and surface water flows, conducting seepage runs along major stream systems, and sampling surface and groundwater for naturally occurring tracers.

OWRD will continue to engage with the State of Washington and the Confederated Tribes of Umatilla Indian Reservation in high-level discussions on the mutual interests of water management across the Oregon-Washington state line.

Water Management and Water Use Regulation

OWRD's Salem office provided the Confederated Tribes of the Umatilla Indian Reservation with periodic updates on the Umatilla Water Supply Project and associated applications for new water rights out of the Columbia River.

Through the North Central Region and East Region offices, OWRD and the Confederated Tribes of the Umatilla Indian Reservation together are:

- Continuing to work with the Bonneville Power Administration on designs for the South Fork Walla Walla River fish hatchery to minimize impacts to instream flows;
- Continuing to discuss water management and monitoring in the Walla Walla Basin, including discussions related to instream flow in the Walla Walla River.
- Attending Umatilla River Operations Group meetings to share information regarding the protection of instream water right flows and irrigation demands;
- Coordinating on McKay Reservoir storage allotments, including the amount of water released and remaining in McKay Reservoir;
- Working on water management issues related to the operation of the Umatilla Basin Project Exchange, including coordinating canal startups and shutdowns to reduce the potential for fish take;
- Conducting a gaging program in the Grande Ronde Basin that is largely beneficial to the Confederated Tribes of the Umatilla Indian Reservation and results in periodic consultation and/or collaboration associated with Confederated Tribes of the Umatilla Indian Reservation's stream habitat projects;
- Coordinating with Tribal Cultural Resources Staff on the installation of a "near real-time" gaging station on McKay Creek in Crook County; and
- Monitoring and protecting instream leases negotiated by the Confederated Tribes of the Umatilla Indian Reservation.

OWRD also has been working with Wallowa Lake Irrigation District, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, and ODFW regarding instream releases from Wallowa Lake Reservoir after rehabilitation of the existing dam. Wallowa Lake Irrigation District filed Transfer Application T-13931 on February 25, 2022, proposing to change the character of use for which water is stored under Storage Certificate 2949 in Wallowa Lake to Multipurpose Use. On November 21, 2022, OWRD issued a Preliminary Determination (PD) proposing to approve Transfer Application T-13931. The next phase of processing is a protest period of at least 30 days. Provided no timely protests are filed, a Final Order on T-13931 will be issued.

Planning, Collaboration, and Investments

OWRD awarded a grant to Union County to support place-based water planning in the Upper Grande Ronde in partnership with OWRD. During this planning process, the [Upper Grande Ronde River Watershed Partnership](#) developed strategies to meet their instream and out-of-stream water needs. In early 2022, the Partnership completed an integrated water resources plan and received state-recognition from OWRC. The Confederated Tribes of the Umatilla Indian Reservation has participated actively in the Upper Grande Ronde planning meetings to ensure the plan addresses instream needs.

The Confederated Tribes of Warm Springs

As summarized below, OWRD has engaged with the Confederated Tribes of Warm Springs on water rights, the Deschutes Basin Water Collaborative, and Lower John Day Place Based Planning efforts.

Water Rights

In 2018, OWRD issued a final order for an instream lease between the Tribes and The Freshwater Trust (IL-1684). The instream lease was in effect through September 30, 2022, and provided for the conservation, maintenance, and enhancement of fish and wildlife habitat.

In 2020, OWRD issued two additional final orders for instream lease submitted by the Tribe (IL-1430 and IL-1808). The instream leases are both in effect through September 30, 2024, and provide for the conservation, maintenance, and enhancement of fish and wildlife habitat.

Transfer Application T-13699 was submitted to OWRD on May 3, 2021, by applicant MGN, LLC. This transfer proposes to change the point(s) of diversion and place(s) of use associated with water right Certificates 25324 and 25608 and is being done in conjunction with a habitat restoration project funded by the Confederated Tribes of Warm Springs. This transfer is currently pending and under review.

Collaborative and Complex Water Issues

During 2022, OWRD sought to identify project priorities for the new OWRD Complex Basin Coordinator position filled in 2022. The new Basin Coordinator assessed challenges and opportunities for water management projects in the basin and met with the Tribal Treasurer/CEO to understand tribal priorities for near term work. Additional consultation on basin specific project priorities is expected to occur in 2023 and beyond.

OWRD continues to participate in the [Deschutes Basin Water Collaborative \(DBWC\)](#), a joint effort facilitated by the Central Oregon Intergovernmental Council and the Deschutes River Conservancy, and co-lead by the Confederated Tribes of Warm Springs. The DBWC focuses on critical water allocation and management issues in the Deschutes Basin and develops strategies to meet stream flow, ecological, agricultural, and community needs for water.

Other activities related to water management include the following:

- Signing of a Memorandum of Agreement between OWRD and the Confederated Tribes of Warm Springs, which led to the purchase of equipment to install a new stream gaging station on Lower Fifteenmile Creek. The operation of the gaging station is ongoing;

- Continued monitoring of the flow at the Pine Creek Gage near Clarno by the District 21 Watermaster’s Office. This monitoring is related to the transfer of irrigation certificates C-25617, 25332, 25333, 25334, 25335, 25365, 25462, and 25523 from Pine Creek with priority dates ranging from 1870–1880 to instream rights resulting in Certificate C-85824;
- Continued cooperation between the District 3 Watermaster’s Office in The Dalles and the Confederated Tribes of Warm Springs. Flow meters have been installed and data are being collected on significant diversions on Fifteenmile Creek. Seasonal use and streamflow data are available to the Confederated Tribes of Warm Springs and others.

Planning, Collaboration, and Investments

OWRD awarded a grant to the Gilliam Soil and Water Conservation District to undertake collaborative [water planning in the Lower John Day Basin](#). Through this planning process, conducted in partnership with OWRD, the planning group developed an integrated plan that was recognized by the Oregon Water Resources Commission in early 2022. The Confederated Tribes of Warm Springs have been participating in the planning partnership since its inception and continue to provide important contributions.

The Confederated Tribes of Siletz Indians

OWRD is managing a grant with Seal Rock Water District to undertake collaborative water planning in the Mid-Coast region. A representative from the Confederated Tribes of Siletz Indians has participated in this process as a member of the coordinating committee and the [Mid-Coast Water Planning Partnership](#). The Tribes received a grant from the Bureau of Indian Affairs to increase their involvement in the Partnership. Tribal members participated in two surveys commissioned by the Partnership to better understand knowledge, values, and beliefs about water in the region. The [Final Report summarizing survey input is online](#). The planning group completed the Mid-Coast Water Action Plan to meet their instream and out-of-stream water needs, receiving recognition from Oregon Water Resources Commission in May of 2022.

The Klamath Tribes

OWRD continues to work closely with the Klamath Tribes, basin water users, the Bureau of Reclamation, and the U.S. Department of the Interior to address regulatory questions and concerns and to develop coordination protocols for calls on water as a group.

During the past year, OWRD has continued to engage in discussions on water-related issues in the Klamath Basin. These talks have included the Klamath Tribes of Oregon along with three

tribes in California. The issues continue to focus on streamflow, water quality, and fish. These efforts are focused on identifying projects that will increase stream flows and Upper Klamath Lake elevation, improve water quality, and restore riparian corridors.

In 2022, the District 17 Watermaster's office regulated junior water users to protect Tribal determined claims for instream flows. The Watermaster's office investigated, validated, and regulated water use resulting from calls for water made by the Klamath Tribes and Bureau of Indian Affairs to satisfy the Tribes' determined claims contained in the Amended and Corrected Finding of Fact and Order of Determination (ACFFOD) in the Klamath Adjudication. During 2022, the District 17 Watermaster continued the weekly conversations with the Tribal liaison. These conversations provided for a timelier response to Tribal questions and concerns. Additionally, OWRD staff continued to respond to questions from Tribal members regarding regulation activities relating to water rights priority dates, instream flow needs, irrigation needs, and other general topics related to the ACFFOD.

Recognizing the cultural significance of the endangered sucker to the Klamath Tribes and the Tribes' desire to address water quality, OWRD in coordination with staff from the local Watermaster's office has participated in many of the proposed restoration conversations. Additionally, OWRD in coordination with local staff invested many hours working with out-of-stream water users to increase instream flows through temporary and permanent instream transfers.

The Cow Creek Band of Umpqua Tribe of Indians

OWRD conducted two water right searches for the Rogue River Ranch owned by the Cow Creek Band. Staff responded to fee to trust water right researches this year that involved 7.09 acres of irrigation and a domestic water well for the Cow Creek Band of the Umpqua in Douglas County.

OWRD was working with the Tribe on developing a Memorandum of Agreement for processing a future application from the Tribe to use stored water from Galesville Reservoir. OWRD is reaching out to a representative for the Tribe to obtain an update on the status of this work.

The Coquille Indian Tribe

OWRD assisted The Coquille Tribe through fee-to-trust inquiries of five substantive manufacturing water rights near Coos Bay.

OREGON WATER RESOURCES DEPARTMENT POLICY ON RELATIONSHIPS WITH TRIBES

The Water Resources Commission and Department will communicate and collaboratively problem-solve with the nine Oregon Tribes. The Water Resources Department has established the following guidelines to foster and maintain its relationship with each of the nine Tribes:

1. Maintain parallel contact directories: (1) Agency personnel available to the Tribe(s) for immediate contact, and (2) A list of tribal leaders or staff who can be contacted to initiate discussion quickly. (In the Department's case, the initial contact is at our Regional office, with a Salem office follow-up.)
2. Spot issues quickly, and get accurate details as soon as possible. That is, be aware of water use issues that may create conflict between the state government and a Tribe or the federal government as the Tribe's trustee. Once the issue is identified, research the details both factual and legal so that the issue can be scoped and accurate, and appropriate contact can be initiated.
3. When an issue arises, Department staff will offer to meet face-to-face with Tribal leadership as soon as possible to ensure that clear, constructive communication is initiated promptly.
4. During initial contact on an issue, be positive and stress common interests and goals indicating that a cooperative solution is most likely possible.
5. Keep the agencies' other (non-Indian) constituents advised, and where appropriate involve the non-Indian community in discussions with the Tribal leadership.
6. As issues arise and are addressed, establish a system or protocol for future issues—building on successes.

The Department believes that its relationship with Oregon's nine Tribes must be based on two essential attributes. First, we must honor and protect existing Tribal water rights to the use of water, and second, we must continue to forge partnerships with Tribes to support our mutual interest in water issues.