Ag Questions Regarding Willamette Reallocation

- 1. Instream Right Questions:
 - a. The conversion of the MPS to an instream right
 - i. Will there be any attempt to change the flow rates as currently adopted?
 - ii. When is the conversion of MPS into instream water rights anticipated to occur?
 - iii. What are the procedures that will be followed to initiate and implement the conversion process?
 - iv. What pre-conversion steps will be taken to ensure owners of Ag water rights junior to the MPS will be properly informed of how the MPS will be administered in priority?
 - v. What role will the MPS play in satisfying the BiOp? For example, will the MPS act as the line of first defense to meet BiOp flows *prior* to any consideration involving the release of stored water?
 - b. How will the pending Ag reservations interact with the conversion of the MPS to an instream right?
 - c. How does the state intend to administer existing irrigation/other Ag water rights that were issued in reliance on "natural flow", but in reality were issued in reliance on then managed releases of stored water?
- 2. Contract/Priority Questions:
 - a. How will contracts issued post-reallocation, and regardless of the type of use, be administered with existing pre-allocation irrigation contracts?
 - b. Will existing pre-allocation irrigation contracts receive priority delivery over all postallocation contract users? For instance, will existing pre-allocation irrigation contract users not have to "share the pain" in the same way as post-allocation contracts?
 - c. How will allocation of the total available Ag allocation occur among pre-allocation and post-allocation irrigation contract users?
 - d. Will existing live flow irrigation water rights that are junior to the MPS receive stored water priority over other contracts issued post-allocation.
 - e. How much will post-allocation irrigation contract water cost? (Note: this question assumes irrigation water prices under existing pre-allocation contracts will remain locked post-allocation.)
 - f. Will the process for securing new irrigation contract water post-allocation from the nearly 300k AF to be allocated to Ag or the Joint Use pool be any different than the current procedures through the Bureau of Reclamation?
- 3. "Buckets" Questions:
 - a. How will the share the pain model work? By example only:
 - i. How will the greatest level of certainty be achieved for irrigation users in advance of the irrigation season? For instance, will there be projected/anticipated flow level scenarios created before and during irrigation seasons against which a share the pain model can be considered to create some certainty for users in advance of and during the irrigation season?

- ii. When any share the pain model is to be implemented, will releases to benefit fish, Ag and Muni be made proportionally regardless of when releases are requested?
- b. Will scenarios be established to model the different flow regimes including and between low and abundant to allow users the ability to generally determine the extent to which water may be available?

4. ODFW

- a. The Conversion of MPS
 - i. Does ODFW plan to seek increases or other change in the MPS flow rates as currently adopted?
 - ii. How does ODFW view the use of the MPS relative to the use of stored water to satisfy fish needs?
 - iii. What if any additional water demands beyond those required by the BiOp does ODF anticipate seeking?
- b. Administration of Stored Water
 - i. How does ODFW view the currently "proposed" 900k AF stored water allocation for fish?
 - ii. To what extent has NMFS or the Corp consulted with ODFW in generating a proposed stored water allocation number?
 - iii. What does ODFW currently believe to be an adequate stored water number for fish?
 - iv. 73% was the average abundant year number derived based on flows measured over a period of 80 years and as updated every 10 by the Corps. Has ODFW completed any evaluations of its own regarding anticipate d increases in temperature within the valley throughout the balance of this century?
 - If ODFW has completed climate change analyses of its own, have such evaluations been reduced to writing? And if so, has ODFW evaluated the effects such increases may have on flows? If so, what conclusions were drawn regarding the availability of instream flows?
 - 2. If ODFW has not completed either of the analyses above, what is ODWF relying on to determine how much water ultimately may be needed to meet fish demands?

5. STATE ROLE

- a. What is the state committed to regarding its ultimate position on the allocation? For instance, is it committed to presenting an absolute conclusion *or* is it willing to present a qualified conclusion based on certain gaps in information (*e.g.*, the lack of any assessment whatsoever addressing future availability of instream flows over time in the face of increasing temperatures, etc.)
- b. Will OWRD, ODFW (and other affected state agencies) and the Governor's office support ODA's technical review of the DMA analysis and related issues associated with Ag demand? (Note: this supplemental ODA report is forthcoming and will consist of a

summary of the technical assessment ODA previously performed and which the Ag community relied on in the preparation of its May 22, 2017 Memo to the Corps regarding DMA's Draft Technical Review addressing Ag demand within the 4-Mile Study Area).

- c. Throughout the remainder of this process prior to final allocation, what level of stakeholder engagement will the state utilize?
- d. Will the larger SWIFT group weigh in on the allocation, and if so, when?
- e. Will the state pay for the protection of fish?