



Deschutes Mitigation Program Meeting

April 15, 2026

Sarah Henderson, Flow Restoration Coordinator
Angella Rinehold, Senior Water Advisor, Central Region
Bryn Hudson, Senior Policy Advisor

Agenda + objectives

- Program overview
- 5-year legislative report
 - Process, timeline, how to provide input
- Legislative concept
 - Proposal, timeline, nexus with report, initial feedback



Share information and
begin a conversation

What is the Mitigation Program?

- Program to secure new water rights
- If groundwater permit issued, user must mitigate
- Program operational since 2005



What is mitigation and why needed?

- To “mitigate” is to offset groundwater (GW) use
- Bucket GW used = bucket of water instream
- Prevents diminished streamflows from GW use



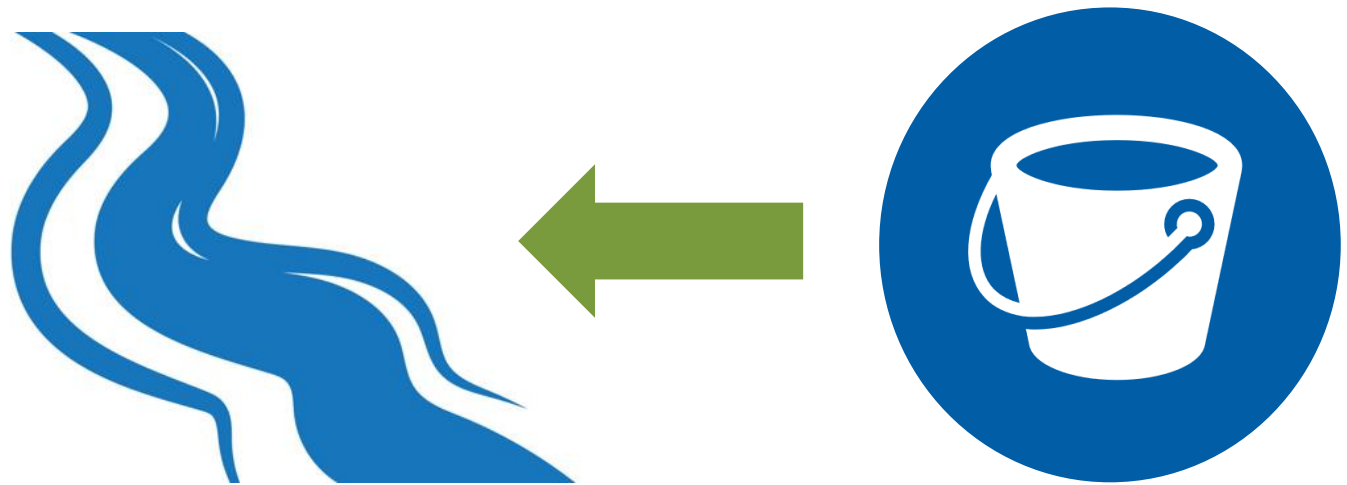
What are the program's goals?



- Maintain State Scenic Waterways and senior rights, including instream rights
- Restore flows in the Middle Deschutes and tributaries
- Sustain existing GW uses and accommodate growth

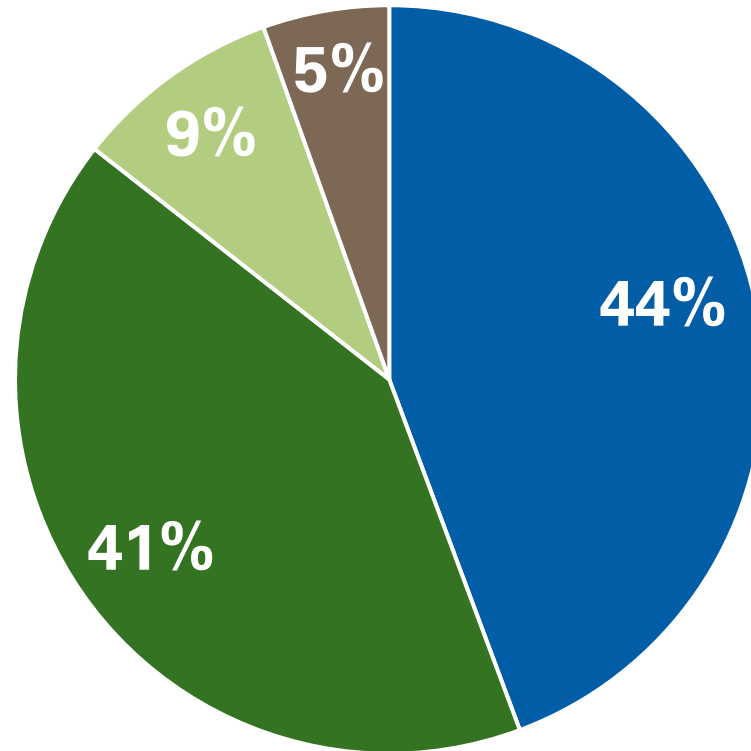
How is mitigation water created?

- Senior water rights transferred instream
- Permanent transfer → permanent credits
- Temporary transfer → temporary credits



Who uses the program?

Mitigation Program Users
(% of ~160 cfs allocated)



■ Muni

■ Quasi-muni

■ Irrigation

■ Other

Where to get more information?



Visit Deschutes Groundwater Mitigation Program webpage

<https://www.oregon.gov/owrd/programs/waterrights/permits/deschutesgroundwatermitigation/pages/default.aspx>

5-year report

**ORS
540.155**

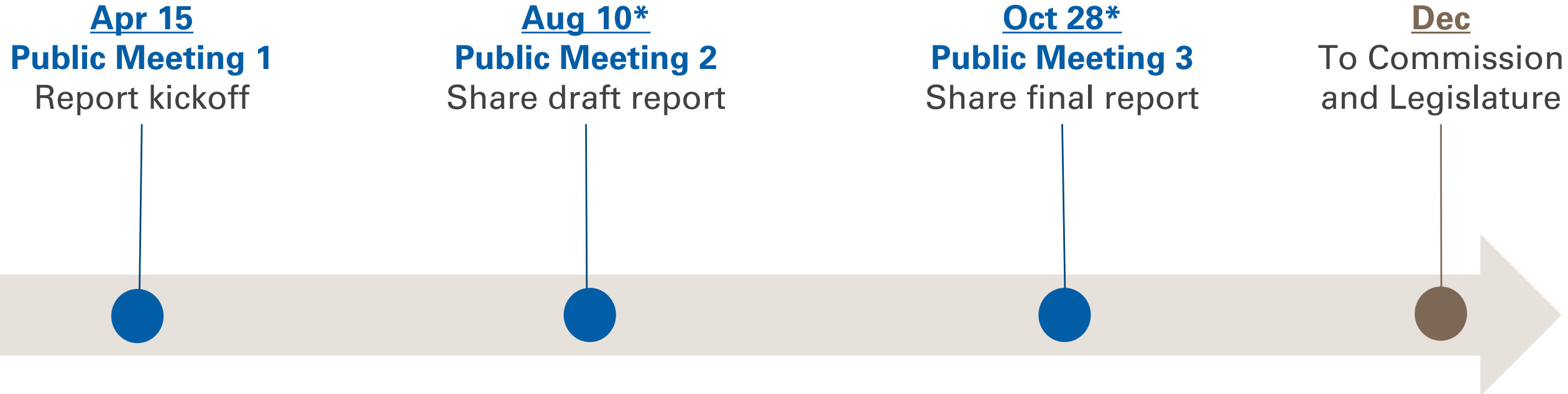
Report to Oregon
Legislature every 5 years
(Next report: 2026)

**OAR
690-505**

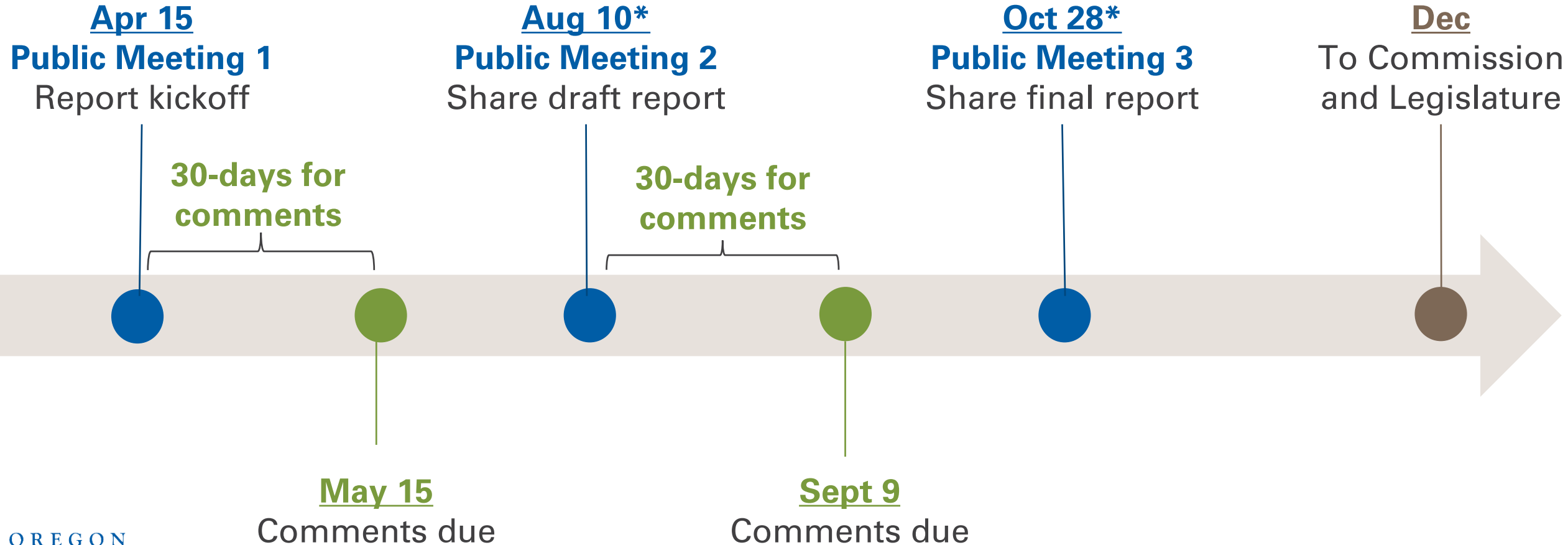
Administrative report to
Commission every 5 years

**Single
combined
report**

5-year report timeline



5-year report timeline



How to provide inputs now?

- Visit Deschutes Groundwater Mitigation Program webpage
- Click Deschutes Mitigation Program Feedback Summary

Which feedback is included in the summary?

April 2026

Deschutes Mitigation Program Feedback

(AS EXPRESSED BY DESCHUTES BASIN INTERESTS)

What is the scope and purpose of this document?

This document summarizes Deschutes Mitigation Program feedback as expressed by various basin interests.¹ The views expressed do not necessarily represent the position of the Oregon Water Resources Department (OWRD).

OWRD will consider the various viewpoints captured in this document during the development of the five-year program evaluation report, which is due to the Oregon Legislature by the end of 2026.

Which viewpoints are summarized here?

The viewpoints summarized in this document are primarily those expressed by basin interests during the development and review of the following Deschutes Mitigation Program reports:

- 2009 legislative report
- 2016 legislative report
- 2021 legislative report
- 2020 annual report
- 2021 annual report
- 2022 annual report
- 2023 annual report
- 2024 annual report

How can you comment on this document?

OWRD invites you to review this document to:

- Confirm that it captures your priority comments and suggestions; and/or
- Share any additional viewpoints that should be considered during the development of the program evaluation report.

By May 15, 2026, please send any comments to Angella Rinehold (Senior Water Advisor, Central Region): angella.c.rinehold@water.oregon.gov

We value your input and thank you for your continued interest in this program!

¹ Comments reflected here include those expressed by the Confederated Tribes of Warm Springs, Central Oregon Cities Organization, Central Oregon Landwatch, Deschutes Basin Water Collaborative, Deschutes River Conservancy, League of Women Voters of Deschutes County, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Farm Bureau, WaterWatch of Oregon, and multiple engaged citizens.

1

Collation of past feedback



Summary table:

| A. Checks on the program | | |
|--|---|--|
| <p>A1. 2029 sunset</p> <p>The looming program sunset creates uncertainty for those who rely on groundwater, including cities. A program extension is needed urgently. Conversely, there are calls to address program feedback prior to an extension.</p> | <p>A2. 200 cfs cap</p> <p>The allocation cap creates uncertainty for those who rely on groundwater and should be reviewed. Conversely, the cap should remain fixed until program feedback is addressed, including those related to seasonality (see C3).</p> | <p>A3. GW allocation rules</p> <p>OWRD should clarify the link between the program and the new groundwater allocation rules, including how the rules address groundwater declines in the basin (both from the program and all other causes of decline).</p> |
| B. Impact on springs and water quality | | |
| <p>B1. Impact on springs/water quality</p> <p>Groundwater pumping reduces spring discharge and cold-water inputs to surface waters, translating to a loss of cold-water refugia for fish and wildlife. There is a need to identify high-value springs and better understand program impacts on springs and water quality.</p> | | |
| C. Program architecture | | |
| <p>C1. Limited license exclusion</p> <p>Limited licenses are currently not included in the program. OWRD should consider statutory changes to incorporate limited licenses into the program.</p> | <p>C2. Temp mitigation/perm rights</p> <p>Using temporary credits to mitigate permanent groundwater rights creates long-term reliability risks for program participants (see G2 regarding stability of temporary credit sources).</p> | <p>C3. Seasonality of mitigation</p> <p>The program mitigates year-round groundwater use with irrigation season flows, resulting in reduced flows in winter and shoulder seasons. Annual accounting masks seasonal impacts that are at odds with the Scenic Waterway Act.</p> |
| <p>C4. Streamflow measurement</p> <p>Groundwater withdrawals may take years to impact streamflows, while mitigation water increases streamflows immediately. This time lag overstates program success. Long-term streamflow monitoring is needed to ensure program goals are met.</p> | <p>C5. Single zone of impact</p> <p>The program's single zone of impact approach is too simplistic, as groundwater use may impact multiple zones.</p> | <p>C6. Localized impacts</p> <p>Mitigation provided downstream of pumping may cause localized impacts to streams, particularly in the general zone of impact. Mitigation projects should be sited upgradient/upstream of groundwater use.</p> |
| <p>C7. Protection to Lake Billy Chinook</p> <p>Protection of mitigation water only to Lake Billy Chinook is at odds with the Scenic Waterway Act, as it may result in reduced flow in the lower Deschutes. Water should be protected to the mouth of the Deschutes.</p> | <p>C8. Mitigation definition</p> <p>Program rules define mitigation as "moderating" the effects of groundwater use, which does not meet statutory standards. Mitigation should be defined as "offsetting" the effects of use.</p> | |

Past feedback themes

3

Checks on
program

1

Impacts on
springs

8

Program
architecture

3

Underpinning
science

6

Eligible
projects

4

Program
oversight

4

Functionality

8

Reporting

#

= # of comments per theme

How to provide inputs now?

- Visit Deschutes Groundwater Mitigation Program webpage
- Click Deschutes Mitigation Program Feedback Summary
- Share additional feedback by May 15

Feedback (past + new) will be considered in the 5-year report.

April 2026

Deschutes Mitigation Program Feedback

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Questions or comments

Questions or
comments on report
timeline or process?



Deschutes Groundwater Mitigation Program legislative concept (LC)

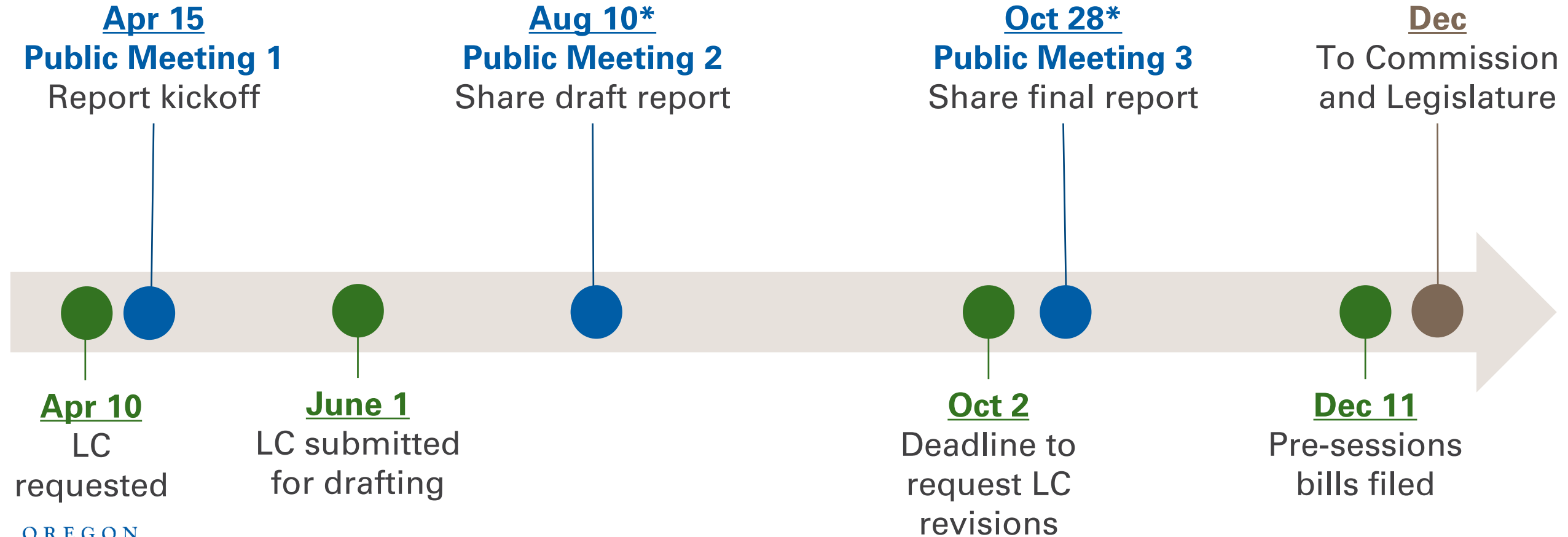
- Program sunsets January 1, 2029, creating uncertainty for those with existing permits and those wanting to apply for new permits
- Several facets of the program need discussion and further improvement, prior to considering sunset repeal
- No legislative acknowledgment of the Confederated Tribes of Warm Springs (CTWS) as a sovereign cooperative manager in the basin or reserved right

Deschutes Groundwater Mitigation Program legislative concept (LC)

Proposed legislative language

- Extend program sunset to January 1, 2039
- Require OWRD to request consultation with the CTWS prior to any rule adoption related to program
- Acknowledge CTWS reserved right in reference to injury and report review requirements

Report timeline with LC milestones



* Anticipated date (not yet scheduled)

How can you provide feedback now?



Option 1:

Provide feedback today



Option 2:

Email comments to Bryn Hudson:

bryn.hudson@water.oregon.gov

OREGON



WATER RESOURCES
DEPARTMENT

Thank you!

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