

690-018
(General)

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| | ensure accountability, transparency and certainty that the full amount being paid for by public dollars is being returned instream, for example OWRD and/or third-party verification of the accounting of the amount of saved water | | |
| 690-018 General | RACM - The Tribe supports strong recordkeeping and system modernization to ensure accurate tracking within the Allocation of Conserved Water (ACW) program both in stream and in the ground. The Tribe notes the potential for unintentional expansion of use or abuse due to lack of measurement or audits. | OWRD POST RAC: OWRD modified 690-018-0050(3)(j) to address. | Complete. Change made. v2 draft. |
| Combined comments on land use compatibility issue 690-018-0040(22)(a), - 018-0050(3)(c), - 310-0040(1)(a)(L), - 380-3000(19), -380-7100(14), -380-8003(2)(d), - 382-0400(12) | RACM – See detailed comments from Leah Cogan (several paragraphs so not pasting here). RACM Recommendation - For the provisions relating to application requirements (690-018-0040(22)(a), 690-310-0040(1)(a)(L), 690-380-3000(19), 690-380-7100(14), 690-380-8003(2)(d), and 690-382-0400(12)): “A Land Use Information Form completed by the affected local government as outlined in the Department’s Land Use Planning Procedures Guide described in OAR 690-005-0035(4).” 690-018-0050(3)(c): The original rule language was sufficient to allow OWRD to comply with Division 5 and ORS 197.180. Recommend keeping the original language (could make “acknowledged comprehensive plans” lower-case) | OWRD also notes that the v1 proposed draft rules changed “acknowledged comprehensive plans” to lower case, so no changes needed for that item. | Under Review - Pending final language on land use. Land Use Discussion with RAC |
| 690-018 General | PUBLIC – Comments were submitted emphasizing the interface between OWRD and DLCD and the importance of collaboration in land use/resource planning as manifested in Deschutes County (see comments | | Under Review - Pending final language on land use. |

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| | submitted by Jim Powell, 11/4/25, for more context). | | |
| 690-018-0010(1), 690-018-0020(3), 690-018-0020(4) | <p>PUBLIC - “any water conserved” is implied to be eligible and subject to allocation based on ORS 537.470(3).</p> <p>PUBLIC RECOMMENDATION - Add clarification that the ACW surface water pathway applies to only “duty” water.</p> | It appears this comment may be related to OWRD’s December 18, 2024, memo titled, "Water Conservation and Protection Pathway for Irrigation Modernization Projects in the Upper Deschutes Basin." The memo describes an “alternate pathway” for conserving and protecting water and is accomplished outside of the ACW program, therefore OWRD does not believe the recommendation is appropriate. Additionally, upon finalization of an approved ACW project, OWRD issues a remaining right certificate that is reduced in both instantaneous rate and annual volume of water to reflect the amount of water that is needed to satisfy the existing beneficial use following implementation of the conservation measures. | Complete. No change made. |
| 690-018-0012(3) | RACM – “final completion” should be changed to "finalization". | OWRD agrees that changing “final completion” to “finalization” is appropriate and consistent with the terminology used in proposed rule OAR 690-018-0065 (Finalization of Conservation Project). | Complete. Change made. v2 draft. |
| 690-018-0020(9) | <p>RACM - The original certificate is not always canceled. Districts with a lot of water right activity have “living certificates” with a new superseding certificate issued periodically.</p> <p>RACM Recommendation - Propose - ... the cancelation or partial cancelation of the original water right certificate or living certificate. Not sure if living certificate would need to be added to definitions. This might also lead to an update in (a)(C) and in (b)(B) and (c) to recognize living certificates.</p> | OWRD added a definition for “living certificate” in OAR 690-018-0020 and modified 690-018-0050(5)(a)(B), - 0050(5)(b)(B), and -0050(5)(c) to address this comment. | Complete. Change made. v2 draft. |
| 690-018-0025(1) | RACM - When the Department receives an application for allocation of conserved water, the Director shall: Is this something | OWRD POST RAC: It appears this comment is related to OAR 690-018-0050(1). Based on the statutory | Complete. Change made. v2 draft. |

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| | <p>the Director does or should this be the Department shall?</p> <p>RACM Recommendation - Consider changing Director to Department if this is not a Director duty</p> | <p>citations shown below, OWRD believes this change can be made.</p> <p>ORS 537.470(1) states, “Upon receipt of an application for allocation of conserved water..., the Water Resources Commission shall give notice of receipt of the application...”</p> <p>ORS 536.025(2) states, “...the commission may delegate its authority to the Water Resources Director...”</p> <p>ORS 536.037(3) states, “The director may delegate to any employee of the department the exercise or discharge in the director’s name of any power, duty or function of whatever character...”</p> | |
| 690-018-0025(22)(b) | <p>RACM - We strongly oppose the provision directing the applicant to provide notice to each affected local government along the instream reach. This provision is inequitable in that it is only targeting ACW projects that propose to put all water instream, but not to other uses. This also seems to go against the notion of efficiency in processing. There is nothing in statute directing this, we urge you to remove this.</p> | <p>It appears this comment is related to OAR 690-018-0040(22)(b).</p> <p>OWRD amended OAR 690-018-0040(22)(a) to address equity-related comments.</p> | <p>Complete. Change made. v2 draft.</p> <p>Possible Discussion with RAC</p> |
| 690-018-0040(1) | <p>RACM – grammar issue/should be plural.</p> <p>RACM Recommendation - “(1) The name of the applicant(s), mailing address(es), email address(es) (if available), and telephone number(s);”</p> | <p>OWRD POST RAC: added “(s)” after “email address” to allow for plural, if applicable. Also added “(s)” after “name” to indicate this could be plural as well.</p> | <p>Complete. Change made. v2 draft.</p> |
| 690-018-0040(9) | <p>RACM - “applicant” is singular throughout except for one plural “applicants” here</p> <p>RACM Recommendation - Change “applicants” to “applicant” to match the rest of the rule</p> | <p>OWRD POST RAC: OWRD agrees with this proposed change.</p> | <p>Complete. Change made. v2 draft.</p> |
| 690-018-0040(16) 9/18 | <p>ODFW - Flagging that this may need a bit more description regarding the “reservations or</p> | <p>OWRD POST RAC: OWRD amended OAT 690-018-0040(15) & (16) to better differentiate between that</p> | <p>Complete. Change made. v2 draft.</p> |

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| | dedications.” Is this the state’s portion? Also, curious if the instream portion is reserved for future out of stream use (per – 0080(2) language), what happens to the applicant’s portion? | state’s portion and the applicant’s portion of the conserved water. | |
| 690-018-0040(22)(a) 9/18 | RACM – Comments are similar to those for Div 310. RACM Recommendation - OWRD should add the language “local land use regulations” in addition to “acknowledge comprehensive plans” in order to ensure that the proposed allocation of conserved water is reviewed for compliance with all relevant local land use regulations, as required by ORS 197.180(1). Further, if applicable, OWRD should require land use approval from local government before approving the proposed allocation of conserved water. | | Under Review - Pending final language on land use. |
| 690-018-0040(22)(b) 9/18 | RACM - What is the current practice with respect to land use review; is an application to put 100% of a water right instream needed a land use review to ensure alignment with Division 310. RACM – recommend OWRD remove this section. It is not clear why this rule requirement is needed. RACM - We ask that you remove the provision directing the applicant to provide notice to each affected local government along the instream reach. This provides an added burden and cost to those of us focused on instream restoration. We are not aware of any statutory requirement to this end, and the lack of any similar requirement for Allocation of Conserved Water (ACW) projects that dedicate a portion of the saved water to other uses creates an unfair bias against projects that dedicate all | OWRD POST RAC: This reflects OWRD’s current practice as it relates to transactions to modify an existing water right to permanently dedicate (e.g., ACW or instream transfer) water instream under instream water right for instream purposes. OWRD feels the proposed provisions in OAR 690-018-0040(22)(a)&(b) are necessary to adequately provide notice to affected local governments along the proposed instream reach. OWRD amended OAR 690-018-0040(22)(a) to address equity-related comments. Notice related to the conserved water, or portions thereof, to be dedicated instream under an instream water right for instream purposes, does not require completion of OWRD’s Land Use Information Form; instead, it simply requires the applicant to send a written notice (e.g., a letter or email) to the affected local governments and to provide a copy of the notice to OWRD as part of the application materials. | Complete. Change made. v2 draft. Possible Discussion with RAC |

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| | <p>saved water instream. Finally, water flowing in a streambed should not come as a surprise to local governments. This provision gets us further, rather than closer, to the agency's goals of increased administrative efficiency and provides little actual benefit to local jurisdictions that expect water in waterways. We ask that you remove this provision</p> <p>RACM - Statute does not direct notifications of local governments along a reach and this is not a requirement for out of stream uses, only for instream and as such, is an inequitable additional requirement. This also time consuming for the applicants. RACM Recommendation - Propose removal of this as a requirement or confine to notifying only Tribal entities along a reach.</p> <p>RACM - OEC recommends removing 690-018-0040(22)(b), as there is no direction in statute requiring this and no clear need has been shown for requiring it in rule.</p> <p>RACM - Requiring applicants to notify affected local governments along the stream reach of the intent to allocate 100% of conserved water to an instream water right. The Tribe disagrees with the addition of this requirement. It is overly burdensome to the applicant and is not required by statute. OWRD has procedures for digital notifications to interested agencies or groups that are satisfactory for this purpose. (25) Changes the existing rule from "shall waive" to "may waive" fees to be consistent with the statute</p> | | |
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| | <p>language. The Tribe understands the goal, but notes that a generous fee waiver policy for creating an instream water right is important for correcting historic harms to Indigenous people from overextraction of water under Oregon's water right system despite being subsequent to Tribal Treaties and to the Winters v. United States Supreme Court ruling.</p> | | |
| <p>690-018-0040(25)</p> | <p>RACM - We oppose the change from "shall" to "may" waive the application fee (not to exceed 50%). Allocations of conserved water to instream are one of several tools to return water to streams which are significantly overallocated. These projects serve a public benefit and rely on extensive public funding. Fees should not be a deterrent to protecting the water instream.</p> <p>RACM Recommendation - These projects serve a public interest and rely on extensive public funding. Retain the "shall waive." The rule already states that if the applicant puts less than 50% instream, the waiver can be less than 50%. As an alternative – the Department could use "shall" waive 50% of the fee when 50% to 100% of water conserved is dedicated to instream protection and "may" waive up to 50% of the fee if less than 50% of the conserved water is dedicated instream.</p> <p>RACM - We oppose elimination of the mandatory fee waiver for specified conservation projects. Rules can provide more than the statute requires – OWRD has exercised discretion through existing rules to always waive fees in these circumstances and</p> | <p>OWRD POST RAC: The language in the v1 draft proposed rules reflects existing statutory language found in ORS 536.050(5) and was proposed to bring the rules into alignment with statute.</p> | <p>Complete. No change made.</p> |

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| | should continue to do so for specified projects serving public interests. | | |
| 690-018-0040(25)(c) 9/18 | <p>ODFW-Not recommending changes here but flagging that this initial endorsement may be in conflict with any final determination under a full assessment for a consent to injury recommendation. We add a disclaimer in the endorsement.</p> <p>RACM - 690-018-0040(25): We request that you do not eliminate the mandatory fee waiver for the conservation projects specified. We find it frustrating that the out-of-stream use of water has been granted to such an extent that many of our fisheries have been severely compromised; indeed, many of our rivers and streams would have no water during the irrigation season if it were not for the work of flow restoration practitioners like CTUIR and others. To eliminate the fee waiver for this work to try and correct Oregon's past practices and restore water back to our rivers and streams is particularly frustrating. We respectfully ask that you do not eliminate this waiver.</p> | <p>OWRD POST RAC:</p> <p>ODFW comment – OWRD acknowledges and appreciates ODFW flagging this item.</p> <p>RACM comment - The language in the v1 draft proposed rules reflects existing statutory language found in ORS 536.050(5) and was proposed to bring the rules into alignment with statute.</p> | Complete. No change made. |
| 690-018-0050(1) 9/18 | <p>RACM - Division 18, 310, and 315 all have slightly different variation as written (Div 310: unless the recipient has requested mailing, Div 315: unless the applicant has requested mailing or other sending in written form, Div 18: unless the recipient has requested that the notice be sent by regular mail) RACM Recommendation – propose same language be used throughout all divisions.</p> | OWRD POST RAC: OWRD will strive for consistent language across the various rule divisions as it relates to requests for mailing of documentation and notice instead of by electronic means. The change has not been made at this time because OWRD is still in the process of making revisions, however we anticipate making revisions for more consistent language prior to finalizing the rules. | Under Review - Change not made at this time, however we anticipate making revisions for more consistent language (mailing vs. electronic) across all rule divisions prior to finalizing the rules. |

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| <p>690-018-0050(1)(b) 9/18</p> | <p>ODFW - The last part of the sentence appears to be missing a few words. A recipient would not know that the Director determined they should be notified in advance, so would not be able to request notification in writing. I added a few words, if this is the intent.</p> <p>ODFW Recommendation ...and parties that the Director determines should be notified, unless thea recipient has requested <u>notification and</u> that the notice be sent by regular mail.</p> <p>RACM - It is unclear why the OWRD is proposing to delete “on the Department’s weekly notice list”. By expanding the way it has, OWRD now must determine who they think should get notice, then send notice. This is not only time consuming and burdensome but potentially opens the OWRD up for challenge if they fail to notice someone they should have.</p> <p>RACM - different variation as written (Div 310: unless the recipient has requested mailing, Div 315: unless the applicant has requested mailing or other sending in written form, Div 18: unless the recipient has requested that the notice be sent by regular mail) I am proposing that the same language be used throughout all divisions.</p> | <p>Related to ODFW’s comment, this change has been made and can be found in OAR 690-018-0050(1)(b).</p> <p>Related RACM comment (#1), OWRD is not proposing to remove notice via the Department’s weekly public notice. Instead, that element was moved from 690-018-0050(1)(b) up to 690-018-0050(1)(a). Then, 690-018-0050(1)(b) was modified as proposed to avoid duplication of notice to any entity or individual who already received notice under 690-018-0050(1)(a). No change made.</p> <p>Related RACM comment (#2), OWRD will strive for consistent language across the various rule divisions as it relates to requests for mailing of documentation and notice instead of by electronic means. The change has not been made at this time because OWRD is still in the process of making revisions, however we anticipate making revisions for more consistent language prior to finalizing the rules.</p> | <p>Partially complete.</p> <p>One change made – v2 draft.</p> <p>One change not made.</p> <p>One change not made at this time, however we anticipate making revisions for more consistent language (mailing vs. electronic) across all rule divisions prior to finalizing the rules.</p> |
| <p>690-018-0050(3)(c) 9/18</p> | <p>RACM - Comments are similar to those for Div 310.</p> <p>RACM Recommendation - OWRD should add the language “local land use regulations” in addition to “acknowledge comprehensive plans” in order to ensure that the proposed allocation of conserved water is reviewed for compliance</p> | | <p>Under Review - Pending final language on land use.</p> |

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| | <p>with all relevant local land use regulations, as required by ORS 197.180(1). Further, if applicable, OWRD should require land use approval from local government before approving the proposed allocation of conserved water.</p> <p>RACM - Requirement for OWRD to ensure that the local government comprehensive plan and land use classification is consistent to approve a proposed allocation of conserved water rights. The Tribe's understanding of local comprehensive plans is that they are written to conform with the State's Land Use Goals. We disagree that a local comprehensive plan should be able to prevent an allocation of conserved water to the State from being approved, if this is the intent of this statement. If the goal is to ensure that the local government correct any land use classification conflicts, or that the local government becomes aware of the State's intent to enact a water right via the ACW program, then the language needs to be clarified.</p> | | |
| <p>690-018-0050(5)(a)(B), -0050(5)(b)(B)</p> | <p>RACM - Applicant should be able to get consent from the certificate holder and that the applicant should not have to be the holder of the certificate.</p> <p>RACM - The original certificate is not always canceled. Districts with a lot of water right activity have "living certificates" with a new superseding certificate issued periodically.</p> <p>RACM Recommendation - Propose - ... the cancelation or partial cancelation of the original water right certificate or living certificate. Not sure if living certificate would need to be</p> | <p>OWRD POST RAC:</p> <p>RACM comment (#1) related to the fact that the applicant is not always the holder of the water right – Changes made in OAR 690-018-0050(3)(e), -0050(5)(a)(B), -0050(5)(b)(B), and -0050(5)(c), OAR 690-018-0062(1)(a).</p> <p>RACM comment (#2) related to "living certificates" – OWRD added a definition for "living certificate" in OAR 690-018-0020 and modified 690-018-0050(5)(a)(B), -0050(5)(b)(B), and -0050(5)(c) to address this comment.</p> | <p>Complete. Changes made. v2 draft.</p> |

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| | added to definitions. This might also lead to an update in (a)(C) and in (b)(B) and (c) to recognize living certificates. | | |
| 690-018-0050(5)(b)(A) | OWRD – The draft rule, as written, fails to include reference to OAR 690-018-0050(3)(i) which specifies that the time between completion of an ACW project and the date by which the applicant must finalize their project and request finalization cannot exceed 5 years. This was an oversight and should be corrected. | OWRD POST RAC: OWRD has added language to OAR 690-018-0050(5)(b)(A) to correct the omission. | Complete. Change made. v2 draft. |
| 690-018-0050(5)(c)(C)(i) 9/18 | <p>OWRD – need to remove (i) b/c there is no (ii)</p> <p>RACM - no instream water right shall be issued...” should also reference “groundwater rights.”</p> <p>RACM - OWRD shared during the RAC meeting that if a groundwater right goes through the ACW program, the state’s portion of conserved water is just left in the aquifer without protections. Without a mechanism in place to protect the state’s portion of the groundwater right, strongly recommend that OWRD remove all proposed rules related to groundwater projects in Div 18.</p> <p>RACM - Without a mechanism to protect the state’s portion of a groundwater right, we strongly recommend that OWRD remove all proposed rules related to groundwater projects in Division 18. While we are firm advocates for water conservation, the ability to protect the public’s benefit from these projects is critical. We know from experience that, in over-appropriated basins, saved surface water left instream will only be withdrawn by other water</p> | <p>OWRD POST RAC:</p> <p>OWRD staff comments – change made in 690-018-0050(5)(c)(C) of v2 proposed draft rules.</p> <p>Comments related to inclusion of GW – No changes made at this time. Under review.</p> | <p>Partially complete.</p> <p>One change made – v2 draft.</p> <p>Groundwater matter is still under review.</p> <p>Possible Discussion with RAC</p> |

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| | <p>users unless it has formal, legal protection under an instream water right. Without this protection, the public will not realize the benefits intended from the ACW program. Groundwater is no different. Until legislation is passed to enable the protection of the state's portion of saved water in the aquifer, we fear that an expansion of the ACW program to groundwater via rule would merely enable water spreading without any public benefit. Finally, the statutory language of the ACW program is clear in its contemplation of "instream" benefits; if we are to expand this program to groundwater, it should be done via legislation, not this rules advisory process.</p> <p>RACM - DRC strongly supports all water conservation efforts. However, this does not seem to follow the intent of Division 18. With new groundwater allocation rules and low availability of groundwater in many basins, how will it be assured that the conserved groundwater is not withdrawn/pumped by another water user or won't result in another water user pumping water that may not have been available prior to the conservation? If the groundwater conservation cannot improve aquifer conditions, it should not be included for allocations of conserved water.</p> <p>RACM – Note Groundwater conservation is also mentioned in -018-0065(2)(c)(A) and (3)(b). RACM Recommendation - Unless there is a way to protect the conserved groundwater in the aquifer, there would or may be no public benefit or improvement of</p> | | |
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| | <p>the status of the aquifer. Consider removing groundwater conservation from Division 18 unless or until methods are established to protect the conserved water from further withdrawal.</p> <p>RACM - We strongly oppose the expansion of conserved water projects to groundwater via rule. Unless legislation is passed to allow state protection of saved groundwater in the ground, then this new provision is simply allowing increased consumptive use (via water spreading) with no public benefit. The language of the statute is very clear that public benefits of the ACW are “instream” benefits; groundwater was not contemplated at time of the law’s passage.</p> <p>RACM - OEC strongly opposes proposed language in 690-018-0050-(5)(c)(C)(i) and (D)(i)(ii). Groundwater should not be included in Division 18 rules. Expanding conserved water projects to groundwater by rule without assurances provided by legislation that the state will protect saved groundwater from subsequent withdrawals is not acceptable. Until such legislation is passed, the allocation of conserved water should be applied only to surface water</p> | | |
| <p>690-018-0050 (5)(c)(D)(ii) 9/18</p> | <p>RACM – Similar to comment re: - 0050(5)(c)(C)(i), recommends that OWRD remove this section. Without a mechanism in place to protect the state’s portion of the groundwater right, strongly recommend that OWRD remove all proposed rules related to groundwater projects in Div 18.</p> <p>RACM - As stated above, CTUIR</p> | <p>RACM comments related to inclusion of GW – No changes made at this time. Under review.</p> | <p>Groundwater matter is still under review.</p> |

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| | <p>requests that OWRD remove this section. (see comment re: - 0050(5)(c)(C)(i))</p> <p>RACM – see comment for -018-0050(c)(C)(i) RACM Recommendation – see above.</p> <p>RACM - : We strongly oppose the expansion of conserved water projects to groundwater via rule. Unless legislation is passed to allow state protection of saved groundwater in the ground, then this new provision is simply allowing increased consumptive use (via water spreading) with no public benefit. The language of the statute is very clear that public benefits of the ACW are “instream” benefits; groundwater was not contemplated at time of the law’s passage.</p> <p>RACM - OEC strongly opposes proposed language in 690-018-0050-(5)(c)(C)(i) and (D)(i)(ii). Groundwater should not be included in Division 18 rules. Expanding conserved water projects to groundwater by rule without assurances provided by legislation that the state will protect saved groundwater from subsequent withdrawals is not acceptable. Until such legislation is passed, the allocation of conserved water should be applied only to surface water</p> | | |
| 690-018-0050(6) | <p>RACM - Is certified/registered mail the only way for the applicant to receive the proposed final order? Can the applicant also receive the PFO via electronic mail service? Emails can be sent with confirmation requests</p> <p>RACM Recommendation - If the PFO can be sent to applicant via</p> | <p>Related to RACM comments (#1 & #2) – Pursuant to the Administrative Procedures Act and ORS 183.415, all proposed final orders must be mailed by registered or certified mail. Change not made.</p> <p>#3 comment: OWRD has added a reference to party status.</p> | Complete. Partial change in v2. |

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| | <p>postal service and/or electronically, add electronic mail with a read receipt, delivery receipt, or applicants' response to the Department email.</p> <p>RACM - As we have noted at every RAC meeting, all rule references to protests and contested cases should also include ORS 183 and OAR 137. And, in addition to mentioning "protests" and "contested case proceedings" the rules need to mention "petitions for party status". Again, this comment applies to nearly all rules the RAC is reviewing</p> | | |
| 690-018-0050(7) | <p>RACM – Change to "Department." Other references call out WRD as "Department"</p> <p>RACM Recommendation - "In addition to any other authority the <u>Department</u> may have."</p> | OWRD agrees with this proposed change. Change made in 690-018-0050(7). | Complete. Change made. v2 draft. |
| 690-018-0062(1)(a) | <p>RACM - Not all water rights are canceled with an allocation of conserved water, some are living certificates with reductions tracked and superseding certificates issued periodically</p> <p>RACM Recommendation - Consider revising to cancellation or partial cancellation of the original water right certificate or living certificate. A definition may be needed to describe living certificates.</p> | OWRD added a definition for "living certificate" in OAR 690-018-0020 and modified 690-018-0062(1)(a) and 690-018-0065(2)(b) to address this comment. | Complete. Change made. v2 draft. |
| 690-018-0065 | <p>RACM - While CTUIR certainly benefits from the lack of requirements that the amount of water saved from a conservation project is verified by a third party or the agency, we remain concerned that this lack of measurement requirements can create the potential for the ACW program to be abused. Because so few of our water diversions have metering in the first place, an absence of verification could lead to an applicant actually</p> | <p>RACM comments (#1 & #2) – OWRD has modified 690-018-0050(3)(j) to address comments related to the need for metering.</p> <p>RACM comment (#3) on the need for clarification in OAR 690-018-0065 to reduce confusion around the ACW process for approval, completion, and finalization of an ACW project – OWRD added language in OAR 690-018-0065(2) to provide more clarity.</p> | Complete. Changes made. v2 draft. |

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| | <p>using more water after the completion of an ACW project than had been used pre-project. That defies the spirit of this program—to create a “new” water supply through conservation—and could unfairly deprive other water users of water to which they were legally entitled. Again, while we are loath to request additional administrative requirements (that we would have to follow ourselves as practitioners), the water resources of the state would be better off if there were additional attention given to the veracity of quantities claimed through the ACW program.</p> <p>RACM - The Deschutes Basin benefits from extensive gaging and measurement ability. Measurement and management is important to the success of this program in the Deschutes. However, other basins may not be so fortunate. Metering, measurement and verification are key components to ensure the conserved water serves its intended purpose and does not result in enlargement. This may include third party or agency verification of the amount of water saved.</p> <p>RACM Recommendation - Consider metering/measurement and verification.</p> <p>RACM - The Tribe acknowledges OWRD’s discussion during the RAC about ensuring that the process of finalization is clear and complete, and the original water right is officially terminated, but not before the process is complete, approved, and finalized. This section requires additional consideration by</p> | | |
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| | OWRD to avoid confusion. | | |
| 690-018-0065 (2)(c)(A) 9/18 | <p>WRD staff – need to remove (A) because there is no (B)</p> <p>RACM - Similar to comment re: -0050(5)(c)(C)(i), recommend that OWRD remove this section. Without a mechanism in place to protect the state’s portion of the groundwater right, LandWatch strongly recommends that OWRD remove all proposed rules related to groundwater projects in Div 18.</p> <p>RACM - As stated above, CTUIR requests that OWRD remove this section. (see comment re: -018-0065 above).</p> <p>RACM - Remove groundwater references until a method to protect the conserved groundwater is determined.</p> <p>PUBLIC - I support the concerns expressed by Chris, Kimberley and others about the provision in 690-018-0065 (2)(c)(A) of applying the ACW to groundwater but not protecting any conserved water or having a plan beyond leaving it for the next user to access.</p> | <p>WRD staff comment – change made to 690-0018-0065(2)(c) of v2 draft proposed rules.</p> <p>RACM comments related to inclusion of GW – No changes made at this time. Under review.</p> | <p>Partially complete.</p> <p>One change made – v2 draft.</p> <p>Groundwater matter is still under review.</p> |
| 690-018-0065(3)(b) | <p>RACM - Similar to comment re: -0050(5)(c)(C)(i), recommend that OWRD remove this section. Without a mechanism in place to protect the state’s portion of the groundwater right, LandWatch strongly recommends that OWRD remove all proposed rules related to groundwater projects in Div 18.</p> <p>RACM - Remove groundwater references until a method to protect the conserved groundwater is determined.a</p> | OWRD POST RAC: No changes made at this time. Under review. | Groundwater matter is still under review. |
| 690-018-0090 (2) 9/18 | ODFW - I may not be fully grasping this intent, but a change in POD should be subject to an | OWRD POST RAC: OWRD amended OAR 690-018-0090(2) to address this comment. | Complete. Change made. v2 draft. |

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| | <p>injury assessment prior to approval.</p> <p>Not sure how (6) plays a part if injury is not provided for in (2). Does that mean the transfer rules apply for injury?</p> <p>ODFW Recommendation – Add an injury assessment to POD changes?</p> | | |
| <p>690-018-0090(2)(c)</p> | <p>RACM – Similar to comments re: Div 310, OWRD should add the language “local land use regulations” in addition to “acknowledge comprehensive plans” in order to ensure that proposed water permits are reviewed for compliance with all relevant local land use regulations, as required by ORS 197.180(1).</p> <p>RACM - Don’t agree with removing reference to Div. 5, but if this stays in, clarify that it’s the proposed use that should be allowed under the comp. plan, not the approval itself</p> <p>RACM Recommendation - “The proposed use is allowed under the acknowledged comprehensive plan”</p> | | <p>Under Review - Pending final language on land use.</p> |