

# WATERWORKS

Newsletter of the Oregon Water Resources Congress



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Oregon Water Resources Congress

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## A Note from President Wilcox...

As another year clicks off of the calendar, I look back at the trail that OWRC has left in the ever-shifting sand. 2011 was a full legislative year and left us with moderate success in getting bills past, but measurement of our success doesn't stop there. Great inroads were made in good working relationships with other natural resource groups and invitations to participate in work groups and on rulemaking committees. These are positive signs that our views are respected and valued as the legislative process continues on; also, it puts us in a better position regarding future legislation. When all of the factors are considered, it indicates a successful year with more opportunities to come in the future.

For the past two years, the Board of Directors has been working on a new management plan that deals with the goals of OWRC as well as the restrictions that interfere with those goals. Many hours of thought and discussion have taken place to prioritize our goals to allow us to get the most important issues for the most members at the top of the list. Beyond that staff time and financial support has been allocated to correspond with our goals. To accomplish these goals, the new management plan empowers our members and committee chairs to be more active in the various actions of OWRC. This means that we cannot depend on staff to do everything that it takes to accomplish our goals, your involvement and participation will be critical to our future success.

As we implement the new management plan, some of which is already in progress, it will not be business as usual but instead conducted as prescribed in our new plan. Your understanding, participation, and cooperation will be vital in making our new management plan work and be successful.

We, as a board and officers, realize that this new management plan is a work in progress and modifications will need to be made as time goes on. With this in mind I encourage you to accept the new plan with an open mind and give it a chance to work. Any necessary changes or modifications can be made by the action of the Board of Directors.

*Continued* •

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As we come to the end of another year this will be the last article that I write as President of OWRC. I want to take this opportunity to say that I consider it a real privilege and honor to have served as President during the last two years. It has been a gratifying experience working with OWRC staff, board members, and officers. Thanks to all of you for providing the opportunity and good experience of serving as President of a well-respected great organization. Thanks a million, and farewell!!

Sincerely,

*Chuck Wilcox*

*OWRC President 2010 & 2011  
Hermiston Irrigation District*



## EXECUTIVE DIRECTOR'S REPORT

One of the advantages of knowing the newsletter editor is that I get to read other people's articles before the newsletter is published. I share the thoughts Chuck expressed and I won't take up space repeating them. I wish I had enough time to fully reflect on my ten years as OWRC's Executive Director, but I am writing this as April and I are getting the final details for the Annual Conference completed and there isn't time for that kind of reflection. It seems more important right now to make sure that everything is in place for a successful conference and annual membership meeting.

The past ten years have been a roller coaster ride with high and lows, twists and turns, and high speeds intertwined with time to catch my breath. It has never been boring, although there have been times when I'd have gladly settled for a little boring time!

We battled to protect districts' interests in the water rights they deliver at the legislature and in court. I had the chance to meet many of the districts' water users in a series of meetings around the state on that issue – and I will remember those meetings for years. It was a treat to meet the people that are, ultimately, the beneficiaries of OWRC's work.

We moved many legislative concepts from ideas into state statutes and we worked hard to have rules adopted that fully reflected the legislation. We have worked to stop bills that would have injured districts' ability to serve their water users. We have developed the respect of the members of our Congressional delegation and several Federal agencies to the point that we have been invited to provide input on a number of things that could impact our members.

OWRC is almost always invited to work with the Oregon Water Resources Department on issues that could involve our members or impact their water rights. OWRC took the lead to establish a working group of water-related associations in 2003 to advocate collectively for OWRD's budget, a partnership that remained alive and well in this year's legislative session.

Working with the Bureau of Reclamation, we started the John Keys Partnership Program, giving small groups of Reclamation employees some intense exposure to irrigation districts by spending four days with a district manager, staff and board members. It surprised me how many of the Reclamation staff that have participated in that program had not had the chance to visit a district and see the different components of the district's water delivery system. Graduates of the program are in all different parts of Reclamation, some having moved outside the Pacific NW, and the time they spent with an Oregon irrigation district has helped them understand both our districts' needs and Reclamation's relationship with the districts. This program has been adopted in different formats in other Reclamation regions, but the Oregon program is the only one that involves the state association in helping make it work.

There are many other OWRC accomplishments over the last ten years, some bigger and some smaller, but all of them important in serving our members. None of them could have been accomplished without the Board of Directors' commitment to OWRC's mission; without the committees and the committee chairs, who all give their time and who are quick to respond when we are working under tight timeframes; without the district managers and staff and the district elected board members who have contacted legislators, written letters, and spent time educating me about their issues and how our ideas could help or hinder their district operations; and without the support of our Affiliates.

Nor would it have happened without help from Peter Carlson and Kristina McNitt, our able advocates in D.C. and Salem. Peter has spent more time than either of us want to admit explaining why he is bringing things to my attention – and is always patient. Kristina "schooled" me in the politics of Salem and has provided invaluable leadership maneuvering the halls of the Capitol pursuing our legislative agenda.

April's arrival just over four years ago led to major changes internally in OWRC. She is responsible for all of our financial matters and she has taken on major portions of meeting and conference planning. When she told me that she wanted to be more involved in policy and that she had time on her hand, and I took her at her word. She jumped into those issues and has been invaluable in developing white papers, testimony, and serving on work groups. We would not have been able to expand our efforts the last few years without her work.

**Continued Next Page** 

## EXECUTIVE DIRECTOR'S REPORT CONTINUED

On the bulletin board above my desk I posted a sign a couple of years after I started this job. It says, "Life isn't about how fast you run, or how high you climb. It's about how good you bounce." Little did I know when I tacked it on the board how true it would be for me and for OWRC. Sometimes we run fast, sometimes we run slow, sometimes we come to a halt. Sometimes we climb small mounds, sometimes we climb big mountains, sometimes we start climbing only to find we need to go back to the base and try another path. We have had great successes and we have hit some walls in the last ten years. In the end, we bounce good – ready to move forward again. It is with that in mind that I thank all of you for what you do for OWRC and for your ongoing support; for your caring for this organization and for the individuals that work here.

I leave with many great memories. Mostly I leave with a sense of having worked for an organization that makes a difference; that is respected by the administrative agencies, at the Capitol, and among its peers. And I leave an organization that is well positioned to move its agenda forward and continue to serve its members and continuing to make a difference for irrigators in Oregon. I leave friends I will miss. I wish all of you and OWRC the best (and since this newsletter will be coming out in early December, a Merry Christmas and wonderful 2012). Thank you for the opportunity to work with all of you. It's be a privilege that I won't be able to repeat or forget.

– Anita Winkler, OWRC Executive Director

*Thank you for your 10 years of service—You will be missed!*



## DISTRICT ISSUES

### ADDRESSING LAYERED WATER RIGHTS WITHIN DISTRICT BOUNDARIES

Oregon Water Resources Congress (OWRC) is working with Oregon Water Resources Department (WRD) to find a solution to an issue that has become troublesome to our Member Districts. The issue is a "layering" or "stacking" of primary water rights on a parcel within district boundaries. The action has occurred inadvertently over the years and becomes a problem when the District tries to move their water right "OFF" a parcel.

You may or may not know that you have a layering issue in your district, as irrigation district usually do not track private water rights within their boundaries. So, here is some information to help you assess the problem.

#### EXAMPLES OF LAYERED WATER RIGHTS:

- Groundwater from non-exempt wells – groundwater right mapped onto the same property as a District water right
- Surface delivery of non-District water mapped onto the same property as a District water right
- Surface delivery of water from more than one District mapped onto the same land (overlapping District boundaries)

#### When does a layered water right become an issue for a District?

When a District files a transfer on their water, ORS 540.510

requires supplemental or permitted water appurtenant to the same land be transferred with the District water. If layering is found, WRD will require one of the water rights to be diminished to supplemental or cancelled. If this cannot be done, then WRD will deny the District transfer.

#### How did the layering occur without District knowledge/consent?

A District may have inadvertently mapped a District water right on top of another water right during their HB 3111 process; filed a water right transfer unknowingly placing the District water on top of another water right, or, were not notified when a landowner applied for a water right placing water on top of District water.



## ADDRESSING LAYERED WATER RIGHTS WITHIN DISTRICT BOUNDARIES CONTINUED

### What is OWRC doing to address this issue?

The Legislative Committee introduced a bill at the 2011 legislative session that would allow Districts under specific circumstances to transfer District water to another place of use, omitting any supplemental/permitted water from the application and not cause diminishment or cancellation of the remaining supplemental/permitted right. The bill did not receive a hearing, however, WRD proposed to work with OWRC and form a work group to review the issues, identifying potential solutions through rule or policy changes.

OWRC workgroup members include Leslie Clark, Bev Bridgewater, Teresa Kilmer, Ray Kopacz, Steve Shropshire, and Adam Sussman. The workgroup also includes several staff members from OWRD.

The work group held their first meeting with WRD at the OWRC office building on 10/20/11.

WRD Deputy Director Tom Paul chaired the work group. The issue of layered district water rights was reviewed thoroughly and several good ideas for addressing the problems were discussed. OWRC is sponsoring a workshop on Tuesday, November 29 prior to its annual convention in Hood River for OWRC members interested in this issue. This will allow all our member districts to learn more about the problem and provide input to solutions. The work group will meet again on December 7<sup>th</sup> in Salem. If you are not able to attend the OWRC workshop, then please contact one of the work group members if you have comments or questions about the issue of layered water rights within districts.

**– Leslie Clark, Central Oregon Irrigation District;  
Bev Bridgewater, West Extension Irrigation  
District; Ray Kopacz, Stanfield Irrigation District**

## FEDERAL AFFAIRS PROGRAM

### WINTER NEWS FROM WASHINGTON DC

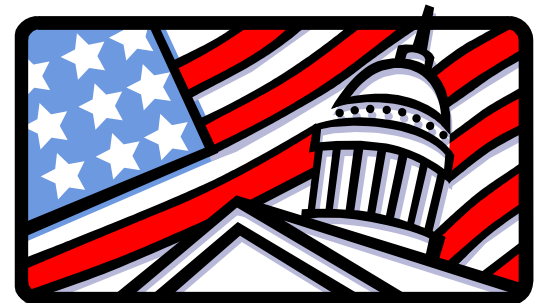
#### PREPARING FOR CHANGE

You might have noticed over the past couple of years this column has taken extensive note regarding the issue of change. As the old joke goes “change is inevitable, except from a vending machine.” So as I write about Washington, D.C., and the issue of money and change being inevitable, the joke is still pertinent.

As you now know, the Super Committee or as it is officially known “The Joint Congressional Committee on Deficit Reduction” was searching for at least \$1.2 trillion to reduce the Federal Deficit. They mutually decided they couldn’t meet their charge by the Thanksgiving deadline. You may recall that if they couldn’t come up with a plan to do so then automatic cuts will occur starting in FY 2013. Efforts will continue over the next year to still accomplish that goal. If you want to check in on the details rather than rely on your own news sources, you can go to [www.deficitreduction.gov](http://www.deficitreduction.gov) and gather the details on the effort.

Regardless of the decisions made or not made by that Super Committee, dramatic change will occur in your everyday lives and in the programs important to the OWRC, your districts, and the patrons benefitting from the water and energy in your area. Those are the realities for at least the next ten years.

But don’t give up hope. Vigilance remains key as the need to address the growing deficit and battles over what cuts to make continues in Washington, D.C.



Departments, Bureaus, agencies and most programs will continue, but expect to see reductions in size, scope, services and funding available. And you will likely see some of your favorite people in government leave, as downsizings and program restructuring occur. This will mean less experience to call upon and a loss of institutional memory to address your needs.

But it is also a time to pay even more attention to the details on the rules, regulations, guidance documents and the everyday operating manuals these agencies will have to put in place to adjust to these new realities from this change. And that is true whether you are a Federal project, using a Federal program or having to live under the umbrella of a Federal requirement on your operations.

## WINTER NEWS FROM WASHINGTON DC CONTINUED

So you have to change too. Over the years, you as a Member and the OWRC as an organization have each developed a knowledge capital as a result of decisions by the Board, the Executive Director, and the attorney's, consultants and lobbyists' who work for and represent you. Out of that mix one of the additional changes that is now going to occur is you will now have a new Executive Director. And the Board has also undertaken a process to sort through the priorities for the organization through its newly adopted Management Plan.

These challenges presented by change bring opportunities. You have witnessed and been a part of the return on many of those opportunities. They also bring responsibilities as a member of the "collective family" that underpins any good organization. As someone who works 2,500 miles across the country, Thanksgiving is a reminder of what you have done and what more you could do as a member of the OWRC family.

I am reminded on almost a daily basis of the benefits that your involvement and efforts to bring change to the policies, programs, and agencies involved in water resources in your great State. This applies to

the various Federal agencies, but also to the other individuals, organizations and associations that you interact with by carrying and being involved in their deliberations. And I would like to thank you for your effort.

That knowledge capital that you possess will be challenged as we all move forward in this era of change. We have to keep moving forward before forces of greater change take hold and create the atmosphere of "daunting" challenges that likely end in surrender, adjust and a way of doing business or operating that takes the joy out of the hard but fulfilling work you do now.

The plan is to continue to educate, promote and explain the needs and consequences for Oregon's irrigated agriculture resulting in and from activities Washington, D.C. And to the extent available and practicable, we will seek not only have your voice heard, but your needs met. We want to make sure that vending machine returns change and the product you expected.

Have a wonderful holiday season and stay involved.

– **Peter Carlson, Will and Carlson,**  
*OWRC Federal lobbyist*

## FEDERAL CAUCUS REPORT

### HYDROPOWER AND DISTRICT CANALS

On November 1, 2011, OWRC submitted a letter to USBR Commissioner Michael Connor on behalf of the OWRC Federal Caucus raising its member's concerns regarding the publication of a U.S. Bureau of Reclamation (Reclamation) report identifying potential hydro sites within Reclamation facilities. The report, Phase II Resource Assessment of Hydropower Projects, is planned to be made available to the public by the end of 2011 and would potentially identify locations on canals with 5 feet or more of drop within Reclamation facilities. This report will potentially provide a road map to hydropower development speculators that will in turn lead to the possibility of hundreds of preliminary permits being filed on OWRC member district facilities.

The letter OWRC submitted to Commissioner Connor requested that this information not be made public but should be made available to the irrigation districts that may be directly affected. The letter also questioned Reclamation's readiness to deal with the potential for hundreds of filings on Reclamation facilities. Finally, the letter went on to request that Reclamation work

with its existing district partners on potential projects to further advance Reclamation's mission and to ensure the continued success and financial viability of its current partners. I understand this was a hot topic of discussion at the recent NWRA Conference so look for more information on this subject in the near future. The letter is available on OWRC's website at:

<http://owrc.org/content.php?v=702>

There has also been a recent deluge of other information released by Reclamation requesting comment on various manuals and programs like the WaterSMART Cooperative Watershed Management Program, Lease of Power Privilege, Policy Transfer and Conversions of Project Water, Water-Related Contracts – General Principles and Requirements, just to name a few. I encourage all federal districts to take the time to read and respond to these comment requests, either via OWRC or individually. As we know all too well, without a voice at the table, the decisions get made for you, versus with you.

– **Mike Britton, Federal Caucus Chair, North Unit Irrigation District**

# UPDATE FROM THE FAMILY FARM ALLIANCE (FFA)

## STANDING UP FOR WESTERN FARMERS AND IRRIGATION AGRICULTURE

Water is the key to the American West. No other commodity holds so much power or so much promise, and no other commodity has the often realized potential to cause so much conflict. As the West has grown, water issues have become increasingly polarized. We face a number of significant challenges in the Western water arena. Growing urbanization and increased public demand for available supplies to provide recreational and environmental benefits are placing heavy demands on Western water, the key ingredient in the production of agricultural products.

Fortunately, the Family Farm Alliance – for over two decades – has stood up for Western family farmers and ranchers to defend irrigated agriculture. The Alliance was founded in the mid 1980's by a small group of family farmers in the Central San Joaquin Valley in California who were concerned about acreage “reform” proposals being crafted by Rep. George Miller. The belief was that farmers could best explain to other Washington, D.C. policy makers the impact of these types of regulations to their own operations. This was the genesis of the “farmer lobbyist” concept.

The Alliance then extended its membership into Arizona, which eventually spread to over a dozen other Western States, including Oregon. The leaders of this organization have continued to build this organization into an effective, low cost, grass roots group that can get the job done. The belief in representing a diverse and distinguished group of agricultural businessmen and women is a key component that led to our foundation. It still drives every decision we make today.

Our founders' commitment to the Family Farm Alliance is prevalent today as they continue to build our organization to carry their vision forward, a vision which is now embraced by members in 17 Western states.

We have a proven track record of success that includes **thirty-two** invitations to appear before Congress since 2005. Further, in the past four years, President Obama and former President Bush have signed into law measures advocated by the Alliance that will:

- Give irrigators tools to finance aging infrastructure (“Rural Water Supply Act”);
- Set caps on site security costs charged to Bureau of Reclamation (Reclamation) water customers;



- Provide funding that allows irrigation districts and large producer groups to undertake water supply and water quality enhancement projects (Farm Bill AWEF);
- Authorize science-based decision making and funding opportunities for water development projects via new climate change legislation (SECURE Water Act);
- Provide \$1 billion in stimulus funding for Reclamation, including over \$140 million to address aging water infrastructure projects in the West; and
- Provide new options to fix aging infrastructure. A new law – P.L. 111-11 - authorizes the Secretary of Interior to advance the costs incurred for “extraordinary operation and maintenance work” and to repay the costs over 50-years, with interest. The 50-year repayment option applies to both reserved works and those works transferred to local entities by Reclamation. The Alliance was the only non-governmental witness asked to testify on this provision as it moved through committee.

Everyone talks about the need to find ways to generate clean, environmentally-friendly power. Unfortunately, government regulatory can challenges hamper farmers and ranchers' efforts to develop clean, low-head, low-impact hydropower in existing water delivery systems. In 2011, the Alliance enlisted the support of Congress to expedite the common-sense solutions we are looking to achieve. Three bills introduced this year in Congress move us in a positive direction, and all three were developed with significant input from the Alliance, including invitations to testify at Congressional hearings when the bills were introduced.

## STANDING UP FOR WESTERN FARMERS AND IRRIGATION AGRICULTURE CONTINUED

OWRC members played a key role in forging the Alliance's engagement on low-head hydropower legislation in this Congress.

Elsewhere, we continue to build coalitions and create powerful alliances to advocate for irrigated agriculture, and are lead partners in the Colorado River ag/urban/enviro water sharing initiative, the prestigious Johnson Foundation national freshwater "Call to Action", the 2011 blue ribbon panel convened by the Natural Resources Conservation Service, and the AGrEE advisory committee, a new national high-profile initiative to transform food and agriculture policy. These latter two forums will likely have a tremendous influence on the development of the emerging Farm Bill.

On an everyday basis, we continue to facilitate the delivery of accurate and timely information to Congress, regulatory agencies, the media and our members on issues which impact Western irrigators. Western water users are becoming increasingly concerned about the number of environmental policies that are currently being re-written by the new Administration. The Alliance has closely monitored these regulatory actions, and has developed relevant, credible public statements to address them. In April 2011, four Alliance representatives were invited to testify at a House Resources Committee oversight hearing to draw further attention to these developments.

And finally, a slowly developing proposed national levee safety program driven by the Corps of Engineers has been sliding under the public radar for the past few years. This program would assert control of safety over all irrigation canals in U.S., despite the existence of other safety plans already in place. The Alliance succeeded in convincing

Congress to insert language in an appropriation act to deny Corps jurisdiction over irrigation canals. Ultimately, this could help prevent federal adoption of new federal levee standards which are duplicative, risky, and potentially hugely expensive to operators of Western irrigation delivery systems.

For more on the Alliance's recent activities, please download our 2010 Accomplishments report, which is available on our website:  
[www.familyfarmalliance.org](http://www.familyfarmalliance.org).

Farmers and ranchers and the businesses that rely upon a healthy agricultural economy face enough challenges, let alone worrying about whether or not once-certain water supplies will be available to support their operations. On the other hand, there are countless environmental activist groups – many with budgets in the tens of millions of dollars- who are doing everything in their power to influence courts, media and politicians in order to reallocate water supplies away from agriculture. And those same activist groups are already wielding major clout with our President and Congress.

With global population now exceeding 7 billion people, the need to provide food to our country and the world has never been more pressing. Our food production capability really is a national asset and worthy of protecting. In the West, water is an essential component of that capability.

Grassroots membership is vital to our organization. For more information on the Family Farm Alliance, please visit our website or contact Executive Director Dan Keppen in Klamath Falls at (541) 892-6244 or [dankeppen@charter.net](mailto:dankeppen@charter.net).

**– Dan Keppen, Executive Director  
Family Farm Alliance**



### **2011 OWRC Golf Tournament Winning Team October 12, 2011 Tetherow Golf Club**

*From left: George Payne, Oak Lodge Water District; Dan Bradley, Oak Lodge Water District; Steve Johnson, Central Oregon Irrigation District; Marc Landauer, Special Districts Association of Oregon; with their forecaddie.*

**Congratulations!!!**

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### OWRC STAFF

**Executive Director**  
Anita Winkler

**Assistant Director/Editor**  
April Snell



## UPCOMING EVENTS

**2011 OWRC  
Annual Conference**  
November 29<sup>th</sup> - December 2<sup>nd</sup>  
*Best Western Hood River Inn  
Hood River, Oregon*

**2012 O&M Workshop**  
January 19<sup>th</sup> – 20<sup>th</sup>  
*Desert River Inn  
Umatilla, Oregon*

**Tri-State Meeting**  
January 27<sup>th</sup>, 2012  
*Ramada Inn, Portland Airport  
Portland, Oregon*

**For more information about these events,  
visit: [www.owrc.org](http://www.owrc.org)**

## WELCOME WAGON

Please extend a warm welcome to our newest affiliate members who have joined since the last newsletter edition:

### Aqualastic

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