

Update on Water Right Activities - September 25, 2007

Introduction

Since November 2002, Oregon Water Resources Department (OWRD) has required “mitigation” for new ground water permits in a significant portion of the Deschutes Basin, referred to as the Deschutes Ground Water Study Area. According to OWRD, in this area, when ground water is pumped it reduces the amount of ground water flowing into already over-appropriated surface water sources. In order to allow “new” uses of ground water, OWRD has established a mitigation program.

OWRD’s mitigation program allows new uses of ground water if the ground water user obtains the required mitigation to offset the impacts to surface water from their use of ground water. Typically, mitigation comes from “retiring” an irrigation water right from surface water. The “retired” irrigation water right is left in the stream and accrues a “credit” for ground water use. Each acre of irrigation water right “retired” and left instream generally accrues 1.8 mitigation credits and would generally allow a municipal water user to pump approximately 4.5 acre-feet or 1.46 million gallons of ground water.

OWRD determines where the new use of ground water will have the most impact on surface water, and will require that the mitigation occur in that area (in that “zone of impact”). For wells in and around Prineville, the zone of impact is the Crooked River Basin. In other words, the irrigation water rights used for mitigation need to come from the Crooked River Basin.

A second method authorized by OWRD for mitigating the impacts of ground water use on surface water is through what is referred to as “offset mitigation.” This process would allow a water right applicant to voluntarily cancel an existing ground water right (under certain conditions) to off-set the impacts of pumping under a new ground water right.

Ground Water Permit Application

In addition to other steps we are taking to secure the City’s water supply, we have recently submitted an application to OWRD to obtain a new ground water permit. The application requests the right to divert up to 5,600 gallons per minute (gpm) from six wells for municipal use. This is the amount of water forecasted in the City’s Water System Master Plan needed to meet maximum day demands in 2025. The application (Application G-16900) is now pending. The review process at OWRD will likely take over 1 year.

Four of the wells are proposed to be located west of the City and two of the wells are proposed to be located near the airport. The location west of the City was selected with the goal of having OWRD determine that the mitigation must come from the “general zone of impact,” rather than the Crooked River zone of impact. We took this strategy because mitigation in the Crooked River zone of impact is currently very difficult to obtain. On the other hand, the general zone of impact (meaning impacts on the mainstem Deschutes River) currently has mitigation available.

Airport Wells Permit

The City also has an existing permit to obtain ground water from two existing wells at the airport (permit G-16146). This permit requires mitigation from the Crooked River zone of impact. The permit authorizes use of up to 700 gallons per minute, but that use is limited by the amount of mitigation that the City has obtained. Last year, the City obtained 104.4 permanent mitigation credits, which allows the City to use approximately 261 acre-feet of water each year under permit G-16146. This year, with the addition of the Airport well #2, the City obtained an additional 22 temporary mitigation credits from the Deschutes River Conservancy (the official mitigation bank in the basin). The temporary mitigation credits resulted from the North Unit Irrigation District leasing irrigation water rights instream. These temporary credits will allow the City to pump an additional 55 acre-feet during 2007 (for a total of 316 acre-feet). But, the temporary credits will need to be renewed or replaced before the City can use that 55 acre-feet of water after the end of the year.

Future Mitigation

Finally, we will continue to pursue opportunities to obtain additional mitigation to allow the increased pumping of ground water under the existing airport wells permit and future water rights. An important step in this process may be for the City to meet with the North Unit Irrigation District in an effort to see if the temporary mitigation arrangement can be more secure, with the hope of eliminating the need for the City to obtain these credits each year. Equally important, we will continue to look for opportunities that may allow the City to use existing ground water rights as "offset mitigation."