



City of Prineville

387 NE THIRD STREET ♦ PRINEVILLE, OREGON 97754

DEPARTMENT OF PUBLIC WORKS ENGINEERING DEPARTMENT

Phone: (541)447-2357 FAX: (541) 447-5628

EMAIL: eklann@cityofprineville.com Website: www.cityofprineville.com

Issue Summary Report: City of Prineville Council Meeting July 28th, 2009

Topic: Deschutes Water Alliance Memorandum of Understanding

Overview:

The Deschutes Water Alliance (DWA) was first formed in 2004 through a grant from the Bureau of Reclamation. The original membership included the irrigation districts (Deschutes Basin Board of Control), cities (Central Oregon Cities Organization), the Confederated Tribes of Warm Springs and the Deschutes River Conservancy. Under this federal grant, the DWA formed a water bank as a market-based approach to redistributing water rights in the Deschutes Basin and published several studies dealing with water related issues. The funds from this grant were expended and activities conducted by the DWA came to a halt.

A number of other collaborative, multi-stakeholder forums have been created in the Deschutes Basin over the past decade, but they serve different purposes than that of the DWA. For example, the Deschutes River Conservancy (DRC) was established in 1996 to improve stream flow water quality in the Deschutes Basin. Its strength lies in project development, implementation and monitoring. Success of the DRC's mission depends on a new level of consensus among local entities to manage water in fundamentally new ways, but the DRC does not adequately represent all of these local entities. The Deschutes Water Alliance is needed to provide a forum where local governments', tribes', irrigation districts' voices can be heard in the process of forging this consensus.

Another collaborative effort, habitat conservation planning (HCP) is being led by irrigation districts and the City of Prineville with participation by other municipalities, counties, state and federal agencies and Non-Governmental Organizations (NGOs) in order to address potential liabilities under the Endangered Species Act pertaining to the Mid-Columbia Steelhead reintroduction above the Pelton/Round Butte Dam. Successful completion of an HCP is critical, but the HCP is not a regional water planning effort. Its purpose is to determine how local governments can minimize and mitigate their potential impacts on listed fish so that they can receive a permit to continue operations. Thus, the DWA forum is needed to handle the critical role of regional water planning and decision-making.

A revitalized and expanded Deschutes Water Alliance has a distinct niche and is urgently needed at this time. After examining the HCP, DRC and other existing collaborations, it was concluded that no existing group sufficiently represents all of the local stakeholders

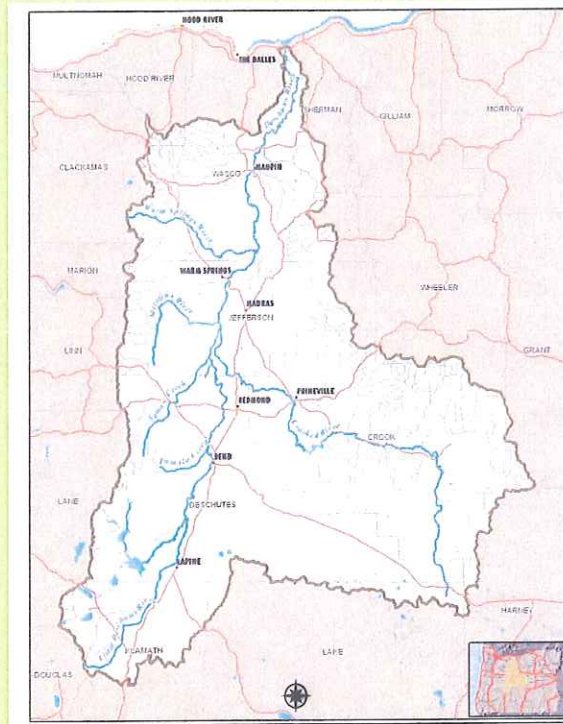
required to forge a regional water management consensus and that the Deschutes Water Alliance should be re-formed with expanded membership.

Recommendation:

The DWA would like the City of Prineville to participate as a voting member of the consortium. Financial impacts to the city are unknown at this time, as a scope of work has yet to be adopted. Staff recognizes the need for a basin wide, holistic look at water related issues and recommends joining the Deschutes Water Alliance.

DESCHUTES WATER ALLIANCE

A forum to meet regional water management needs through collaboration.



Draft

MEMORANDUM OF UNDERSTANDING

For distribution May 16, 2009

Adopted , 2009

Revised

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DESCHUTES WATER ALLIANCE (DWA)
Memorandum of Understanding

The Deschutes Water Alliance
A forum to meet regional water management needs through collaboration.

BACKGROUND

The Deschutes River has been called the lifeblood of Central Oregon. It provides irrigation water for agriculture, critical habitat for fish and wildlife, drinking water for communities, culture and sustenance for Native Americans, power for generating electricity, and recreational assets that draw sporting enthusiasts from all over the country. After hundreds of years of Native American settlement, the first settlers of European descent began arriving in Central Oregon by the late 1800s. To convert desert into arable land to support their families, these pioneers diverted water from the Deschutes River and its tributaries. By 1920, the water in the rivers had been fully appropriated for agriculture. The canal companies that evolved into today's irrigation districts formed during the late nineteen and early twentieth centuries.

Historically, the Deschutes River and its tributaries supported healthy populations of steelhead and Chinook salmon, as well as redband rainbow and bull trout. Over the past 100 years, however, these fish have suffered as a result of basin-wide habitat degradation. Seasonal depletion of streamflow and associated water quality degradation are of particular concern on the Deschutes River and its tributaries.

Healthy waterways are critical not just to fish and wildlife but also to people in Central Oregon's desert environment. The health of the Deschutes River is linked to the region's economy. The river is a major contributor to the region's quality of life, a beautiful natural setting for people to enjoy diverse outdoor interests. This quality of life is at the heart of the economic engine in Central Oregon.

The region's dramatic growth over the past decade has increased the demands for water in the Deschutes Basin. In addition to agriculture and rivers, growing communities need reliable supplies of clean drinking water. The complex challenge facing basin stakeholders is how to allocate the water resources to meet all of the needs of fish, wildlife and people.

Intricate and inter-related water issues can best be addressed at the regional level. The Deschutes Water Alliance is a regional forum that has the potential to establish a rational system for ongoing regional water management planning, coordination and policy work needed to address key water issues in the Deschutes Basin. The Deschutes Water Alliance (DWA) was first formed in 2004 through a grant from the Bureau of Reclamation. The original membership included the irrigation districts

(Deschutes Basin Board of Control), cities (Central Oregon Cities Organization), the Confederated Tribes of Warm Springs, and the Deschutes River Conservancy. Under this federal grant, the DWA published the following studies: "Instream Flow in the Deschutes Basin", "Future Groundwater Demand in the Deschutes River", "Growth Urbanization and Land Use Change", "Irrigation District Water Efficiency", "Reservoir Management", and "Long-range Water Resources Management in Central Oregon." In addition to the studies, the DWA formed a water bank as a market-based approach to redistributing water rights in the Deschutes Basin.

A number of other collaborative, multi-stakeholder forums have been created in the Deschutes Basin over the past decade, but they serve different purposes than that of the DWA. For example, the Deschutes River Conservancy was established in 1996 to improve streamflow and improve water quality in the Deschutes Basin. Its strength lies in project development, implementation and monitoring. Success of the DRC's mission depends on a new level of consensus among local entities to manage water in fundamentally new ways, but the DRC does not adequately represent all of these local entities. The Deschutes Water Alliance is needed to provide a forum where local governments', tribes, irrigations districts' voices can be heard in the process of forging this consensus.

Another collaborative effort, habitat conservation planning (HCP), is being led by irrigation districts with participation by municipalities, counties, state and federal agencies, and Non-Governmental Organizations (NGOs) in order to address potential liabilities under the Endangered Species Act pertaining to Mid-Columbia Steelhead reintroduction above Pelton/Round Butte Dam. Successful completion of an HCP is critical, but the HCP is not a regional water planning effort. Its purpose is to determine how local governments can minimize and mitigate their potential impacts on the listed fish so that they can receive a permit to continue operations. Thus, the DWA forum is needed to handle the critical role of regional water planning and decision-making.

A revitalized and expanded Deschutes Water Alliance has a distinct niche and is urgently needed at this time. Beginning January of 2009, a small working group of dedicated partners met to consider various options for revitalizing the DWA. After examining the HCP, DRC and other existing collaborations, the working group concluded that no existing group sufficiently represented all of the local stakeholders required to forge a regional water management consensus and that the Deschutes Water Alliance should be re-formed with expanded membership.

The undersigned agree to establish the Deschutes Water Alliance (DWA), similar to Central Area Commission on Transportation (COACT) enacted by the Oregon Transportation Commission (OTC) as of November 17, 1998.

OPERATING GUIDELINES

Purpose

To meet regional water management needs through collaboration.

Goals

1. Improve stream flows and water quality in the Deschutes Basin for the benefit of fish, wildlife, and people.
2. Secure and maintain a reliable and affordable supply of water to sustain agriculture.
3. Secure a safe, affordable and high quality water supply for urban communities.

Objectives

- To provide a forum for the discussion, understanding and coordination of water supply needs for rivers, agriculture and cities in Central Oregon.
- To address regional water planning, instream flows, water related capital investments and project prioritization in the Central Oregon region.
- To advocate Central Oregon water needs to neighboring regions, area legislators and other interested organizations.
- To inform the Oregon Water Resources Department (WRD) and Oregon Department of Environmental Quality (DEQ) on state and regional policies affecting Central Oregon's water resources.
- To be a key repository of information of Deschutes Basin water information and referral point for interested parties

Structure and Membership

The Board

The DWA shall be governed by a voluntary Board of Directors and is comprised of MOU signatories. Designated alternates may participate in board meetings and work sessions and may vote on behalf of their respective board members. A Chair and Vice Chair of the board shall be elected annually by the board. The Chair and Vice Chair shall be responsible for scheduling meetings, preparing and distributing agendas, keeping meeting notes, and overseeing DWA administration.

The voting membership of DWA will consist of the following, elected/appointed officials and designees:

Crook County (designated and/or elected official)

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|---------------------------------|--------------------------------------|
| Deschutes County | (designated and/or elected official) |
| Jefferson County | (designated and/or elected official) |
| City of Bend | (designated and/or elected official) |
| City of Culver | (designated and/or elected official) |
| City of La Pine | (designated and/or elected official) |
| City of Madras | (designated and/or elected official) |
| City of Metolius | (designated and/or elected official) |
| City of Prineville | (designated and/or elected official) |
| City of Redmond | (designated and/or elected official) |
| City of Sisters | (designated and/or elected official) |
| The Confederated Tribes | (designated and/or elected official) |
| Central Oregon Irrigation Dist. | (designated and/or elected official) |
| North Unit Irrigation Dist. | (designated and/or elected official) |
| Ochoco Irrigation Dist. | (designated and/or elected official) |
| Three Sisters Irrigation Dist. | (designated and/or elected official) |
| Tumalo Irrigation Distr. | (designated and/or elected official) |
| Swalley Irrigation Dist. | (designated and/or elected official) |
| Arnold Irrigation Dist. | (designated and/or elected official) |
| Crook County Improv. Dist. | (designated and/or elected official) |
| Avion Water Company | (designated) |
| Deschutes Valley Water District | (designated) |
| Oregon Water Resources Dept. | (Local Manager appointment) |
| Oregon Fish and Wildlife | (Local Manager appointment) |
| Deschutes River Conservancy | (designated by the DRC board) |

In order to achieve its goals, the DWA will need to inform, consult with and seek agreement with a wide range of other stakeholders including but not limited to the following:

- State Legislators
- Congressional delegation
- Water Resources Commissioners
- Department of Environmental Quality
- Bureau of Reclamation
- U.S. Fish & Wildlife Service
- National Oceanic and Atmospheric Administration
- U.S. Forest Service
- Bureau of Land Management
- Upper Deschutes Watershed Council
- Crooked River Watershed Council
- Crook County Soil & Water Conservation District
- Jefferson County Soil & Water Conservation District
- Deschutes County Soil & Water Conservation District
- Development interests, destination resorts, etc.
- WaterWatch
- American Rivers
- Trout Unlimited

Annual Goals, Work plan and Budget

The Board shall identify annual goals and develop a work plan and budget to achieve them. All DWA participants shall contribute financially based upon a formula to be determined, including grants and in-kind contributions. The Board will approve the goals, work plan, budget and financial formula. The evaluation of potential grant opportunities will be a priority for the DWA.

Importance of Representation

Based upon the goals, work plan and budget, the Board will decide who shall represent the DWA in the Oregon and U.S. Legislatures and other forums as deemed necessary by the Board. Those who are selected to represent the DWA will report directly to the board and shall coordinate activities with legal and technical staff, consultants, lobbyists and other professionals who represent individual DWA participants, as directed by the Board. Members should not characterize the views or comments made by other individual members. Specific inquiries about DWA will be directed to the Chair, Executive Committee, and/or staff.

Policy Direction

The Board will set policy direction for the DWA.

Consensus Decision-making

DWA will use a consensus decision-making process and will foster a collaborative approach to problem solving. Consensus means that all members agree to support the decision. Members may choose not to block the consensus even though they do not fully agree with the decision. Members are encouraged to voice and have recorded all views. Once a consensus decision has been reached, all members agree to support that decision.

Sufficient time will be provided for the members to seek advice from constituents, agencies, or other experts, when desired, before a decision is adopted. All members present at the meeting are included in the consensus process. Any member may abstain from the consensus and may request to be acknowledged as abstaining in any publication of the consensus. Abstaining is a choice not to block or to support the decision.

If any member feels the need to stand in the way of consensus on a decision, he/she will explain his/her concern with the proposed decision to the group, and the group will make every attempt to understand the concern and the underlying interests. The group may decide to delegate the issue to a working group for further exploration, development or recommendation for the full group.

The group may delegate decisions on administrative matters to a smaller group, such as the executive committee.

Quorum and Voting

A quorum shall be achieved for conducting DWA business when one more than 50% of the board members or their alternates are present, either in person or by other means allowing real time participation in the board meeting. If any board member is absent and unable to participate in real time, voting is permitted by recorded voice or written message as long as the message is received by the Chair prior to the vote being taken at the meeting. It is desirable although not mandatory that a quorum is achieved through balanced representation of municipalities, counties, tribes and irrigation districts.

Meetings and Notification

DWA meetings will be scheduled every three months as a means to achieve the above mentioned goals. Additional meetings will be scheduled upon the request of DWA membership. Executive Board Meetings will comply with the requirements of the Oregon Public Meetings Law, ORS 192.610 to 192.690, and every attempt will be made to involve the broadest spectrum of regional stakeholders.

Executive Committee and Officers

The Executive Committee will consist of one representative from each of the following entities: Deschutes County, Jefferson County, Crook County, Confederated Tribes of Warm Springs, Oregon Water Resources Department, Central Oregon Cities Organization (COCO), Deschutes Basin Board of Control (irrigation districts), and totaling seven (7) members. The Executive Committee will guide the work of DWA by establishing agendas and meeting dates. All members may suggest agenda items.

A Chairperson and Vice-Chairperson will be elected by the general membership from a slate of candidates forwarded from the Executive Committee. The Chair shall preside at all meetings he/she attends and shall be responsible for helping the group adhere to the operating guidelines. The Chairperson will conduct all meetings in a productive manner, respectful of the need for all interests and concerns to be raised. The Vice-Chairperson shall assume the duties of the Chair in his/her absence.

Coordination

Coordination with stakeholder groups, residents, and other regions is a primary obligation of DWA and it will consider local, regional and statewide perspectives.

Staffing Support

Staff support will be provided in any matter acceptable to DWA.

Media Relations

All members are free to speak to the press or to various groups on issues before DWA. Members should not represent DWA views unless the group has reached a decision on an item. Members should not characterize the views or comments made by other individual members. Specific media inquiries about DWA will be directed to the Chair, Executive Committee, and/or staff.

Meeting Conduct

Members will treat each other with respect and in a manner that provides opportunity for group decision making. Conflict will also be addressed in keeping with the consensus based operating guidelines.

Subcommittee Formation

DWA members or the Executive Committee can form any subcommittee, such as a technical advisory committee, on the basis of need. Members will be asked to submit names of resource persons in their communities. Subcommittees will form and/or disband per ongoing needs of DWA.

Public Outreach Process

All DWA meetings will be open to public attendance and any member of the public may attend any meeting. The public is encouraged to participate at the appropriate time on the meeting agenda.

Meeting Notice

Advanced meeting notice will be submitted to news media, and to interested persons and stakeholder groups which have requested notice. Meeting notices will also be posted at local public institutions, and on the DWA website. Notices will include the time, place, agenda subjects, and the name of the person and telephone number (including TTY number) to contact to make a request for an interpreter for the hearing impaired or for other communication aids. Meeting notices will be distributed one week prior to the meeting.

Meeting Minutes

Minutes shall be prepared for all DWA board meetings. Minutes shall be distributed to DWA members prior to the next meeting, and shall be posted on the WRD web site.

Amendments

Amendments to this agreement may be made only by unanimous agreement of the Board.

Termination

Any party may terminate its involvement in the DWA by providing 60 days written notice to all DWA participants.

Signatures

Signatories to this agreement attest that their respective governing bodies have approved participation in the DWA and this approval is evidenced by the public minutes.

Agreed and signed this ____ day of _____, 2009

Deschutes County: _____

Crook County: _____

Jefferson County: _____

Central Oregon Irrigation District: _____

North Unit Irrigation District: _____

Ochoco Irrigation District: _____

Three Sisters Irrigation District: _____

Tumalo Irrigation District: _____

Swalley Irrigation District: _____

Arnold Irrigation District: _____

Crook County Improvement District: _____

City of Bend: _____

City of Redmond: _____

City of Prineville: _____

City of Madras: _____

City of Sisters: _____

City of Culver: _____

City of La Pine: _____

City of Metolius: _____

Avion Water Company: _____

Deschutes Valley Water District: _____

Confederated Tribes of Warm Springs: _____

Deschutes River Conservancy: _____

Oregon Water Resources Department: _____

Oregon Department of Fish & Wildlife: _____