Water: Experts say temporary transfers underutilized

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University of Nebraska, Oregon has one of the most complex and bureaucratic water transfer systems in the West, making it difficult for farmers to move water. Experts say temporary transfers are underutilized in Oregon.

A pilot program, called the Irrigation District Temporary Transfers Pilot Project, has shown promise as a way to make transfers easier and cheaper, but the temporary program is in use in only 15 of Oregon's more than 40 water districts. Advocates say it should be expanded and made permanent.

The pilot program, however, is not a one-stop solution. Water experts say Oregon also needs an irrigation infrastructure overhaul.

Sierra Dawn McClain/Capital Press

Left to right, Josh Kraemer, Brent Stevenson, Jim McKay and Kathy Bridges at Santiam Valley Ranch.

Sierra Dawn McClain/Capital Press

Rows of young hazelnut trees and nursery crops at Jim McKay Farms, grown with water transferred from Kathy Bridges' farm.

Knowing the risks

Wait — not too fast, say critics. Transferring water, though appealing, carries risks.

Farmers in California, where transfer systems are better established, say the process has pros and cons.

Larry Cox, owner of Coastline Family Farms in the Salinas Valley, warned that transfers-gone-wrong can damage the environment, disrupt irrigators and hurt the local ag economy — suppliers and farm stores — if too many farmers in one region lay land fallow.

Cox calls himself a "skeptic," yet said he believes benefits outweigh costs.

"It's difficult to put your own personal needs aside to look at the needs of the whole district," he said. "It's hard to transfer your water to someone else for a time. But you know the old adage: Either we hang together or we hang separately."

Seth Fiack, a fifth-generation farmer growing rice and walnuts near Ordbend in Northern California, has allowed neighbors to use his water through district-level temporary transfers.

Fiack said transfers have drawbacks. Over-transferring can create system-wide loss; and transferring can expose a farmer to "social backlash" from other farmers concerned about land being laid fallow.

"But do I appreciate being able to do (water transfers)? Yes, I do," he said.

Oregon's traditional method

According to the Daugherty Water for Food Global Institute, Oregon is the only state requiring a full state-level departmental review and approval of transfers within a district. It is also one of only two states requiring a public notice period.

"Oregon's water right transfer process is painfully slow and overly bureaucratic," said April Snell, executive director of the Oregon Water Resources Congress, a nonprofit representing irrigation districts.

Critics say the Oregon Water Resources Department, OWRD, is understaffed, underfunded and must work with other agencies, making the traditional process expensive and time-consuming. The minimum application fee is $950 and can reach thousands of dollars, and the process often takes 6 to 9 months.

"The state is totally bogged down, short-staffed and suffering from budget holes. That needs to be cleaned up, in my opinion," said one irrigation district manager, who did not wish to be named.

According to Bryn Hudson, water policy analyst and legislative coordinator at OWRD, the department in 2020 approved only 49 temporary transfers. Critics say more could have been approved if the process was simpler and cheaper.

Pilot project

In 2003, the Oregon Legislature authorized a pilot project allowing three irrigation districts to make transfers with oversight at the district rather than the state level. The program has since been expanded to 15 districts and its sunset date extended several times.

Giving management to districts has saved OWRD staffing time, said Hudson of the department. Districts still work with OWRD watermasters, but the bulk of the work is done by districts.

Brian Hampson, district manager for the Rogue River Valley Irrigation District in Oregon, said the program cuts excessive paperwork, is inexpensive and fast. A district-led rather than state-led transfer can be completed in time for growers to make planting decisions.

"I'm in love with the temporary transfer program," he said. "It's easy, we can do things in house (within the district) and get things done. I think they should make it permanent. No doubt about it. I think every district should have access."

Ray Kopacz, district manager of the Stanfield Irrigation District, between Hermiston and Echo in northern Oregon, agreed.

"I think it should be permanent," he said. "Every district should have the opportunity to use it."

Randy Cooper, owner of Cooper Farms, whose family has been farming in the Stanfield Irrigation District since 1942, said the pilot program makes temporary transfers "so much easier than the old-school way of doing it."

Single irrigator transfer

Some Oregon farmers have used the pilot program to transfer water to themselves — from one plot or parcel of land they farm to another, a process sometimes called "pooling."

This can be done through traditional or pilot channels within a district.

Kevin Richards, 39, who farms carrot and grass seeds, peppermint oil, wheat and hay at Fox Hollow Ranch near Madras, has used the pilot program to transfer water between plots of his family's hundreds of acres of owned and leased land.

"It's quite easy to do," he said.

Farmer-to-farmer transfer

Another type of temporary transfer happens between two water users.

In Oregon's Willamette Valley, two farmers — one lessor and a lessee — have discovered how powerful this tool can be.

Kathy Bridges, 69, is a sheep rancher in Turner.

Bridges, who grew up in suburban New Jersey and Pennsylvania, was exposed to agriculture at age 12.

"I fell in love with farming and knew that's what I wanted to do for the rest of my life," she said.

Her property, Santiam Valley Ranch, consists of pastures, croplands and wetlands she's called home since 1980. Bridges and her husband, Ken, have produced vegetable crops and hay on this land, and, at its peak, about 300 head of Suffolk sheep.

For years, the couple struggled with some sections of acreage that "wanted" to be wetlands.

"We finally decided to let wetland be wetland," said Bridges. "We left the best cropland in agricultural production and stopped fighting the acres that didn't want to be farmed. You can't fight land."

Bridges knew that if she stopped irrigating the wetland portions of her property, she would forfeit her water right on those acres. The state of Oregon has a forfeiture rule — "use it or lose it" — requiring farmers to make beneficial use of their water once every five years to keep the right. Agriculture counts as a beneficial use.

Property without water rights is worth little, so Bridges wanted to keep her right without having to use her water. The solution? She enrolled some acres in the Natural Resources Conservation Service's Wetland Reserve Program and offered other acres for a temporary transfer, knowing that if another farmer used her water, it would count as a beneficial use under state law.

Meanwhile, a farmer about 6 miles north of her had the opposite problem: land with no water right.

Jim McKay, 44, a sixth-generation grower whose family has been farming the Willamette Valley since 1856, had recently invested in a property in southeast Salem, Jim McKay Farms.

The investment, made in 2018, was a risk.

The property was formerly a dairy whose owners had permanently sold the water right once attached to the land. McKay bought the land hoping to find water and knowing he could plant non-irrigated crops if all else failed.

Bridges and McKay didn't know each other, but Brent Stevenson, the district manager at the Santiam Water Control District, had a bird's-eye view.

When Stevenson saw the dilemmas — Bridges had too much water and McKay too little — he realized they may be able to solve each other's problems. Stevenson suggested a pilot program transfer. McKay could irrigate, while Bridges could keep her water right.

The farmers would also be "part of something bigger than themselves," Stevenson said: keeping land and water in farm use.

In 2018, Bridges made her first transfer, the allotted water for 59.1 acres to McKay. She has applied for the transfer each year since.

McKay said he's grateful.

"Water is life," he said.

McKay and Bridges walked along McKay's ponds, talking of duck hunting, fishing and the valley's farming history while Bridges' Australian Shepherd, Tolkien, scampered alongside. The air carried the song of Western Meadowlarks and the smell of midsummer blackberries.

A few hours later, the farmers walked McKay's property, which today bears the stamp of water: rows of vigorous young hazelnut trees crowning a hillside and pots of blooming nursery stock.

"You can see what (Bridges') water has allowed us to do," said Stevenson, the district manager.

Josh Kraemer, McKay's farm hand — himself from a longtime farming family — said that although McKay could've grown non-irrigated hazelnuts, the crop performs better with water.

This summer, McKay and Kraemer are digging ditches for new irrigation pipes and installing drip irrigation systems.

Standing among the trees, Bridges smiled.

"This is the type of ag we need to protect," she said. "I'm glad my water's being used this way."

Instream leasing

Another type of temporary water transfer is called an instream lease, in which a water right holder temporarily transfers water into a local stream. This is considered "beneficial use" and protects the farmer from forfeiting that water through non-use.

Long-term and split season options are available.

Environmental nonprofits and government agencies, believing the instream flow to benefit fish, are the most likely agents to pay a farmer for this kind of transfer.

Complex transfers

A transfer between two river drainage basins is a "big deal," water experts say, and doesn't happen often.

Transfers between districts in the same basin are more common, though still complicated.

One of Oregon's most heated inter-basin transfer debates this summer is between the North Unit Irrigation District, NUID, and the Central Oregon Irrigation District, COID.

Central Oregon users have senior rights and "first dibs" on water, while North Unit users, representing thousands of acres of productive farmland, have junior water rights.

Desperate North Unit farmers this summer have pleaded for water from Central Oregon users, offering to pay.

Although some COID users are willing to transfer water to the North Unit, Shon Rae, deputy managing director of COID, said the volume isn't enough to push the water through COID's 100-year-old, slow-moving canal system. It's a basic physics problem that could only be solved by modern, high-pressure pipes, she said.

Rae said she sees "potential momentum" for inter-district transfers in future years, but a better legal system, like the pilot program, won't be enough on its own. New, modern infrastructure like piping and improved metering mechanisms are needed, too.

For farmers across the state whose districts have antiquated infrastructure and only the traditional method at their disposal, temporary water transfers may still seem like a futuristic idea.

But for farmers like Lisignoli, Bridges and McKay, the future is now.

River: 'I think it's a way to push people off the land'

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by 2,500 Oregonians, according to Wyden's office.

But county commissioners worry the proposal — which widens protective stream buffers from a quarter-mile to a half-mile on both sides — will lead to greater restrictions for timber harvest, livestock grazing and outdoor recreation that power their local economies.

"I think it's a way to push people off the land," said Wallowa County Commissioner Susan Roberts. "I think that's where we're headed."

Intermittent streams

The River Democracy Act would total approximately 3 million acres of newly protected land. That's an area roughly the size of Connecticut.

Wyden began soliciting nominations from the public for proposed wild and scenic river designations in October 2019. The nominations were announced in February 2020.

In October 2020 — four months before the bill was introduced — Wyden sent two letters to the Association of Oregon Counties seeking input from local elected officials, though Roberts said she and her colleagues were never consulted directly.

"We can't find any commissioner, other than the one who might have received the letter in the first place, who knew about this," she said. "Especially when it's this impactful to your county, your economics and your people who live here, to me, it was extremely rude and a slap in the face."

The bill would add 404 miles of wild and scenic rivers in Wallowa County. Despite repeated requests, Roberts said neither Wyden or Merkley have provided commissioners with detailed maps showing how the county would be affected.

Commissioners instead hired Anderson Perry & Associates, a consulting and engineering firm based in La Grande, to do mapping earlier this year. In their resolution, commissioners stated most of the proposed designations are not actually labeled as "rivers," are not free-flowing and do not carry water year-round.

"Many of the nominations are creeks or headwaters that carry snowmelt during the spring and early summer, and are dry for the remainder of the year," the commissioners wrote. "We fail to understand Wild and Scenic Act protection of free flow for intermittent streams that carry water only a few months of the year."

The American Forest Resources Institute, a timber industry group, offered the same criticism in its analysis of the bill, finding that just 15% of nominated waterways in the bill are actually labeled as "rivers."

Environmental groups and Wyden both have pushed back against this complaint, arguing that small and ephemeral streams are not only allowed under the Wild and Scenic Rivers Act, but are critical for protection.

In a previous statement, Wyden said 1.7 million Oregonians receive drinking water from public systems that rely at least in part on intermittent, ephemeral or headwater streams.

Drought: 24-month period that ended June 30 was West's driest ever

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since 2000. The percentage of the West in "exceptional drought," the worst category, has never been higher. More than 95% of the nine Western states is in some stage of drought.

Heim said the combination of prolonged above-average temperatures and below-normal precipitation set this drought apart from two multiyear droughts that spanned the 1930s and 1950s.

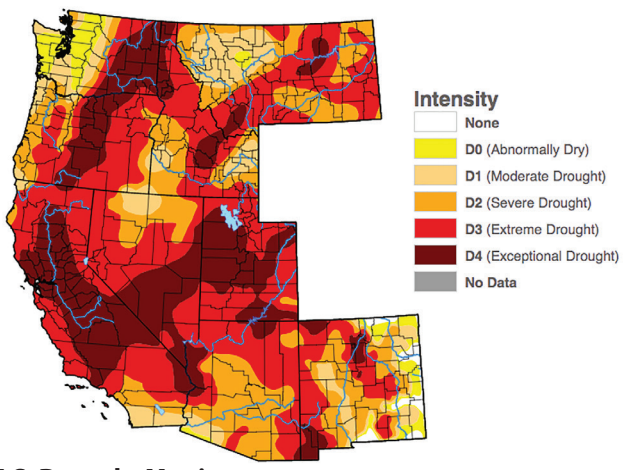
The U.S. entered another extended dry episode in 1998, he said. The drought has eased periodically, but never really went away and reasserted itself beginning last spring, he said.

A 24-month period that ended June 30 was the driest such two-year period ever in the West, according to records dating back to 1895. The same time period was the sixth warmest.

Other two-year dry periods, such as 1976 and 1977, were not as hot, Heim said.

"I would define this (drought) as still part of a 20-plus-year drought," he said. "In the last year and a half, we have been on an intensifying trend."

The drought's depth, duration and cause varies by state, making comparisons between the current drought and past droughts imperfect.



U.S. Drought Monitor

In measuring drought, "there is no simple best way," Bond said. "There are different flavors of drought."

Washington's 1977 drought was much worse judged solely by the precipitation index. About 90% of Washington was in exceptional drought in June 1977, compared to less than 1% this June.

Idaho and Oregon also were in deeper droughts in June 1977 than this year, according to the precipitation index. California, however, is worse off this year.

Long dry spells lead to hydrological droughts, when streams and reservoirs are low and wells are dry.

Southern Oregon has fallen into a hydrological drought, and it will take a long time to recover, O'Neill said.

"Even if we get normal precipitation in the winter, we would expect to be in at least moderate hydrological drought next year," he said.

The federal Climate Prediction Center says that odds favor a La Nina forming next winter. The climate phenomenon generally means a good snowpack in Washington and a poor snowpack in Northern California.

In Oregon, La Nina often has less pronounced effects, O'Neill said. The dividing line between good and poor snowpacks in La Nina years falls about Roseburg, he said.