



MEMORANDUM

TO: Water Resources Commission

FROM: Doug Woodcock, Deputy Director, Water Management
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SUBJECT: Agenda Item H, June 16, 2022
Water Resources Commission Meeting

Groundwater Allocation Project Update

I. Introduction

This report follows up on direction from the Water Resources Commission that staff prioritize development of recommendations for an action plan that will lead to a modernized groundwater allocation policy which is more sustainable and protective of senior water right holders, both surface and groundwater. This report is an informational update. Staff welcome feedback from the Commission on the continued development of the action plan.

II. Background

Groundwater development results in impacts, either in the short-term or long-term, to groundwater and surface water resources. The current groundwater allocation process is designed to prevent those groundwater uses that would have a relatively immediate impact (a year or less), and yet allow those uses whose impacts build over time (years). Over the long-term, this has resulted in declining groundwater levels and reduced surface water flows.

At the March 2022 Commission meeting, Department staff shared a proposed groundwater allocation strategy that would rely more heavily on “water is available” in guiding decision-making on new permits than is utilized in the current allocation approach. As proposed, the meaning of “water is available” could be informed by the Water Availability Reporting System (WARS), surface water regulation to distribute water among water right holders, groundwater level data, and other available data and information identifying areas of groundwater concern.

At the same March meeting, the Commission provided feedback to staff that the Department should be cautious and conservative in the new approach to groundwater permitting. Additionally, groundwater application reviews that indicate there are inadequate data available to determine whether the resource is over-appropriated should not be approved; thus, eliminating the option “Cannot be determined to be over-appropriated” from the review process. Staff are working on proposals to implement this direction.

III. Update

The Department developed a team of staff (GW Allocation Team) who meet weekly to work through the groundwater availability considerations identified above. These include defining the reporting limitations of the current WARS, polling the Watermaster corps for a detailed understanding of surface water regulation history on streams around the state, gaining a broader understanding of groundwater areas of concern that are outside of the current groundwater administrative areas, and assessing rules to determine which definitions need to be removed, or retained and modified. This is a large undertaking and is in progress.

The Department believes there is a necessary community outreach component to the development of a new groundwater allocation policy. The sequencing of the outreach is important and there are many ways it could be undertaken. A proposed option would have the Department holding two or three informational exchange workshops that present the nature of the water supply problem being addressed, the science of groundwater in storage and its interaction with surface water, and Commission direction and goals in updating the groundwater allocation policy. The participants could include stakeholders and other interested public, and technical interests outside of the Department, including consultants, university staff, and USGS personnel. Workshop materials would be provided ahead of the meeting so participants could come prepared with questions and ideas. The workshops would provide for dialog to explore alternative strategies not contemplated by the Department which could still meet the goal of an allocation policy which is more sustainable and protective of senior water right holders.

The workshops would be developed in June in preparation for July presentations. An outcome of the workshops would be the development of draft rules that would be taken up by a rules advisory committee, which could possibly be convened in August.

IV. Summary

This informational report provides a progress update of the potential policy changes to groundwater allocation that would be more sustainable within existing water supplies and better protect senior surface and groundwater users. Staff will continue to work internally to vet the concepts of what constitutes “water is available”. Staff propose to hold public informational exchange workshops to present the issues being addressed and to seek input on modernizing the Department’s groundwater allocation policy. A progress update will be provided to the Commission at the September meeting.

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