

OREGON



WATER RESOURCES
DEPARTMENT

Division 10: Critical Groundwater Area Declaration Rules

Oregon Water Resources Department

February 23, 2023

The image features a stylized landscape illustration. The top portion shows a range of mountains in shades of brown and tan, with white snow-capped peaks. A large, white, fluffy cloud is positioned in the upper right. The middle section is a solid blue horizontal band. The bottom portion shows rolling green hills with white outlines, suggesting a valley or a path. The overall style is clean and modern.

What is a CGWA?

What is a CGWA?

- Critical Groundwater Area
- Authorized by ORS 537.730 to 742
- Groundwater control
- Once established allows WRD to take corrective actions

Background & History

1959: First
CGWA
Established

1959-1991:
Six CGWAs
Established

1991: CGWA
Statutes
Amended



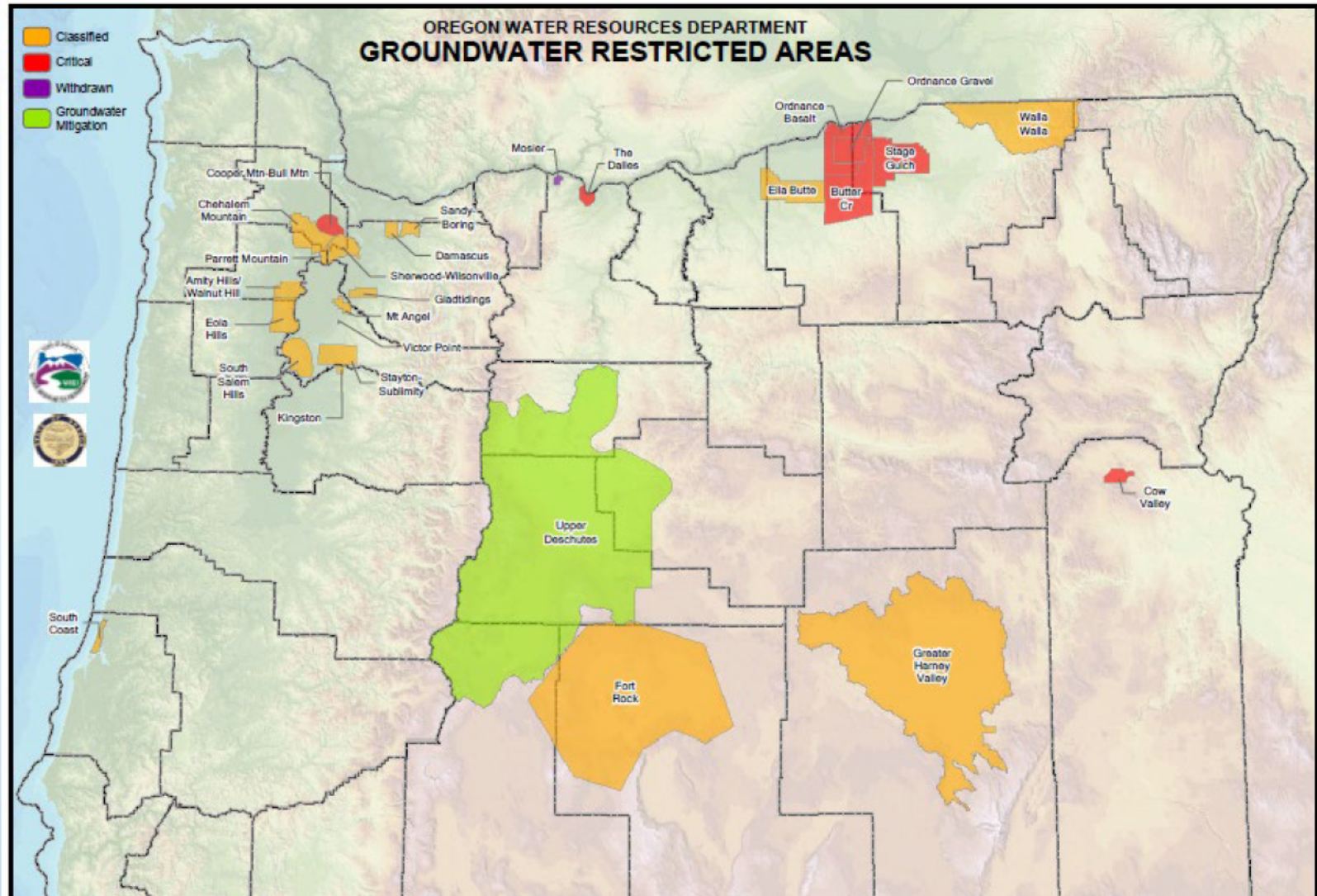
Why Do We Need
These Rules?



Why is Rulemaking Needed?

- Current rules are inconsistent with statute
- Statutory terms and processes require further clarification
- Framework will guide future CGWA designations

Map of Groundwater Restricted Areas



Harney Basin Division 512

- In April, this year the Department will be starting the Harney Basin RAC Process
- Adoption of the Division 10 is necessary to ensure CGWA Update to the rules.



Timeline



Rulemaking Timeline

**December
2022-March
2023**

Rule
Development
(RAC Meetings)

**May 2023/
June 2023**

WRC Staff
Report
Preparation


**April
2023/May
2023**

Notice in
Bulletin/ Public
Comment

June 2023

WRC Meeting
& Decision on
Recommendati
on (Potential
Rule Adoption)


Overview of Rulemaking Process




Develop Draft Rules




Rulemaking Advisory Committee (RAC)



Notice of Proposed Rulemaking



Public Comment Period & Hearing(s)



Staff Recommendation & Commission Decision

RAC Meeting Timeline

**December 5,
2022**

RAC Meeting
1

**February 16,
2023**

RAC Meeting
3

**January 10,
2023**

RAC Meeting
2

**March 2,
2023**

RAC Meeting
4

RAC Member Composition

- 33 Members from across Oregon
 - City Planners/Special Districts
 - Domestic Well Users
 - Environmentalists
 - Farmers
 - Non-Governmental Organizations/ interests
 - Tribes



Proposed Rules



These Rules Will Address:

Repeal Old Rules

Definitions

Required CGWA
Criteria

CGWA Rulemaking
Process & Rule
Requirements

Local Government
Coordination

Consultation with
Tribes

Corrective Control
Notification
Process

Contested Case
Process

These Rules Will Not:

Create basin or subbasin
specific CGWAs

Limit groundwater
appropriation

Implement corrective control
provisions



Rule Writing Process

Rule	Name
690-010-0100	Purpose
690-010-0110	Definitions
690-010-0120	Required Criteria for Designation of Critical Groundwater Area
690-010-0130	Additional Requirements for Critical Groundwater Area Rulemaking
690-010-0140	Land Use Planning Coordination with Affected Local Government
690-010-0150	Consultation with Federally Recognized Tribes
690-010-0160	Content, Filing, and Review of Adopted Critical Groundwater Area Rules
690-010-0240	Procedure for Making Changes to Existing Critical Groundwater Area



Contested Case

Rule	Name
690-010-0170	Initial Notification of Proposed Corrective Actions
690-010-0180	Notice of Proposed Corrective Actions
690-010-0190	Requests for Hearing and Petitions for Party Status
690-010-0200	Scope of Contested Case Hearing
690-010-0210	Conduct of Contested Case
690-010-0220	Exceptions of Proposed Order
690-010-0230	Final Order Imposing Corrective Actions

Conclusion

- CGWA declaration
- Currently in the Rules Advisory Committee
- Rules to be adopted during the June WRC meeting.

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