



Oregon

Tina Kotek, Governor

Water Resources Department

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MEMORANDUM

TO: Water Resources Commission

FROM: Douglas E. Woodcock, Acting Director

SUBJECT: Agenda Item C, June 15, 2023
Water Resources Commission Meeting

Director's Report

I. Current Events and Updates

A. Staffing Update

Since the February meeting, the Department has filled twenty-seven positions as of the end of May. Of the positions filled, there are seven staff who are new to the agency, four promotions, five transfers from other agencies, seven temporary staff, two lateral shifts, and two limited duration positions. Positions filled include the following:

- Assistant Watermaster (3)
- Accountant 1 (LD)
- Desktop Support Specialist (2)
- Enforcement and Compliance Support Specialist (2)
- Engagement Coordinator (2)
- Office Specialist (2)
- Hydroelectric Program Analyst
- Protest Specialist
- Public Service Representative
- Senior Physical Hydrologist (2)
- Transfer Specialist
- Water Resources Data Tech
- Water Rights Analyst
- Watermaster
- Well Inspector (2)
- DEI-Strategic Plan and COOP Planning Project Coordinator
- Equity, Environmental Justice, and Racial Justice Specialist
- IWRS Equity, Environmental Justice and/or Racial Justice Professional
- Public Information and Resiliency Specialist

There are 4 additional positions with accepted offers that have start dates after May. These will be detailed in the September meeting Director's Report.

B. Well Abandonment, Repair, and Replacement Fund Update

The Well Abandonment, Repair, and Replacement Fund (Fund) was established through the passage of HB 2145 in the summer of 2021. Its purpose is to provide financial assistance to individual households, or members of a federally recognized Indian tribe in Oregon to permanently abandon, repair, or replace a water well used for household purposes when certain criteria are met. The Department is accepting applications from low-to-moderate income households with domestic wells that are impacted by drought or wildfire, which are only a portion of the wells identified as potentially eligible under statute. These impacted households are prioritized in order to meet urgent public health needs and based on the direction from the Oregon Legislature during the December 2021 special session.

As of May 15, 2023, over 235 applications have been received requesting over \$5.8M in funding; \$3.8M of the \$5.4M available has been awarded and \$1.89M reimbursed (see Table 1). The Department has received over 980 phone calls from homeowners inquiring about the program and requesting information and assistance. The Department has entered into over 130 grant agreements with homeowners. While most applications are from drought-stricken areas of the state, 10 of the applicants were affected by the 2020 and 2021 wildfires. The most impacted areas of the state, which include Deschutes, Klamath, and Jackson Counties, have requested approximately 71% of the funding. An additional \$1M is requested in the Governor's Recommended Budget for the program to continue.

Table 1. Fund Statistics as of May 15, 2023

Number of applications received	238
Grant funding requested	\$5.8M
Number of grants awarded	134
Number of applications denied	61
Grant funding allocated	\$3.8M
Number of grants closed out	67
Amount reimbursed	\$1.89M

The Well Fund Coordinator is documenting lessons learned through this first year to identify improvement opportunities to make the program more accessible to applicants. Minor changes designed to improve customer experience and improve efficiencies will be implemented starting July 1, 2023. Any major modifications to the Fund, including the full roll out of the Fund are dependent on staff resources to expand and manage the Fund. The Well Fund Coordinator position authority is limited duration and not identified to continue in the Governor's Recommended budget for 2023-25.

C. Klamath Update

Water conditions are significantly better this year than recent years. Precipitation this water year, beginning October 1, 2022, is at 100% of normal. Much of the snow is still in the mountains. Runoff has increased streamflows, providing some water for irrigation purposes. Once the snowpack has melted it is expected that streamflows will once again drop to below normal levels. The Bureau of Reclamation (BOR) has notified Klamath Project water users that 215,000

acre-feet of water will be available for irrigation from Upper Klamath Lake. The amount of water to fulfill irrigation needs within the Project is 350,000 - 400,000 acre-feet. Project water users will continue to rely on supplemental groundwater rights to meet their water needs.

Four hydroelectric dams exist on the Klamath River. Iron Gate Dam, Copco 1 Dam and Copco 2 Dam are all located in California, while J. C. Boyle Dam is located in Oregon. These four hydroelectric facilities were constructed and operated by PacifiCorp. The hydroelectric licenses held by PacifiCorp expired in 2006. PacifiCorp made a business decision to decommission all four of the dams rather than to re-license them. Ownership has been transferred to the Klamath River Renewal Corporation (KRRC) who has obtained a license from the Federal Energy Regulatory Commission (FERC) for their removal. PacifiCorp continues to generate electricity at the facilities under annual licenses until dam removal.

A fifth dam (Keno) also was constructed and operated by PacifiCorp. Keno dam does not generate power, as it was built for multiple purposes: to maintain water elevations below Link River at levels that allow irrigation diversions into the Klamath Reclamation Project; to allow flood flows to pass at levels that avoid historic flooding in the area; and to even out flows to the four downstream hydroelectric dams. PacifiCorp will transfer ownership of Keno Dam to the US Bureau of Reclamation (BOR) upon decommissioning of the other dams. Work is proceeding with BOR on the transfer of Keno dam, in preparation for that to occur at the end of this year.

KRRC has awarded the contract for dam de-construction to Kiewit, one of North America's largest construction and engineering companies. Kiewit has mobilized its contractors and equipment and has begun work on the decommissioning project.

Road, bridge, and other infrastructure work is underway. KRRC is awaiting final approval from FERC to proceed with all dam deconstruction activities. Significant work will occur at Iron Gate Dam and at Copco 1 in June of this year, in preparation for deconstruction of Copco 2 in September/October of this year. The other three dams will be removed in 2024. The significant increase in rain and snow in the basin is requiring close coordination between the BOR, National Marine Fisheries Service, PacifiCorp, and KRRC to ensure that short-term flow reductions scheduled for June and September (to facilitate work at the dams) can occur on schedule, and that flows below the dams are maintained.

Drawdown of the remaining reservoirs will begin in late 2023 and 2024, with removal of the final dam in the early fall of next year. KRRC also is responsible for substantial restoration work at each of the dam sites and has awarded the contract for that work to RES, another nationally known contractor. Restoration work will take years following dam removal, as areas are revegetated and stabilized.

Dam removal will re-open hundreds of miles of rivers and streams to anadromous fish. Work is underway to inform water right holders of funds currently available to assist with construction and installation of fish screens for diversion pumps and canals. Additional work is planned for the major federal diversions in the Klamath Project, to analyze alternatives for managing them in the future. Oregon Department of Fish and Wildlife, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service will monitor where adult and juvenile anadromous fish go as they reoccupy the upper basin. Relatedly, agencies and others, including the Klamath Tribes are continuing to evaluate ways of improving sucker recovery, and the role of the Klamath Project in

assisting in that effort in ways that are compatible with irrigation.

D. Extreme Precipitation and Atmospheric Rivers

Extreme precipitation associated with atmospheric rivers has been responsible for most of the widespread flood events that Oregon has experienced over time. This includes the floods of 1964 and 1996, and the more recent and localized flood emergencies around Pendleton and in the southern Willamette Valley. Current methods for determining extreme flooding in Oregon do not consider atmospheric river meteorology. These current methods are decades-old, and pre-date understanding of and research on atmospheric rivers on the west coast. As result, OWRD Dam Safety has contracted with a consultant to develop a state-of-the-art method for determining extreme precipitation in Oregon. The consultant for this project will present on project progress and results at the next Water Resource Commission in September.

E. Automatic Stays Under ORS 536.075

Oregon Revised Statute (ORS) 536.075 provides for an automatic stay of the enforcement of a final order of the Department or Commission when a petition for judicial review (PJR) is filed challenging the order, and if the requirements in statute are met. However, the statute also provides that if the Commission or Department determines that substantial public harm will result from staying the final order, the Commission or Department may deny the stay. The statutes allow the petitioner to request a hearing on the denial.

Commonly, in recent years, the practical effect of staying an order, for example, would be where a Watermaster issues a regulation order to a water user to cease using water, and the water user files a PJR on that order. The automatic stay provision in ORS 536.075 prevents enforcement of the order, therefore, the water user may continue diverting water until the case is heard. OWRD has commonly seen requests for stays on orders in other than contested case that are regulatory orders. More recently, the question has arisen as to whether the stay provision applies to "permissive" orders in other than contested case, as well as orders in contested case, both of which arise out of the Department's water rights and transfers sections when the Department issues water right permits, certificates, transfers and other similar orders authorizing a use.

At the June 2022 WRC meeting, the Department proposed temporary rules that would clarify that the automatic stays provision in 536.075 would only apply to regulatory orders and not to orders such as temporary transfers that approve a water use authorization (permissive orders). The reason being that the statutory language that states "The filing of a petition... shall stay enforcement of the order." The Department enforces regulatory orders, not permissive orders; thus, narrowing when the automatic stay provision would apply. Various interested parties raised concerns with this proposal and the item was withdrawn from the agenda.

The Department has continued to evaluate this issue and has determined, in absence of a rulemaking stating otherwise to clarify the text of the ambiguous statute pertaining to "enforcement," the statute applies to both orders in contested case and orders in other than contested case. Therefore, for purposes of transparency and clarity, all orders that are challenged with a petition for judicial review are automatically stayed, both regulatory and permissive. The Department would then determine whether substantial public harm would result from the stay.

F. Drought Update

Climate and weather conditions during water year 2023 have helped reduce overall coverage of drought and ameliorated drought severity throughout much of Oregon. Currently, over 56 percent of Oregon is experiencing drought conditions, representing a nearly 12 percent reduction in drought coverage since October 1, 2022. Over the same time, there has been a 30 percent reduction in coverage of conditions representing severe (D2) to exceptional (D4) drought. Although overall precipitation has measured below to well below average across the state, cooler temperatures and an abundant snowpack have softened environmental and human demands for water supplies. Snow water equivalent peaked well above historical norms in all basins throughout the state, with cold temperatures preserving snowpack well into spring. The onset of snowmelt elevated streamflows and boosted reservoir contents in many storage projects across Oregon. Streamflow forecasts for spring and summer are now projecting well above average statewide. While there has been gradual improvement in soil moisture content throughout winter, recovery has lagged in various parts of the state, in part due to significant soil moisture deficits accumulated over recent years.

Despite improving conditions, there are six counties with Executive Orders issuing state drought declarations under ORS 536, with two additional counties requesting declarations.

G. Groundwater Allocation Rulemaking Update

The Department is engaged in rulemaking to govern future groundwater allocation. Rule revisions will modernize the Department's groundwater allocation approach to be more sustainable and protective of existing water right holders, both surface and groundwater.

The Department has drafted proposed rules and assembled a Rules Advisory Committee (RAC) consisting of 30 members representing a broad range of interests to provide input on the draft rules. The first RAC meeting was held on April 19, a second was held on May 10, and a third is scheduled for May 31. At least two additional RAC meetings are anticipated.

Chair Reeves requested that the Department provide an update to the Commission on areas of disagreement among stakeholders regarding the draft rules. Key issues that the Department has heard feedback on are 1) the threshold for determining reasonably stable water levels; and 2) the proposal to not allow surface water impacts of any quantity where groundwater is hydraulically connected to surface water and, surface water is not available 12 months out of the year. The Department continues to seek feedback and suggestions. We anticipate completing the RAC process Fall 2023; the department plans to hold informational sessions along with public hearings.

H. Tribal Task Force

In late 2021, the nine federally recognized Tribes in Oregon sent a letter to Governor Brown requesting the formation of a State/Tribal Task Force to educate Oregon's nine Tribes on the full complement of agencies that have bearing on Oregon's water resources; and to educate nine water-related agencies on the full complement of Tribal interests/issues that Oregon's "Water Vision" needs to acknowledge and address. A Task Force was assembled with the nine water agencies and nine Tribes, which met several times throughout 2022. A report has been produced and sent to the Tribal Chairs for review in anticipation of a public release on June 1, 2023. The

Task Force is expected to meet late-June or July to address the formation of a State/Tribal workgroup to continue to work on recommendations developed in the Report.

I. Field Staff Safety Survey

Field staff from Oregon’s natural resource agencies spend significant time working across Oregon, both on public and private lands, and often in direct contact with members of the public. This work includes compliance visits, monitoring, and enforcement actions for permits, authorizations, and applications. At times, members of the public threaten staff, belittle staff, and verbally abuse staff, to the point that staff are concerned about their safety and welfare. These interactions can also result in mental harm to staff from uncomfortable and threatening encounters. Following incidents in 2022, the natural resource agencies surveyed their field staff, and the responses were summarized in a March 2023 report.

Six hundred seventeen respondents completed the survey, with a total of 1,237 comments in response to open-ended questions. From the responses, the overall takeaways include:

- Natural resource agency staff are experiencing threats to their personal safety and overall well-being which impacts them personally and professionally, and impacts state agencies’ ability to deliver service for Oregon.
- These public servants need support in delivering service. Increased investment in safety, both in structures and direct supports, would lead to positive outcomes for both staff and the people they serve.
- Statewide solutions are likely possible, but experiences and needs vary significantly between agencies and responsibilities.
- All agencies would benefit from frequent and diverse safety trainings grounded in real-life scenarios.
- Staff need consistent, targeted collaboration and contact with law enforcement.
- Trainings and support from law enforcement are part of the solution – but should not be the only solution.

Agency leadership is evaluating options including field safety best practices, employee training, field safety equipment, and policy or budget gaps that could be identified for the 2024 or 2025 legislative session.

II. Litigation Update

Circuit Court Filings

Klamath Basin Adjudication; Klamath County Circuit Court

This adjudication is the process for determining claims to the use of surface water in the Klamath River Basin. On-going since 1975, the first phase was the review and determination of these claims by the Oregon Water Resources Department, including the hearing of contests to claims and the issuance of proposed orders by administrative law judges from the State’s Office of Administrative Hearings. This phase of the process was completed with the Department’s issuance of and filing of the Adjudicator’s Findings of Fact and Final Order of Determination

with Klamath County Circuit Court on March 7, 2013.

The process is now in the second phase, which is the review of the Final Order of Determination by the courts. Adjudication claimants or contestants who dispute the Department's determination of their claims or contests had an opportunity to file exceptions with the Klamath County Circuit Court. The court is now reviewing these exceptions and will ultimately issue a water rights decree affirming or modifying the Final Order of Determination. The Department will issue water right certificates in accordance with the final decree once it is issued by the court.

Fort Klamath Critical Habitat Landowners, Inc., et al. v. Oregon Water Resources Department; Marion County Circuit Court, Case No. 21CV37688

On September 22, 2021, the Fort Klamath Critical Habitat Landowners, Inc. filed an amended petition for judicial review opposing a temporary transfer of the place of use and points of diversion of a determined claim from the Wood River Valley, above Upper Klamath Lake (UKL), to the Lower Klamath National Wildlife Refuge below UKL. The court granted an extension of time for this case on December 29, 2021. On January 20, 2022, the petitioners filed a second amended petition for judicial review. On August 18, 2022, petitioners filed a third amended petition for judicial review. Oral argument was held on December 15, 2022, in Marion County Circuit. The Court issued an opinion letter dated February 21, 2023, ruling in favor of the Department, followed by the supporting order on April 21, 2023.

Annunziata Gould. v. Oregon Water Resources Department; Marion County Circuit Court, Case No. 21CV48665

On December 22, 2021, Deschutes County resident Annunziata Gould filed a petition for judicial review of a final order of the Department granting a temporary change in place of use and points of groundwater appropriation in the Deschutes Basin. Temporary transfer applicant, Pinnacle Utilities, filed a motion to intervene in the case, which was approved. A hearing date has not been set.

Klamath Irrigation District v. Oregon Water Resources Department; Marion County Circuit Case No. 21CV39570

On October 1, 2021, Klamath Irrigation District (KID) filed a petition for judicial review in Marion County Circuit Court. The petition was filed in response to an order issued by the Department on April 6, 2021, to the U.S. Bureau of Reclamation regarding releases of stored water from Upper Klamath Lake. The order to Reclamation was issued in compliance with an order from Marion County Circuit Court directing the Watermaster to prevent releases of stored water in excess of water rights entitled to the use of that water. Petitioners and the Department jointly filed a motion to stay the case, which was signed by the court April 15, 2022.

Pinnacle Utilities, LLC v. Oregon Water Resources Department; Deschutes County Circuit Court, Case No. 22CV08683

On March 11, 2022, Pinnacle Utilities filed a petition for judicial review challenging an order of the Department denying a limited license application. The Department filed a motion to dismiss, which was heard on August 22, 2022, and was denied by the court on September 19, 2022. A hearing date has not been set.

Earth and Water Works v. Oregon Water Resources Department; Union County Circuit Court, Case No. 22CV24108

On July 21, 2022, Earth and Water Works, Inc. filed a petition for judicial review in response to an order approving a special well construction standard requiring abandonment of a deep water well that was compromised during construction. The Department withdrew its order for reconsideration on October 18, 2022, and on October 26, 2022, the parties agreed to a stipulated motion to stay the case as they discuss next steps in resolving this issue.

Sprague River Cattle Company v. Oregon Water Resources Department; Marion County Circuit Court, Case No. 22CV27077

On August 15, 2022, Sprague River Cattle Company filed a complaint and demand for a jury trial due to the State's quantification of the Klamath Tribes' federal reserved water rights in the Klamath Basin Adjudication. The suit asserts that quantification and subsequent regulation of rights junior to those claims has resulted in reduced property value. Plaintiff seeks monetary damages. The Department moved the case to Federal District Court but was subsequently remanded to Marion Circuit Court. Case transferred from Marion Circuit Court Judge Abar to Judge Bennett. Hearing scheduled for June 2, 2023.

Court of Appeals Filings

WaterWatch of Oregon v. Oregon Water Resources Department, et al; Oregon Court of Appeals, Case Nos. A169652, S32410 and S37839 (Lower Clackamas River)

WaterWatch appealed a Department order supplementing and clarifying previous orders on municipal water rights, pursuant to a remand from the Court of Appeals. The Department approved municipal permit extensions in 2010, which WaterWatch appealed, and the court remanded the orders to OWRD for clarification. A hearing was held and the order on remand was issued in 2018. WaterWatch appealed. Oral arguments were heard January 8, 2021. On March 3, 2023, the Court of Appeals ruled that the Department's orders are affirmed. On May 5, 2023, WaterWatch filed a petition for review of the decision.

East Valley Water District v. Oregon Water Resources Commission, et al; Oregon Court of Appeals Case No. A173292

This appeal, filed with the court in January 2020, challenges an order of the Oregon Water Resources Commission that denies a reservoir application filed by the water district. Multiple extensions on filing briefs were requested by the parties. Petitioners East Valley Water District and WaterWatch of Oregon filed opening briefs on February 25, 2021. On July 27, 2021, WaterWatch's petition for judicial review was dismissed for lack of standing, and WaterWatch's motion for reconsideration of that order was denied on October 4, 2021. Court briefings have been filed. Oral arguments were heard November 3, 2022. Awaiting a decision to be issued.

Klamath Irrigation District v. Oregon Water Resources Department; Oregon Court of Appeals, Case Nos. A176270 (Marion Circuit Case No. 20CV17922)

On May 14, 2020, Klamath Irrigation District (KID) filed a Complaint for Declaratory and Injunctive Relief in Marion County Circuit Court. The complaint was filed under ORS 183.490 and ORS 540.740. KID is seeking an injunction compelling the Department to carry into effect

the Amended and Corrected Order of Determination (ACFFOD) in the Klamath Adjudication by ordering the Bureau of Reclamation (BOR) not to divert stored water through the Link River Dam for instream purposes unless or until it obtains a water right or instream lease authorizing the use of water for such purpose, obtains a stay of the ACFFOD pursuant to ORS 539.180, or obtains a final judgment providing that federal law authorizes the BOR to use stored water in UKL reservoir for instream purposes without securing a water right in accordance with state law and the Reclamation Act.

A hearing was held in Marion County Circuit Court on June 18, 2020. On July 30, 2020, Judge Bennett issued an opinion letter approving the KID's motion for partial summary judgment on the injunction claim under ORS 540.740 and denying the Department's motions on the same claim. An order was issued October 13, 2020, by the court. In June 2021, the Department appealed the Circuit Court order. On December 27, 2021, the Oregon Court of Appeals issued an order granting a stay and expediting the case. Oral argument was held on July 15, 2022. On September 8, 2022, an order issued by the Court of Appeals reversed the Marion County Circuit Court judgement. KID filed a petition for review with the Oregon Supreme Court on December 24, 2022. On April 20, 2023, the Supreme Court denied KID's petition for review. The Marion Circuit Court order directing WRD to "take control" of the Link River Dam and prevent BOR from releasing water except for state water rights is reversed. The Appellate judgement will be issued in a few weeks.

Klamath Irrigation District v. Oregon Water Resources Department; Oregon Court of Appeals, Case No. A175510 (Marion Circuit Case No. 20CV17922)

This appeal also stems from Marion Circuit Court case number 20CV17922 (above), and is brought forth by Pacific Coast Federation, WaterWatch, and the Yurok Tribe appealing the orders denying their motions to intervene in the limited judgement from that case. This case is abated pending review of 20CV17922 with the Oregon Supreme Court. With the April 20, 2023, denial of KID's petition for review (previous case above) the Department anticipates this case will be dismissed.

U.S. District Court

Klamath Irrigation District v. United States Bureau of Reclamation; U.S. District Court, Medford, Oregon, Case No. 1:21-cv-00504-AA

On March 29, 2021, the Klamath Irrigation District filed an emergency motion for preliminary injunction against the Bureau of Reclamation in Klamath County Circuit Court, which is managing the judicial phase of the Klamath adjudication. The preliminary injunction was filed to prevent the Bureau of Reclamation from using stored water contrary to the water rights determined in the Amended and Corrected Findings of Fact and Order of Determination.

On April 5, 2021, the Bureau of Reclamation filed notice with the court of removal of the case to the U.S. District Court of Oregon. On April 12, 2021, Oregon Water Resources Department filed a motion to intervene in the case, which was granted. On April 20, 2021, Klamath Irrigation District filed a motion to remand the case back to Klamath County Circuit Court. The hearing on remand was held at U.S. District Court on May 20, 2021. On April 21, 2022, the court denied the motion to remand. KID filed a second mandamus with the U.S. Court of Appeals to compel the District Court to remand this case back to the Oregon state court. On April 25, 2023, the District Court denied KID's remand.

United States of America v. Oregon Water Resources Department; U.S. District Court, Medford, Oregon, Case No. 1:21-cv-1442

On October 1, 2021, the United States filed a complaint challenging the April 6, 2021, final order of the Department issued against the Bureau of Reclamation relating to the release of stored water from Upper Klamath Lake, as well as two notices of violation. Additionally, the complaint contained a petition for judicial review under the Oregon Administrative Procedures Act. A hearing was held on a motion to stay, which was subsequently granted on March 3, 2022.

Yurok Tribe, et al. v. United States Bureau of Reclamation and National Marine Fisheries Service; U.S. District Court, Northern California, Case No. ND CA3:19-cv-04405

In 2019, Yurok Tribe and others challenged the final Biological Opinion under multiple Endangered Species Act and National Environmental Policy Act provisions. Klamath Water Users Association, Klamath Irrigation District, and Klamath Tribes filed as intervenors in the case. In October 2021, the United States filed a crossclaim in this case against the Department to bring the State of Oregon into the federal case. The crossclaim centered around the April 6, 2021, order issued by the Department (as directed by Marion Circuit Court) to the Bureau of Reclamation relating to the release of stored water from Upper Klamath Lake.

On April 7, 2022, the Department filed a counterclaim against the United States. Motions for summary judgement were filed by the intervenors. A hearing was held December 7, 2022, on the motions and the Department's counterclaim. On February 6, 2023, the court issued an order granting summary judgement to the United States, stating the Bureau of Reclamation is required to manage operations to meet the requirement of the Endangered Species Act, and the order issued by OWRD regulating the Bureau is preempted by ESA. On April 4, 2023, Klamath Irrigation District and Klamath Water Users Association filed appeals of the court's order on summary judgement.

III. Upcoming Commission/Board Schedules

<u>Commission / Board</u>	<u>Date</u>
Land Conservation and Development Commission	July 27-28, 2023
Parks and Recreation Commission	TBD
Fish and Wildlife Commission	June 15-16, 2023
State Land Board	August 8, 2023
Environmental Quality Commission	July 20-21, 2023
Watershed Enhancement Board	July 25-26, 2023
Board of Agriculture	July 25-26, 2023

Attachments:

1. Rulemaking Calendar

Oregon Water Resources Department Current/Anticipated Rulemaking

Line	Rule Division	Topic	Lead Staff	GWAC Input Expected?	Target WRC Date	Status
1	Division 10 –Process for Critical Groundwater Area (CGWA) Designation	Conform Rules with ORS 537.730–742 / Establish Framework for CGWA Designations	Ivan Gall, Tim Seymour, Kelly Meinz	Yes	June 2023	RACs and Public Hearings complete, comment period closes 5/22
2	Divisions 200 205 & 240 – Well Construction Licensing (Combined with below)	HB 3030 and SB 688 Implementation Relating to Temporary Authorizations for Armed Forces Spouses	Kris Byrd, Laura Hartt, Travis Kelly	Yes	June 2023	RACs, public hearings and comment period complete
3	Divisions 190 225 & 260 (Combined with above)	Updates to Rules / HB 2145 (2021) Implementation Relating to Exempt Map and Recording Fee / Civil Penalties	Kris Byrd, Laura Hartt, Travis Kelly	No	June 2023	RACs, public hearings and comment period complete
4	Division 215 (Combined with above)	Replace Erroneously Repealed Section Relating to Dedicated Measuring Tubes (690-215-0200)	Kris Byrd, Laura Hartt, Travis Kelly	No	June 2023	RACs, public hearings and comment period complete
5	Division 512 – Malheur Lake Basin Program	Update to Rules Following Publication of Groundwater Study	Ivan Gall, Tim Seymour, Kelly Meinz	Yes	2024	RAC 1 complete, next RAC August 2023
6	Groundwater Allocation	Updates Process and Definitions in Rule for Sustainable Evaluation	Annette Liebe, Justin Iverson, Laura Hartt	Yes	2023-2024	RAC 1-3 completed in April/May 2023

Line	Rule Division	Topic	Lead Staff	GWAC Input Expected?	Target WRC Date	Status
		of New Water Rights, Protective of Senior Right Holders				
7	HB 4061 Cannabis and Enforcement Legislation	HB 4061 (2021) Phase II to Develop Implementation Rules for Civil and Criminal penalties	Ivan Gall, Jake Johnstone, Kelly Meinz	No	2024	Phase II rulemaking starting July 2023, Phase I nearly complete
8	Division 380 – Water Right Transfers	HB 3103 (2021) Rules to Align to Current Statutes	Dwight French, Lisa Jaramillo	No	2023	On hold
9	Division 77 – Instream Water Rights	Updates to Rules / Streamline District Lease Process / Consistency with SB 199 (2013) & SB 206 (2015) / Instream Leases and Transfers of Stored Water	Dwight French, Lisa Jaramillo, Sarah Henderson	No	2023-2024	On hold
10	TBD – Klamath Groundwater	Regulation of Wells in the Klamath Basin	Ivan Gall	Yes	TBD	On hold
11	Division 340 (Formerly New Rule Division 87)	Municipal Reclaimed Water Registrations	Dwight French, Kerri Cope	No	TBD	On hold

* There are additional rulemakings in backlog that will remain on hold for the remainder of the biennium.