



# Oregon

Tina Kotek, Governor

Water Resources Department  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904  
[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

## MEMORANDUM

**TO:** Water Resources Commission

**FROM:** Jason Spriet, East Region Manager  
Tim Seymour, Assistant Groundwater Section Manager  
Alexandria Scott, Eastern Region Engagement Coordinator  
Kelly Mainz, Water Policy Analyst

**SUBJECT:** Agenda Item I, June 14, 2024  
Water Resources Commission

### Harney Basin Groundwater Update – Informational Item

#### I. Introduction

This informational report highlights Department efforts in the Harney Basin to achieve reasonably stable groundwater levels, ensure water supply for current and future uses, and do it while minimizing negative impacts to the community. *The Department has included additional time on the agenda for members of the community to comment, as requested at the last meeting.*

#### II. Integrated Water Resources Strategy Recommended Actions

- 1 A-C - Understanding water resources today
- 4.C. - Promote 4.C - Promote strategies that increase/integrate energy and water savings
- 9.A - Continue to undertake Place-based Integrated Water Resources Planning
- 9. C - Partner with federal agencies, tribes, and neighboring states in long-term water resources management
- 10. A - Improve water-use efficiency and water conservation
- 10. D - Reach environmental outcomes with non-regulatory alternatives
- 10. F - Provide an adequate presence in the field
- 11.E - Develop additional groundwater protections
- 13.C - Invest in local or regional water-planning efforts

#### III. Background

In recent years, the Department spent extensive time working in the basin seeking to partner with the community to address its water challenges. OWRD has provided regular public updates on the portfolio of Harney Basin work to the Commission for several years, including:

- Updates in Director's Reports from May 2020, November 2020, February 2021, March 2022, November 2022, February 2023, November 2023
- September 2023, Item A - Harney Basin Overview
- June 2023, Item F - Groundwater Portion of Harney Community-Based Water Planning Collaborative's Place-Based IWR Plan
- June 2022, Item J - Harney Basin Groundwater Study: Report Summary and Next Steps
- June 2021, Item H - Harney Basin Groundwater Management Update
- February 2019, Item B - Greater Harney Valley Groundwater Area of Concern
- June 2018, Item E - Harney Basin Groundwater Study and Planning Update
- January 2017, Item D - GHVGAC Update
- April 2016, Item A - OAR 690, Division 512 Rules - Malheur Lake Basin
- February 2016, Item D - Division 512 Overview
- June 2015, Item A - Harney County Overview

At the March 2024 Commission meeting, the Commission received public comment expressing concern about the Division 512 rulemaking process. Based on this, and along with other feedback received, OWRD canceled the April 2024 Rules Advisory Committee. The additional time was intended to consider the sincere and detailed input received, assess how to better engage with the community, and revise the approach where appropriate.

#### **IV. Discussion**

The Department's work in the Harney Basin represents a broad portfolio of tasks important to water management in the basin. There are several initiatives that the Department is undertaking to address the declining groundwater levels in the basin, while addressing water needs:

1. Harney Basin Observation Well Network Data Collection and Analysis – Maintain consistent and long-term static groundwater-level data sets to evaluate more accurately climatic, seasonal, and groundwater development impacts on the groundwater-flow system in the Harney Basin.
2. Regulation/enforcement – Enforce existing permit conditions through increased monitoring and address unauthorized water use in the basin.
3. Place-Based Integrated Water Resources Planning – Actively supports the local Place-Based Planning group through Department technical assistance and financial support. The Placed-based Planning group finished the Groundwater section of planning in June 2023.
4. Division 512 Rulemaking – Proposes to limit new uses of water through an updated classification, increase measurement and reporting of water use through a designation of a Serious Water Problem Management Area, and address urgent groundwater declines through the designation of a Critical Groundwater Area.

5. Voluntary Agreements – Draft policy and statewide rules to guide groundwater users on parameters to establish voluntary agreements between groundwater users, consistent with the water management goals of the Commission.
6. Conservation Reserve Enhancement Program (CREP) – Provide financial incentive to reduce irrigation water consumption for agricultural purposes in the basin by paying participants to voluntarily cancel their groundwater rights under a contract.
7. Harney Domestic Well Remediation Fund – Help landowners with the cost to repair, or replace and abandon, a dry or at risk of going dry household well that is unable to sustain their household due to declining groundwater levels in the Greater Harney Valley Groundwater Area of Concern.

For more information on each initiative see Attachment 1. OWRD staff will provide an update on the Harney portfolio at the June Commission meeting, including how the Department is using feedback provided on the Division 512 rulemaking process.

## **V. Conclusion**

Reductions in groundwater use may occur through a variety of mechanisms to achieve reasonably stable groundwater levels and ensure water supplies for current and future uses in the Harney Basin. The Department will continue to work to build available resources with the Harney Basin community to minimize the economic and social impacts of reduced water use.

### **Attachments:**

1. Harney Basin Groundwater Portfolio

Tim Seymour  
503-979-3512

Kelly Meinz  
971-718-7087

Alexandria Scott  
503-871-4283

## Harney Basin Groundwater Portfolio

The Harney basin is experiencing groundwater declines that threaten the economies, environments, communities, and cultures dependent on water. OWRD seeks to achieve reasonably stable groundwater levels, ensure water supply for current and future uses, and do it while minimizing negative impacts to the community. The portfolio of OWRD actions for pursuing this goal are described in Table 1.

*Table 1: 2023-2027 OWRD Harney Basin Groundwater Portfolio*

| Project Information  | Anticipated Actions and Outcomes: 2023 - 2027  |
|--|--|
| <p><b>Name:</b> Harney Basin Observation Well Network Data Collection and Analysis</p> <p><b>Purpose:</b> Maintain a long-term static groundwater-level data set to accurately evaluate climatic, seasonal, and groundwater development impacts on the groundwater-flow system in the Harney basin.</p> <p><b>Timeline:</b> Ongoing; Measured quarterly on a February, May, August, October/November schedule.</p> | <ul style="list-style-type: none"> <li>• Quarterly: Groundwater level measurements. Data entry into the Groundwater Information System (GWIS) database. Notifications mailed to well owners. Field sheets printed and mailed to field staff. Recorder data downloaded and processed.</li> <li>• As needed: Installation and maintenance of recorder equipment. Evaluation of the observation well network to identify issues, replacement observation wells, new observation wells, and observation wells no longer needed in network. Establish survey grade GPS elevations of well measuring points. Contract pump installers and/or well drillers for observation well repair/conversion. Contract well driller for construction of new dedicated observation wells.</li> </ul> |
| <p><b>Name:</b> Regulation/enforcement (including permit decline conditions)</p> <p><b>Purpose:</b> Achieve compliance with groundwater rights and upcoming Division 512 rules.</p> <p><b>Timeline:</b> Ongoing</p>  | <ul style="list-style-type: none"> <li>• 2023: Hired a new assistant watermaster. Find unauthorized water use and bring into compliance.</li> <li>• 2024 &amp; beyond: Continue to find unauthorized use and bring into compliance. Notify/Regulate permit conditions on groundwater rights. Implement regulations after the contested case process.</li> </ul>  |
| <p><b>Name:</b> Place-Based Integrated Water Resources Planning</p> <p><b>Purpose:</b> Support a locally-led, place-based approach to water resources planning, working together to gather information, identify strategies, and determine in-stream and out-of-stream water resources needs to help develop solutions that will meet those needs now and into the future.</p> <p><b>Timeline:</b> 2016-2027</p>   | <ul style="list-style-type: none"> <li>• 2023: The final version of the groundwater portion of the Harney Community Based Water Planning Collaborative's plan was adopted in April 2023 and was presented to the WRC in June 2023. The Collaborative then began surface water planning.</li> <li>• 2024 &amp; beyond: The Collaborative presented its groundwater strategies to the Division 512 RAC, has an outstanding agenda each month to discuss the Division 512 rulemaking, and continues to work with OWRD to implement groundwater strategies that are in alignment with OWRD priorities around groundwater use and management in the basin.</li> </ul>   |

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| <p><b>Name:</b> Division 512 Rulemaking</p> <p><b>Purpose:</b> Limit new uses of water through updated classification, increase measurement and reporting through designation of a Serious Water Problem Management Area, and address groundwater declines through the designation of a Critical Groundwater Area with proposed corrective actions.</p> <p><b>Timeline:</b> 2023-2025</p> | <ul style="list-style-type: none"> <li>• 2023: Rules Advisory Committee (RAC) formed and conversations with the RAC around criteria for drawing boundaries.</li> <li>• 2024 &amp; beyond: Continue conversations with the RAC to develop the rules (May 30 RAC meeting to highlight past and future topics where RAC can provide input to the rules). Pursue rule adoption in June 2025.</li> </ul>  |
| <p><b>Name:</b> Voluntary Agreements (VA)</p> <p><b>Purpose:</b> Guide groundwater users on parameters to establish voluntary agreements between groundwater users within the same reservoir, consistent with the water management goals of the Commission.</p> <p><b>Timeline:</b> 2023-2027</p>   | <ul style="list-style-type: none"> <li>• 2023: Compiled existing background information concerning VAs in Oregon and evaluated how Oregon VA statute applies to Harney specifically. Conducted VA informational session with the Division 512 RAC in August 2023.</li> <li>• 2024 &amp; beyond: Outline framework for VA criteria based on statutory and Harney basin specific criteria. Decide on the preferred approach for implementing VA framework (i.e., general/statewide, Harney basin specific, or both) and work with interested parties to draft, review, and refine optional and mandatory VA criteria. Develop timeline and action plan for execution.</li> </ul>                                 |
| <p><b>Name:</b> Harney Valley Conservation Reserve Enhancement Program (HV CREP)</p> <p><b>Purpose:</b> Reduce consumptive water use in the basin by enrolling participants who voluntarily cancel their groundwater rights in exchange for payment.</p> <p><b>Timeline:</b> Ongoing</p>  | <ul style="list-style-type: none"> <li>• 2023: Identified programmatic details with Farm Service Agency (FSA) and developed monitoring plan.</li> <li>• 2024 &amp; beyond: Develop outreach materials, form a steering committee, and begin enrollment (Summer 2024 depends on federal handbook amendment). Enroll up to 20,000 acres of groundwater irrigated croplands to conserve 40,000-50,000 acre-feet per year to help the basin approach a more sustainable level of groundwater use, reduce energy/pesticide/ herbicide use, and restore natural habitat for wildlife. Prepare Annual Reports for FSA and the public to document effectiveness and seek feedback for program improvements.</li> </ul> |
| <p><b>Name:</b> Harney Domestic Well Remediation Fund</p> <p><b>Purpose:</b> Help landowners with the cost to repair or replace and abandon a dry or at risk of going dry household well that is unable to sustain their household due to declining groundwater levels in the Greater Harney Valley Groundwater Area of Concern.</p> <p><b>Timeline:</b> 2021 - 2027</p>                  | <ul style="list-style-type: none"> <li>• 2023: Assess and develop guidance to account for the similarities and differences between this fund and the statewide well fund. Solicited feedback from interested parties in the basin on programmatic items and followed up with the community on how that input was used.</li> <li>• 2024 &amp; beyond: Applications accepted February 21 through May 31, 2024. Application review and inspections are expected to run through the rest of 2024. Depending on the results of the 2024 applications, another funding cycle may be offered in 2025; it is anticipated the need for funds will increase with decreasing groundwater levels.</li> </ul>               |