

O R E G O N



**WATER RESOURCES
D E P A R T M E N T**

Item K - Groundwater Allocation Rulemaking Update

Oregon Water Resources Commission

June 14, 2024

Objective

Update groundwater allocation rules to be more sustainable and protective of existing water right holders, both instream and out-of-stream.



Presentation Overview

A. Background

B. Key Issues

- Defining "Reasonably Stable Groundwater Level"
- Redefining "Potential for Substantial Interference (PSI)"

C. Implications

D. Public Process to Date & Next Steps

Impacts of Over-Allocation

- drying up of wells or increased pumping costs
- reduced streamflow
- curtailment of rights that people have invested in
- deterioration of water quality



Allocation in Statute

ORS 537.621(2)(a), the “four-part test”:

- Use is allowed in the basin
- Water is available
- Existing rights will not be injured
- Meets additional Commission standards and rules

...and (2)(b) Other public interest criteria in statutory policy can be addressed as needed



Water is Available if...

Current Rules:

Requested source is available if not over-allocated:

- Allocate up to the full annual recharge volume
- Avoid short-term, acute impacts to surface water; while allowing long-term and cumulative impacts

Proposed Rules:

Requested source is available only if:

- Groundwater level trends are Reasonably Stable
- Hydraulically connected surface water is available for further appropriation
- Aquifer physically capable of producing the requested rate

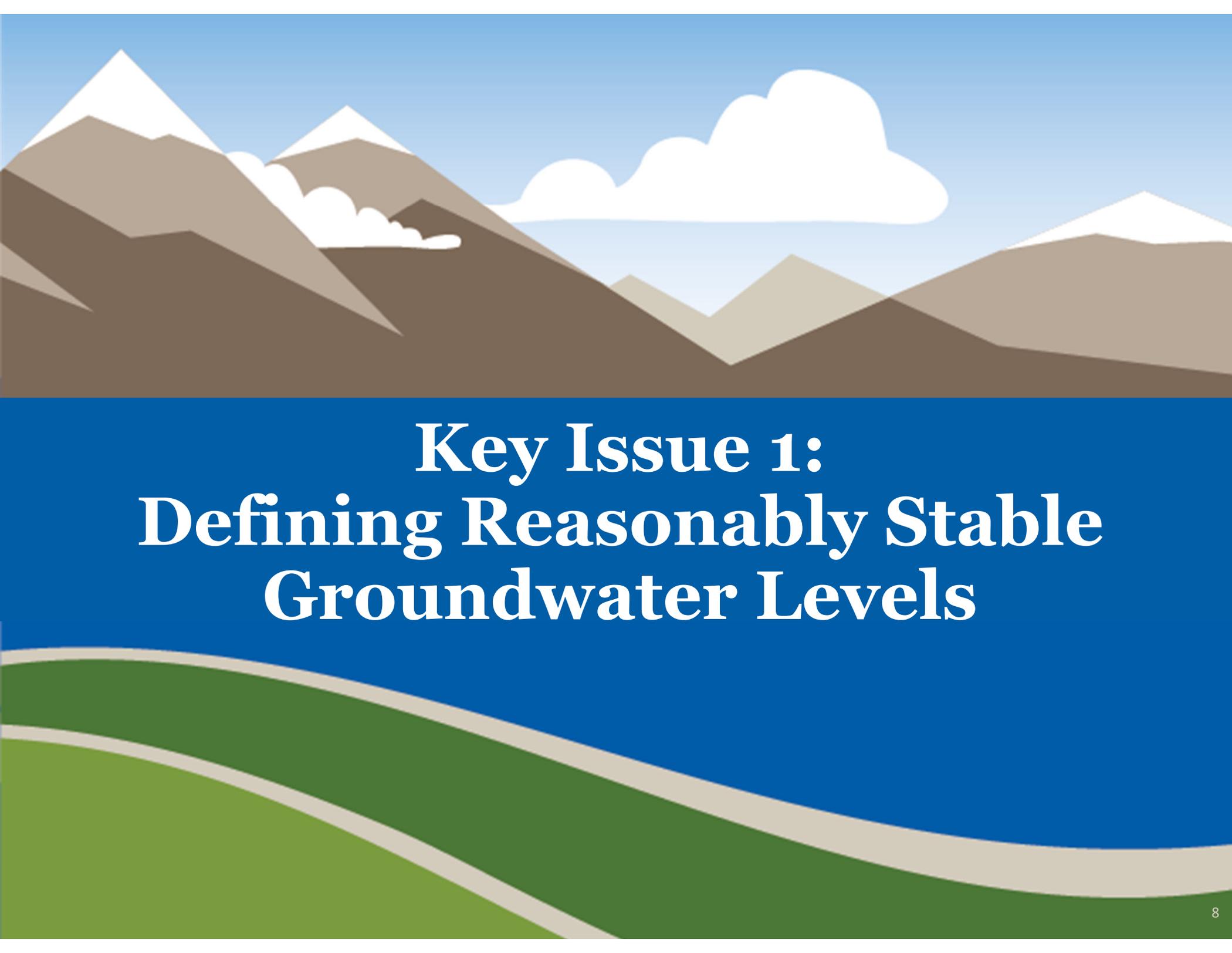
Rulemaking Affects...

Proposed rules apply to:

- Potential New Permitted Groundwater Uses

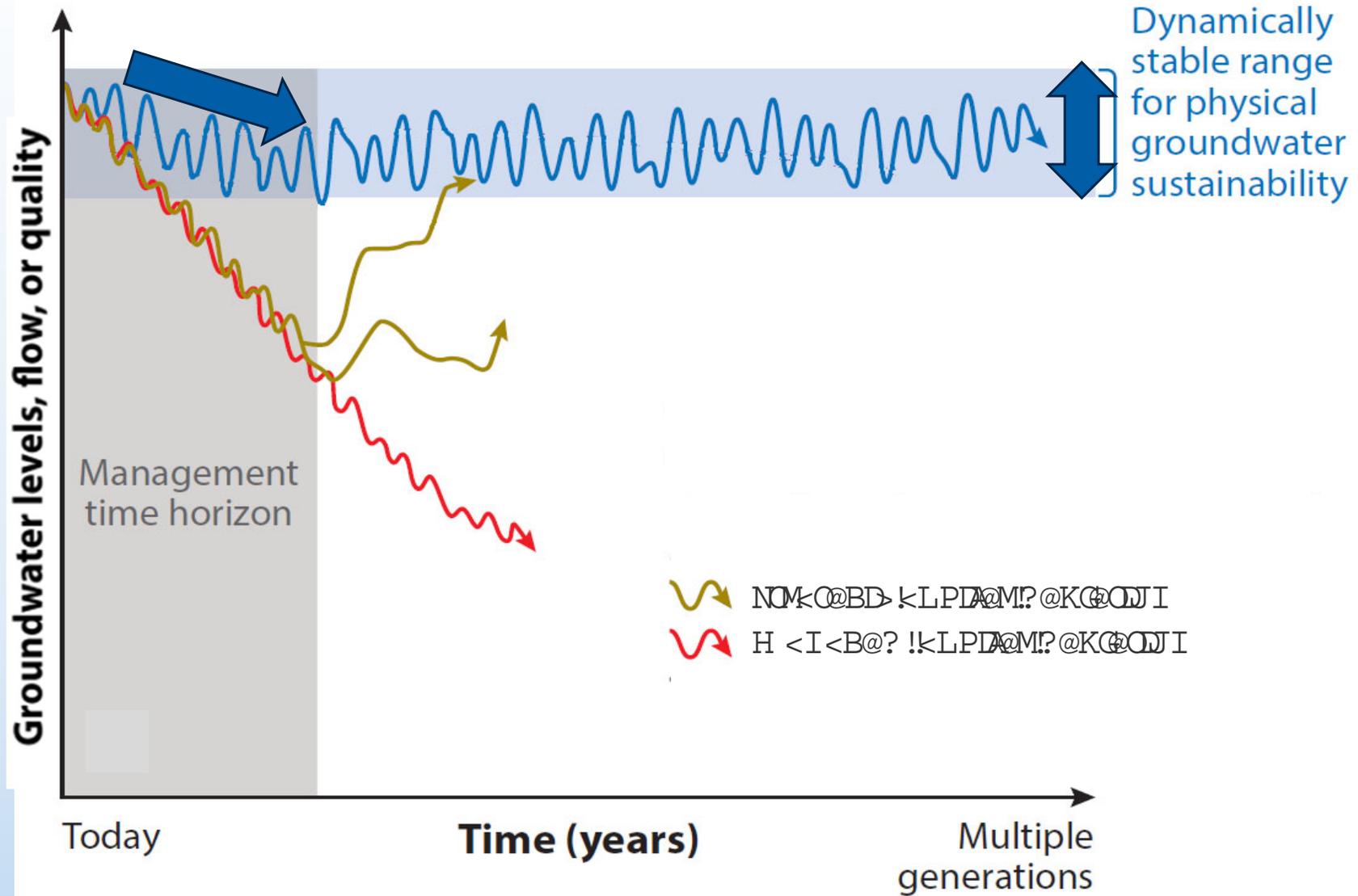
Proposed rules do not apply to:

- Existing permit holders
- Exempt groundwater users
 - Domestic
 - Small livestock
 - Small single industrial and commercial use



Key Issue 1: Defining Reasonably Stable Groundwater Levels

Reasonably Stable Groundwater Levels Science-Based Framework



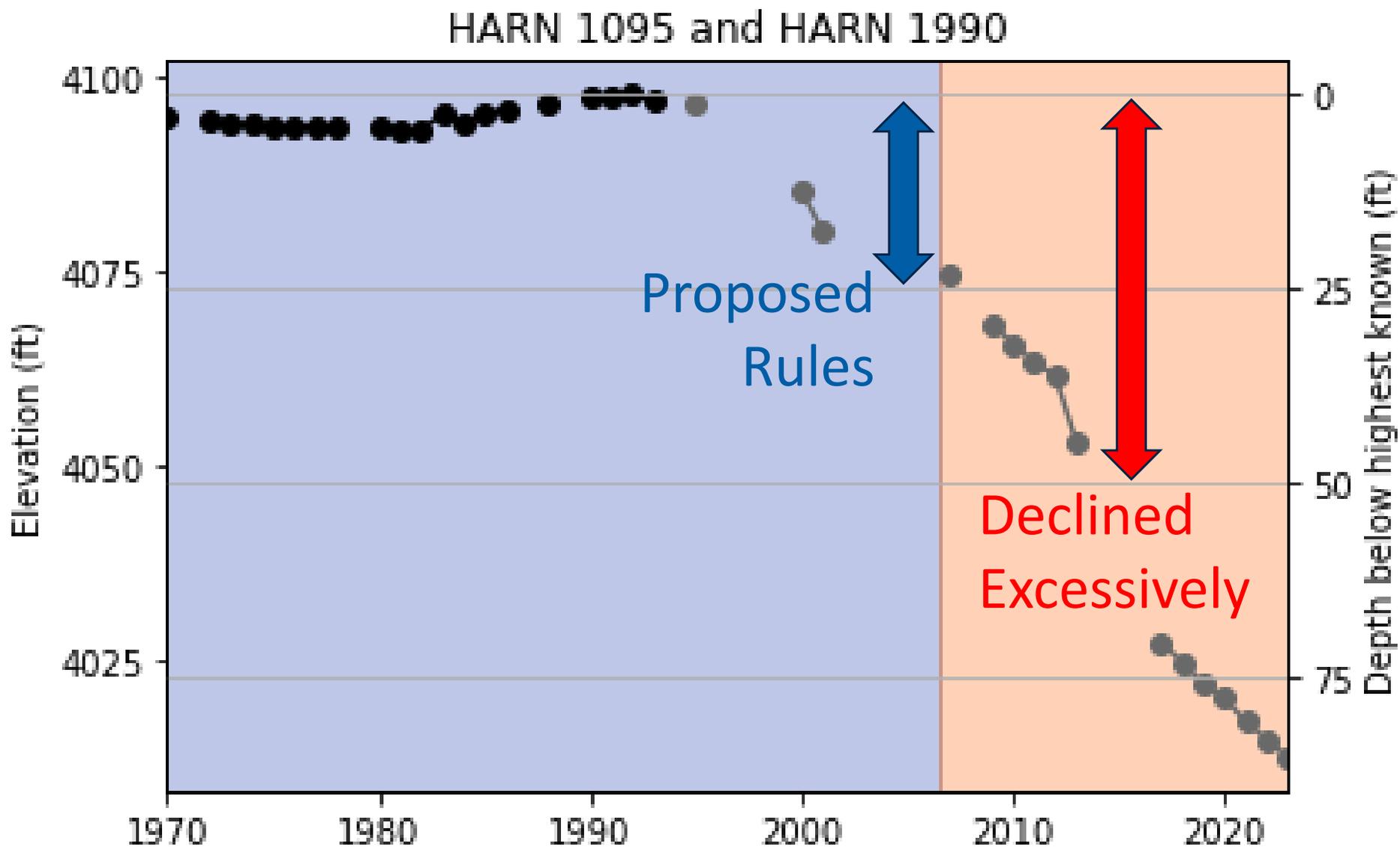
Reasonably Stable Groundwater Levels Proposed - OAR 690-008-0001(9)

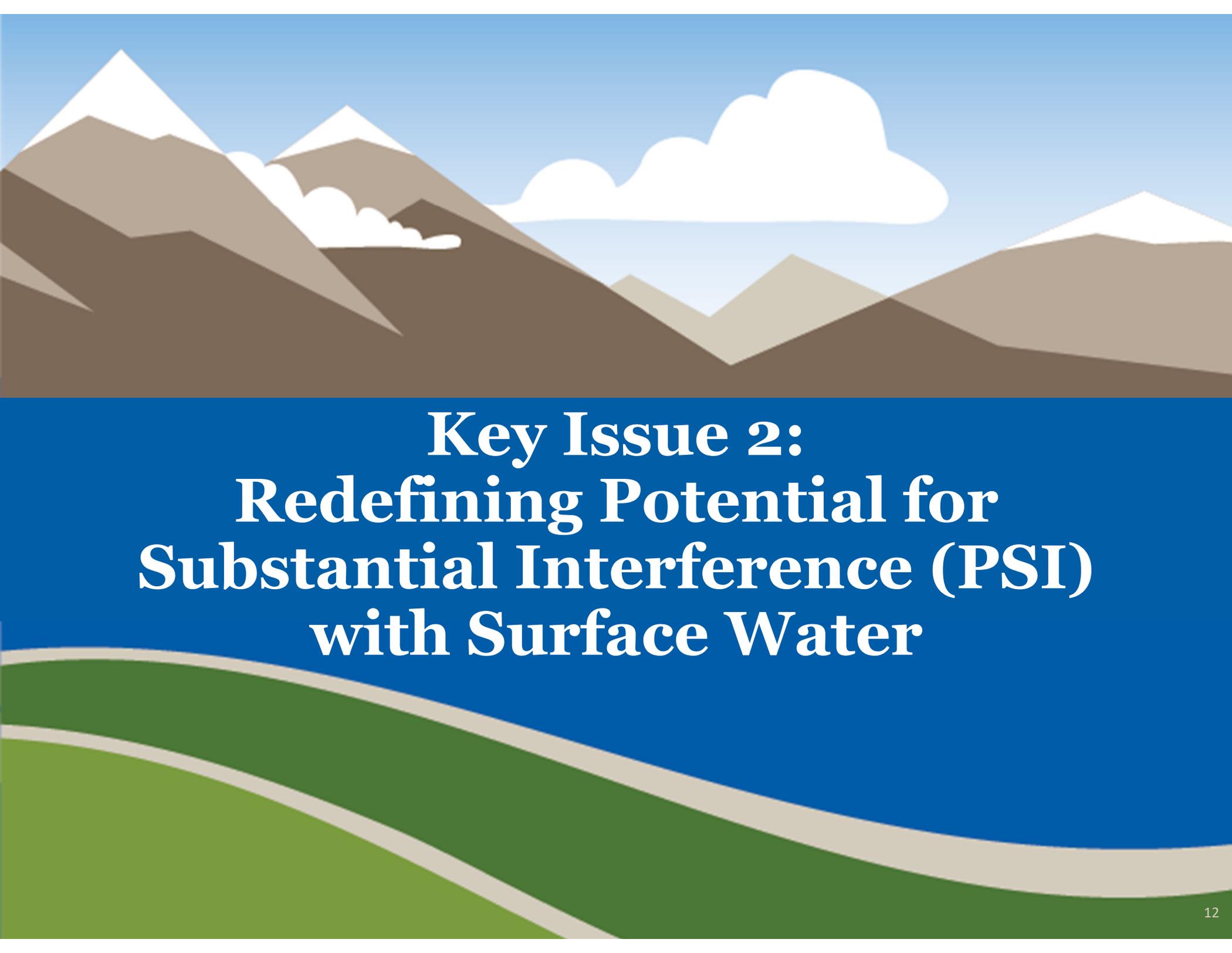
- Water level declines no more than 0.6 ft/yr or 25 ft total
- From highest known water level
- Water level must be available:
 - From the aquifer; can be from a neighboring well
 - 5 years of data minimum
 - Final data point within the past 5 years

Additional Considerations:

- Highest known water level can be set below human-caused water level rises
- Assume reasonably stable if no prior development
- Basin rules can re-define
 - Impacts to existing wells, ecosystems, and long-term sustainability must be assessed

Reasonably Stable Groundwater Levels Harney Basin Example





**Key Issue 2:
Redefining Potential for
Substantial Interference (PSI)
with Surface Water**

Streamflow in August comes from Groundwater



Groundwater – Surface Water Interference

Potential for Substantial Interference (OAR 690-009-0040)

- If hydraulically connected
- Over the proposed period of use
- Then the potential for substantial interference exists
- Actual substantial interference exists if...

Substantial Interference (OAR 690-008-0001)

... the surface water source:

- Is already over-appropriated
- Is withdrawn or restrictively classified
- Is regulated off to satisfy senior rights
- Has an unmet instream right during any period of the year



Implications

Meeting Future Needs

Existing Options:

- Conservation
- Water Re-use
- Aquifer Storage/Recharge
- Transfers, repurposing existing rights
- Interties

Potential New/Future Opportunities:

- Mitigation programs
- Market based approaches
- Outcomes from basin and regional planning

Benefits to Existing Users

- Increases certainty for existing users
- Fewer dry wells
- Lower pumping costs
- Preserved water quality
- Consistent with prior appropriation doctrine
- Reduces future conflict



Public Process to Date & Next Steps

Next Steps

Compile & review public input

- June to August 2024

Presentation to Commission for rule adoption

- September 2024

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