

Agenda Item D
February 25, 2016

Rulemaking Update

Greater Harney Valley
Malheur Lake Basin Program
OAR 690-512

Acronyms

WRD = Water Resources Department

WRC = Water Resources Commission

OAR = Oregon Administrative Rules

RAC = Rules Advisory Committee

GHVGAC = Greater Harney Valley Groundwater

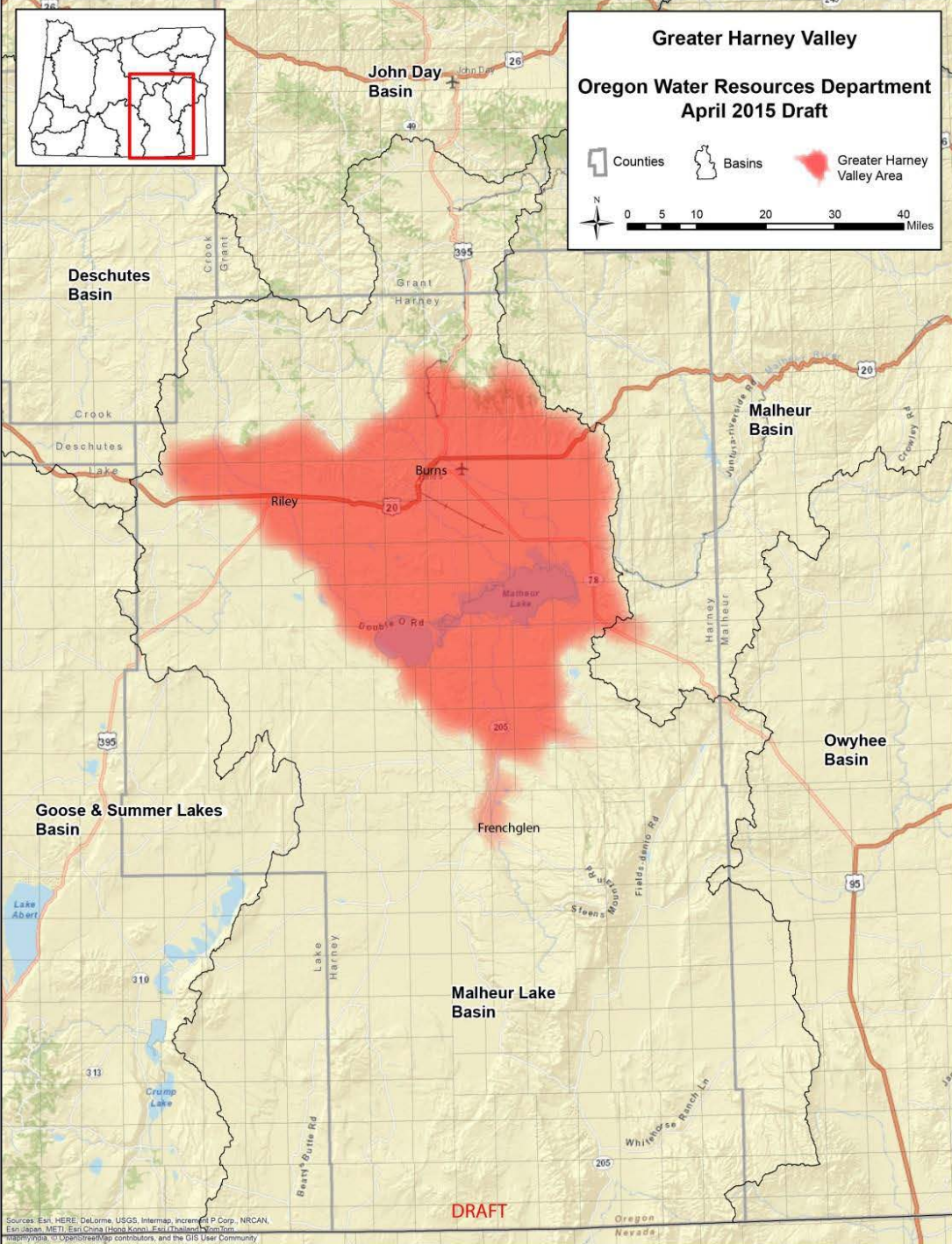
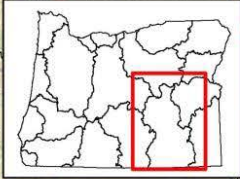
Area of Concern

Background

1. **Significant groundwater development**
2. **Protested groundwater applications**
3. **Staff reviewed groundwater level data and recharge estimate**
4. **Declining groundwater levels and significant allocation relative to recharge**
5. **June 2015 update to WRC**

Greater Harney Valley
Oregon Water Resources Department
April 2015 Draft

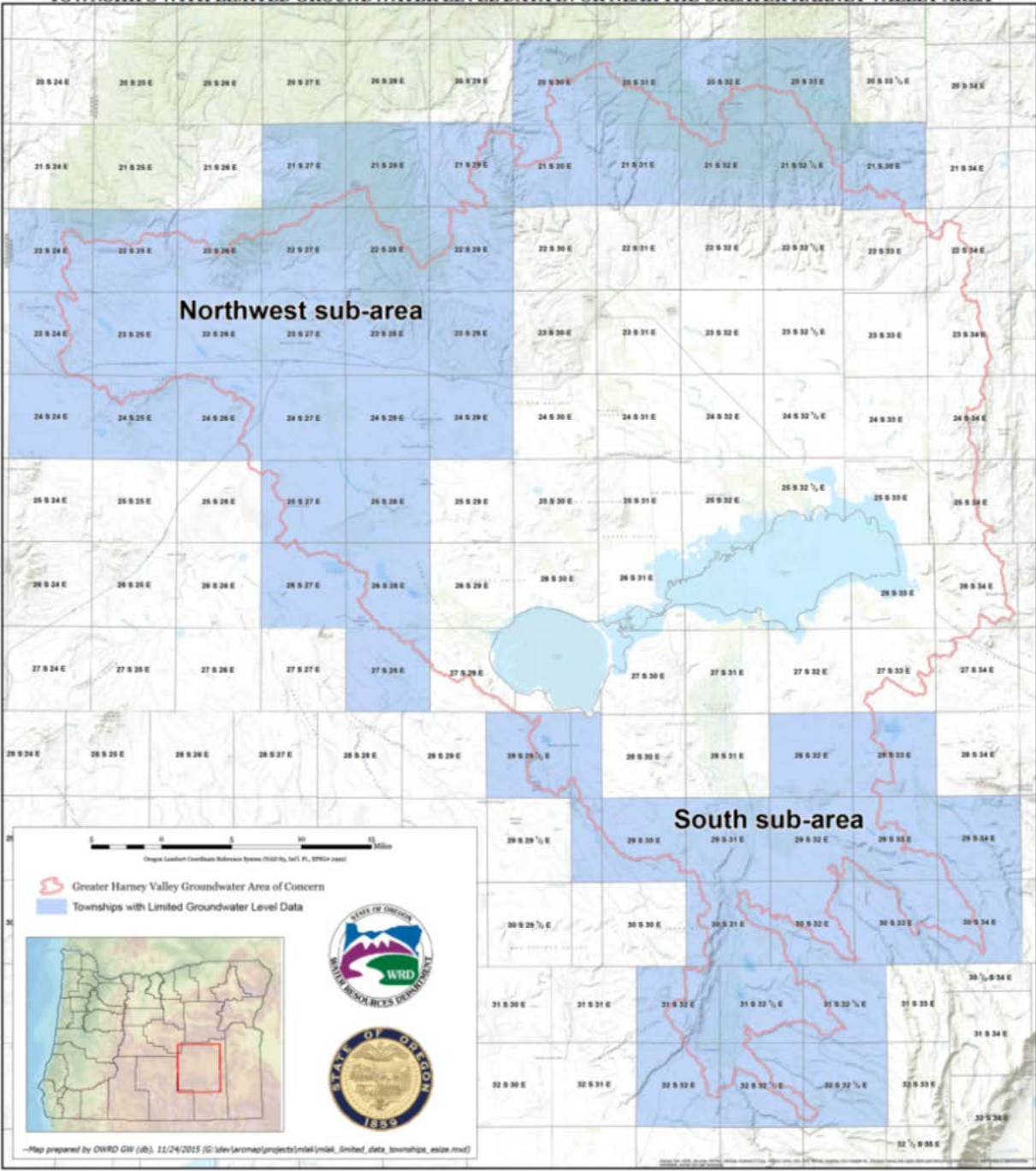
□ Counties
🗺 Basins
🔴 Greater Harney Valley Area



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), Swisstopo, mapbox, OpenStreetMap contributors, and the GIS User Community

DRAFT

TOWNSHIPS WITH LIMITED GROUNDWATER LEVEL DATA IN OR NEAR THE GREATER HARNEY VALLEY AREA



Need for Rule Change

With findings of no water available and with the potential for injury to existing water rights, the Department can not issue new groundwater permits.

In the summer of 2015, a Rules Advisory Committee (RAC) was formed to work on rules that would allow some permits to be issued with conditions if certain criteria are met.

RAC Participants

- ▣ Karen Moon - Harney County Watershed Council
- ▣ Mark Owens - Landowner
- ▣ Ken Bentz - Landowner
- ▣ Lorissa Singhose - Landowner
- ▣ Matt Nonnenmacher - Clearwater Pump & Irrigation
- ▣ Kimberley Priestley - Waterwatch
- ▣ Lisa Brown - Waterwatch
- ▣ Shane Otley - Landowner/ Oregon Farm Bureau
- ▣ Fred Otley - Landowner
- ▣ Barbara Cannady - Landowner
- ▣ Rusty Inglis - Oregon Farm Bureau
- ▣ Mary Anne Nash - Oregon Farm Bureau

RAC Participants

- ▣ Chad Karges – US Fish & Wildlife Malheur NWR
- ▣ Carla Burnside – US Fish & Wildlife Malheur NWR
- ▣ Sam Kingrey- Down Right Drilling
- ▣ Dalton Riley- Western Drilling
- ▣ Dan Nichols – Harney County
- ▣ Martha Pagel – Oregon Cattlemen’s Association
- ▣ Jerome Rosa- Oregon Cattlemen’s Association
- ▣ Scott Montgomery – CWRE

RAC Meeting Dates

July 14, 2015

August 3, 2015

October 28, 2015

December 1, 2015

January 14, 2016

March 1, 2016

Elements of the Draft Rules

1. Pending applications can be approved if offset water is provided.
2. South and Northwest areas: permit can be issued without offset, but with a condition that would prohibit issuance of a certificate.
3. Any new permits conditioned to require:
 - A. Dedicated observation well.
 - B. A water level decline condition.
 - C. Well-to-well set-back requirements.

Elements of the Draft Rules

1. WRD will track status of groundwater permits, certificates and applications.
2. Updates to the WRC beginning in 2017.
3. Anticipate groundwater study to be completed by end of 2020.
4. WRD to provide: Quarterly updates to a Groundwater Study Advisory Committee jointly appointed by the Harney County Court and the Department.

Miscellaneous Elements of the Draft Rules

1. **Eliminated obsolete water availability requirements.**
2. **Added reference to a former surface water withdrawal of the WRC for consistency.**

Next Steps

1. Sixth RAC meeting in Burns on March 1
2. Public Hearings in Burns and Salem, March 30
3. Written comment period ends March 30
4. Anticipate rule adoption April 13

Questions and Comments