



Oregon

Kate Brown, Governor

Water Resources Department

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MEMORANDUM

TO: Water Resources Commission

FROM: Justin Iverson, Groundwater Section Manager ^{JL}
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SUBJECT: Agenda Item E, January 26, 2017
Water Resources Commission Meeting

Walla Walla Subbasin Groundwater Management and Division 507 Rulemaking Update

I. Introduction

Due to groundwater level declines in the Walla Walla Subbasin, the Department has initiated a rulemaking to classify the subbasin for exempt uses only and to designate the basalt aquifers a Serious Water Management Problem Area (SWMPA). During this informational report, staff will brief the Commission on the status of rulemaking and community outreach in the Walla Walla Subbasin.

II. Background

Groundwater levels are declining in both the alluvial and basalt aquifer systems in the Walla Walla Subbasin of Oregon. In the basalt aquifer, the decline is about three to four feet per year across the subbasin, with the total decline since 1950 exceeding 100 feet in some places. Senior basalt groundwater users have expressed concern about the stability of the resource; well yields for older wells have reportedly declined.

The State's groundwater management policy sets forth that rights to use groundwater be protected, reasonably stable groundwater levels be determined and maintained, and groundwater overdraft be prevented. Staff members are actively engaging with local water users to develop and implement a plan of action that will put the community on a more sustainable path for the use of groundwater. Rulemaking to reclassify groundwater use in the basin for exempt uses only and to designate a SWMPA with required water use measurement and reporting for permitted basalt wells are early components of that plan of action. The Commission is scheduled to consider adoption of these rules in May 2017.

III. Discussion

A. Rulemaking Update

Proposed changes to the OAR Chapter 690, Division 507 Umatilla Basin Program rules include reclassification of groundwater for statutorily exempt uses only and designation of a SWMPA with required water use measurement and reporting for permitted use from the basalt aquifer. To implement the SWMPA, the rules will require the installation of flowmeters on all permitted basalt wells, monthly recording of water use from those wells, and monthly reporting of use submitted to the Department annually.

The Department held a Rules Advisory Committee (RAC) meeting addressing the proposed changes on December 12 in Milton-Freewater. The RAC reviewed and discussed the proposed rule language, Department of Justice comments on the proposed rule language, and a draft of the Statement of Need and Fiscal Impact form. The RAC asked that the Department add definitions of key terms, clarify enforcement actions for noncompliance, consider expansion of the SWMPA boundary, and consider additional restrictions in the proposed rule language. These proposed changes will be researched by the Department and further discussed by the RAC at a second meeting in early February 2017.

Rulemaking is planned to progress on the following timeline:

February 2 or 3:	Second RAC meeting in Milton-Freewater
February 13:	File hearing notice for publishing in the Oregon Bulletin.
March 2017:	Groundwater Advisory Committee (GWAC) review and comment
March 1:	Notify legislators, listserv, and stakeholders; place legal notices
Week of March 26:	Public hearing in the basin
March 31:	Public comments due
March/April:	Revise rules; Department of Justice review if needed
March/April:	Draft staff report
May 11-12:	Present Rules to Commission for Adoption

Draft rule language and a draft statement of need and financial impact can be found on the Department's rulemaking website:

www.oregon.gov/owrd/Pages/Place/Walla_Walla_SubBasin.aspx

B. Public Outreach Update

The Department held multiple public meetings in 2016 to inform the local community of concerns with groundwater level declines and to discuss potential approaches on how to best move forward. More recently, a public meeting was held December 13 in Milton-Freewater at which the Department presented a review of Columbia River Basalt geology and available groundwater data in the basin, identified current data gaps, and consulted with landowners to create strategies to develop data to fill those data gaps. Several basalt water right holders expressed willingness to work with the Department to conduct aquifer tests this spring. The

Department plans to use this data to further refine identify hydraulically connected areas in the subbasin that are expected to serve as natural boundaries for groups of water users to form voluntary agreements to reduce use and potentially increase recharge to the basalt aquifer. The Department has requested that groups of basalt water users in each subgroup indicate intent to develop voluntary agreements by September 2017.

Additional hydrogeologic work in the Walla Walla Subbasin is expected to progress on the following timeline:

Winter 2017	Continued field location of permitted basalt wells
February 2017	Water level and flow meter synoptic survey
Spring 2017	Aquifer testing program
July 2017	Public meetings regarding hydraulically connected subarea boundaries
September 2017	Subarea groups declare intention to draft voluntary agreements

Past public presentations and other supporting info can be found on the Department's website:

http://www.oregon.gov/owrd/Pages/Place/Walla_Walla_SubBasin.aspx

IV. Conclusion

The Department is concerned about declining groundwater levels in the Walla Walla Subbasin. Staff members have been working with the local water user community since May 2016 to build understanding of the issues and develop a plan to address the problem. Toward that end, revised basin rules are expected to be presented to the Commission for adoption at the May 2017 meeting.

Attachments:

1. Map of the Walla Walla Subbasin

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Attachment 1: Map of the Walla Walla Subbasin

Walla Walla Subbasin

