

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing accompanies this form.

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Water Resources Department
Agency and Division

690
Administrative Rules Chapter Number

Walla Walla Subbasin Serious Water Management Problem Area, Classification and Updates

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Walla Walla Subbasin Serious Water Management Problem Area, Classification and Updates

Statutory Authority:

ORS 536, 537 and 540

Other Authority:

OAR 690 Division 85

Statutes Implemented:

ORS 536.220, 536.300, 536.310, 536.340, 537.535, 537.545 and 540.435

Need for the Rule(s):

The Water Resources Commission is charged with developing basin program rules with consideration to the multiple aspects of the beneficial use and control of such water resources to best protect and promote the public welfare of Oregon's citizens generally, including the environmental health of Oregon's watersheds and basins. Available groundwater data show groundwater level declines occurring across the Walla Walla Subbasin of the Umatilla Basin, indicating groundwater use in excess of recharge. Senior groundwater users have reported that they are not able to pump their usual and accustomed rate or volume of water.

The Department is proposing to classify groundwater in the Walla Walla Subbasin for new exempt uses only, as defined in ORS 537.545. This classification is intended to limit new use of the groundwater resource and prevent chronic declining water level trends from getting worse.

The Department is also proposing to establish a Serious Water Management Problem Area (SWMPA) per ORS 540.435. Owners of permitted basalt aquifer wells within the SWMPA will be required to install a totalizing flow meter on each well, measure and record water use on a monthly basis, and report monthly water use to the Department annually. Measurement and reporting of use will eventually allow the Department to determine how much, if any, reduction in current pumping may need to occur to stabilize observed groundwater level declines.

In addition, proposed changes include spell out acronyms, correct spelling, and grammar.

Documents Relied Upon, and where they are available:

Madin, I.P., Geitgey, R.P. 2007. Preliminary Geologic Map of the Umatilla Basin, Morrow and Umatilla Counties, Oregon. State of Oregon Department of Geology and Mineral Industries Open-File Report O-07-15.

Newcomb, R.C. 1951. Preliminary Report on the Ground-Water Resources of the Walla Walla Basin, Washington-Oregon. USGS Open-File Report 51-35.

Newcomb, R.C. 1965. Geology and Ground-Water Resource of the Walla Walla River Basin Washington-Oregon. State of Washington Water Supply Bulletin No. 21.

Groundwater level data from wells within the Walla Walla Subbasin. Available online: http://www.oregon.gov/owrd/pages/gw/well_data.aspx

Fiscal and Economic Impact:

The Department has found that the groundwater resources of the Walla Walla Subbasin are over-appropriated, as evidenced by chronic declining water levels. The Department's proposal to classify future groundwater for exempt uses is only intended to prevent chronic declining water level trends from getting worse. This classification may be viewed by some in the local community as a negative economic impact because of the inability to grow the economy through the expansion of groundwater-irrigated agriculture and other potential groundwater-

supported industries in the area. In the long term this classification may have an overall positive economic impact by prolonging the availability of the groundwater resource for the use of existing senior water right holders.

Establishment of a Serious Water Management Problem Area (SWMPA) requiring the installation of a totalizing flow meter on all permitted basalt aquifer wells is estimated to cost senior water right holders approximately \$2,000 to \$4,000 per permitted well plus time and labor costs associated with compliance with new regulations, including installation of new equipment, monitoring and recording water use, and reporting use to the Department annually. Junior water right holders are already required to meter and report groundwater use.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The Department does not anticipate additional costs of compliance by state and local government and the public.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

Overall, the Department estimates 72 wells will be required to install totalizing flow meters as a result of the proposed SWMPA designation. Some entities own multiple wells, and some of these entities will be small businesses. However, the Department does not have specific information regarding the number of small businesses and types of business and industries with small businesses that may be subject to these rules. The Department does anticipate that small businesses or business and industries with small businesses may be among the entities affected by this rulemaking. The Department has identified that these rules will help protect water rights currently held by small businesses. In addition, the rules may result in some small businesses being unable to secure new water rights of their own.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

Establishment of a Serious Water Management Problem Area (SWMPA) requiring the installation of a totalizing flow meter on all permitted basalt aquifer wells is estimated to cost senior water right holders approximately \$2,000 to \$4,000 per permitted well plus time and labor costs associated with compliance with new regulations, including installation of new equipment, monitoring and recording water use, and reporting use to the Department annually. Junior water right holders are already required to meter and report groundwater use.

c. Equipment, supplies, labor and increased administration required for compliance:

Additional water use reporting due to a SWMPA designation will be processed through the Department's existing on-line water use reporting system.

How were small businesses involved in the development of this rule?

The Department has reached out to the local community to build awareness of the groundwater limitations, seeking their input, and initiating a collaborative effort to address the long-term water needs for the area. The interests of small businesses were represented on the rules advisory committee formed by the Department in the development of these rules, including HT Rea Farming Corp. and Earl Brown & Sons.

Administrative Rule Advisory Committee consulted?: Yes

If not, why?:

03-31-2017 5:00 p.m.	Diana Enright	diana.m.enright@wrd.state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address