

Division 507 Umatilla Basin Program Amendments: Walla Walla Subbasin

Oregon Water Resources Commission
May 11, 2017

Justin Iverson, Groundwater Section Manager

Current Rulemaking

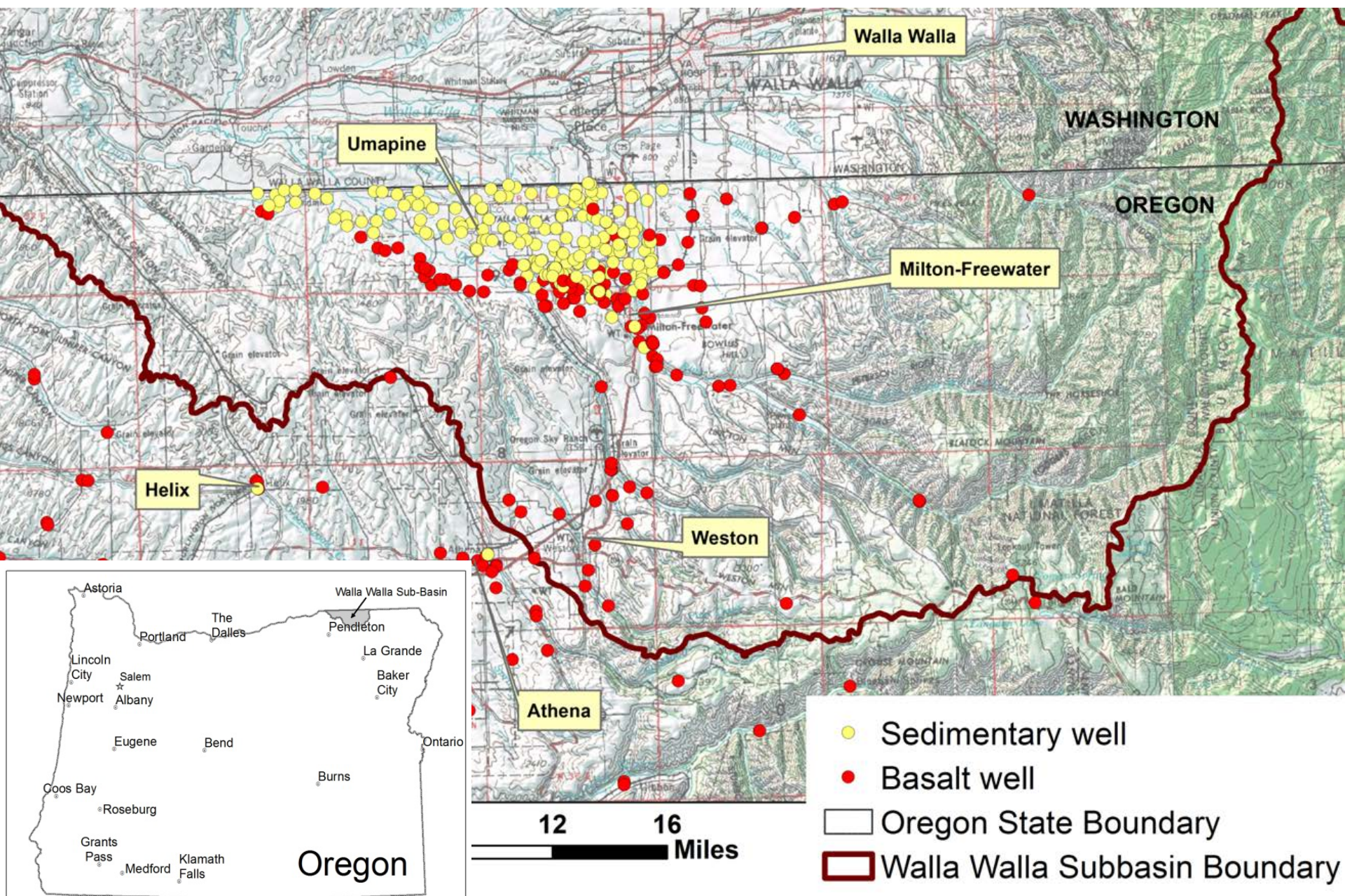
Proposed Changes to Umatilla Basin Rules:

- **Classify Groundwater (ORS 536.340)**
 - Exempt uses only from alluvial and basalt aquifers
 - Have denied all new groundwater rights since 2013
- **Designate Serious Water Management Problem Area (SWMPA, ORS 540.435)**
 - Require metering and reporting of use from permitted basalt aquifer wells
- **Correct inconsistent language**

Overview

- **Background**
- **Rule-Making Process**
- **Public Comment and Department Response**
- **GWAC Consideration**
- **Request For Action**

Background



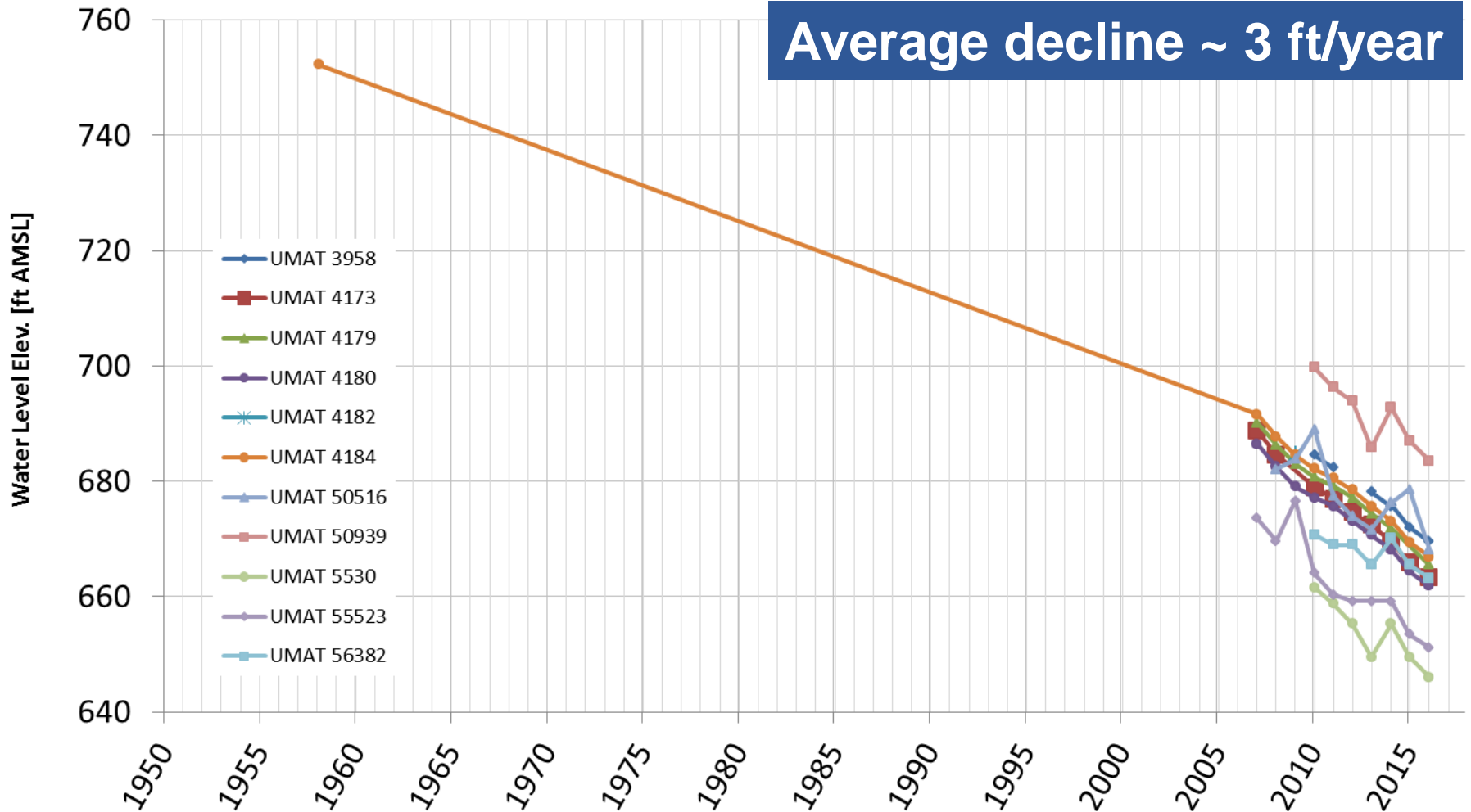
Background

Water Level Declines Across Basin:

- Basalt aquifers:
 - 1-4 feet decline/year
 - up to 100 feet since 1950
- Alluvial aquifers:
 - ¼ to 1 foot decline/year
 - up to 15 feet decline since 1950
- Senior users unable to pump usual and accustomed amount; requested Department take action

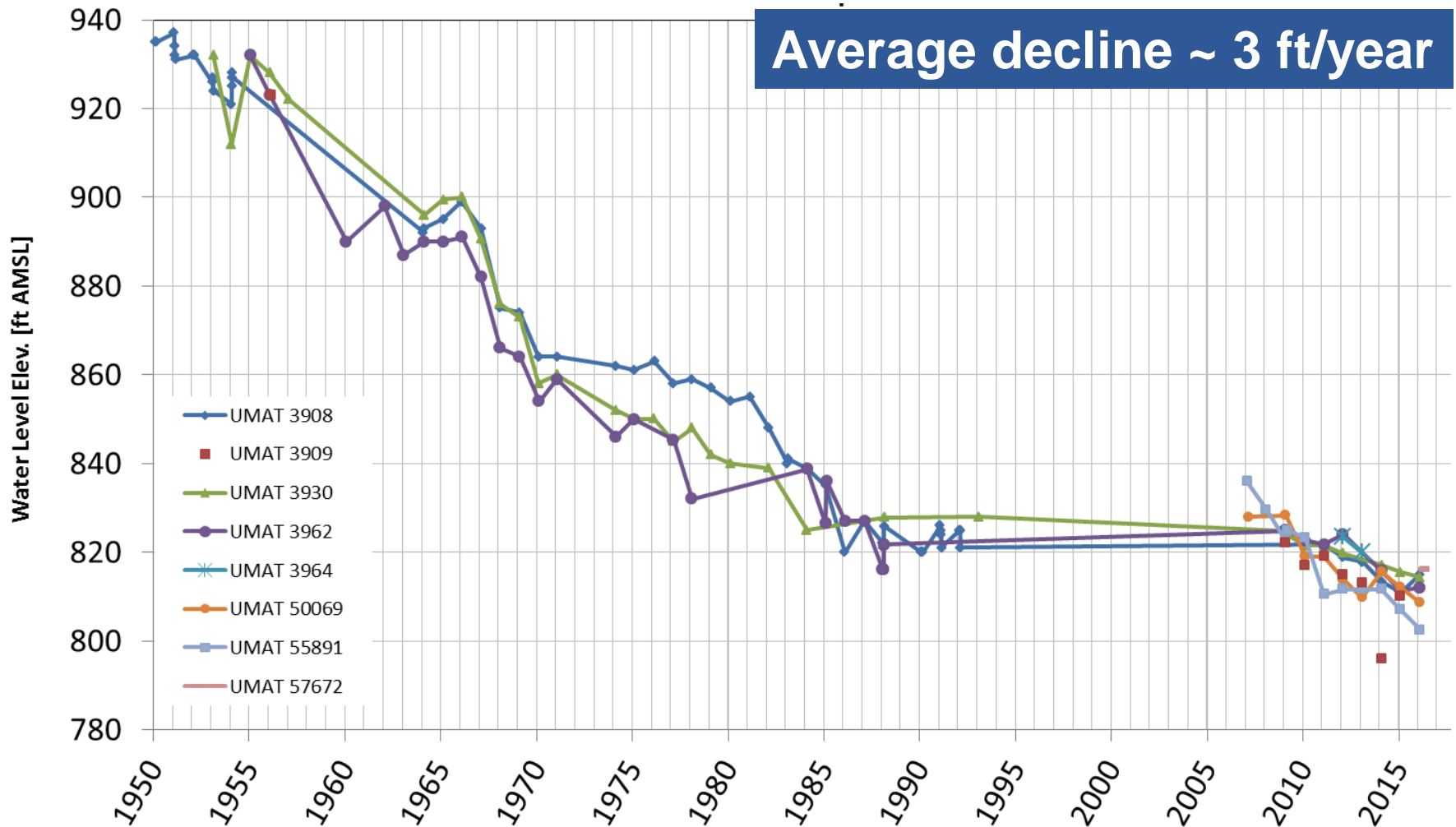
Background

Groundwater Level Trends: West Side

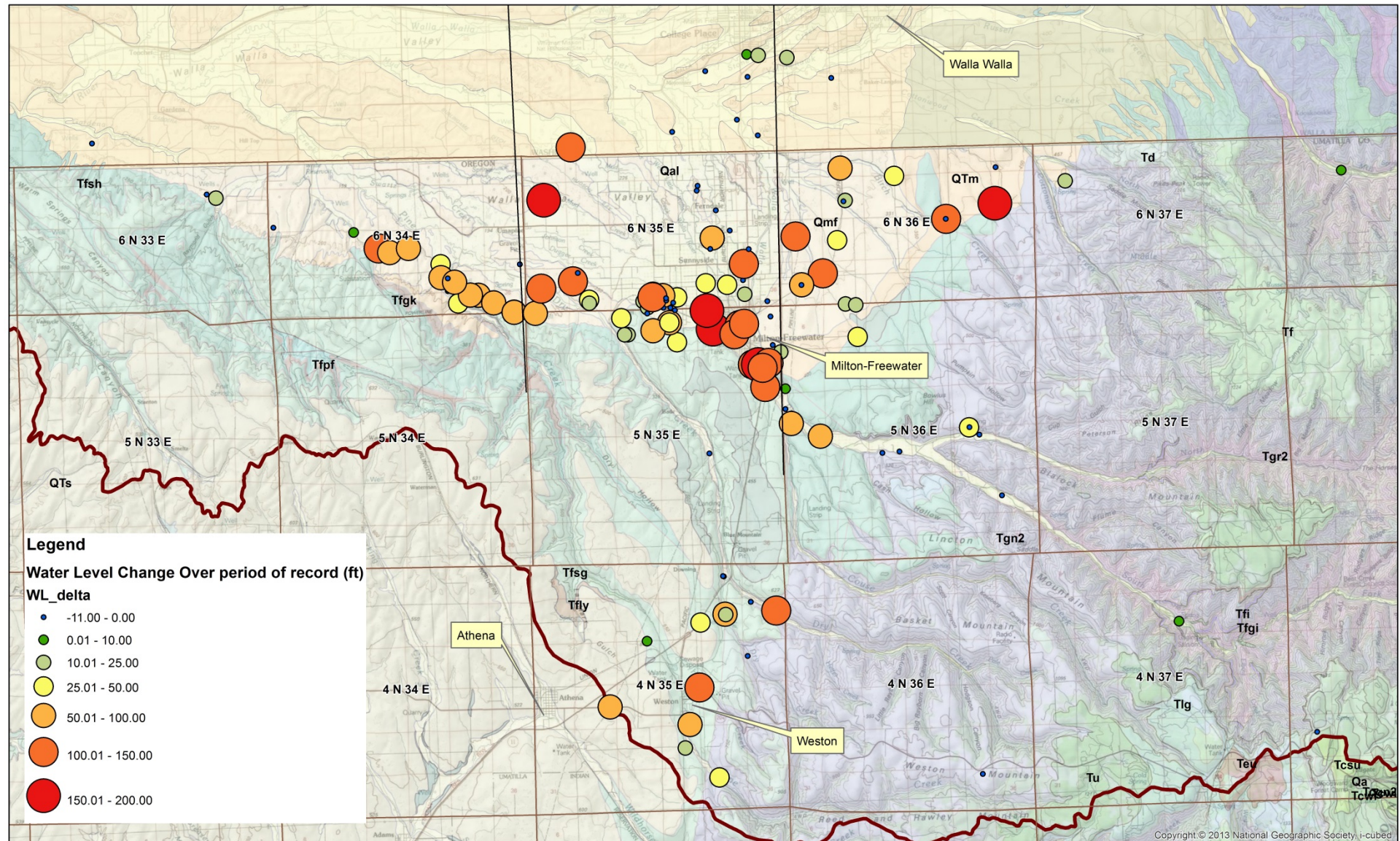


Background

Groundwater Level Trends: Central and East Side



Background



Background

WWSB Public Outreach

- Seven Public Meetings in 2016
 - May 5-6: Hydrogeology of WWSB
 - September 22-23: Present Management Options
 - October 24-25: Define Phase 1 and Phase 2 Management Plan
 - December 13: Discuss Future Data Collection
- Coordination with WWB Watershed Council
- Coordination with Umatilla County
- On-the-ground Outreach

Background



Waia Waia Sub-Basin
Groundwater Management
Options

Waia Waia Sub-Basin
Groundwater Management
Options

Waia Waia Sub-Basin
Groundwater Management
Options

Waia Waia Sub-Basin
Groundwater Management
Options

Background

WWSB Groundwater Management Priorities:

■ Phase One

- Close basin to further groundwater allocation
- Increase basalt water use measurement and reporting by users
- Increase Department data collection

■ Phase Two

- Stabilize groundwater levels
- Encourage a voluntary, community-based, long-term, holistic water supply plan

Current Rulemaking

Proposed Changes to Umatilla Basin Rules:

- **Classify Groundwater (ORS 536.340)**
 - Exempt uses only from alluvial and basalt aquifers
 - Have denied all new groundwater rights since 2013
- **Designate Serious Water Management Problem Area (SWMPA, ORS 540.435)**
 - Require metering and reporting of use from permitted basalt aquifer wells
- **Correct inconsistent language**

Rule Making Process

Rulemaking Timeline

- Dec 9: RAC convened in Milton-Freewater
- Feb 2: RAC convened in Milton-Freewater
- Mar 1-30: Written public comment period
- Mar 22: Public hearing in Milton-Freewater
- Mar 24: GWAC review and comment
- May 11: Commission action requested

Rules Advisory Committee

RAC included broad, relevant stakeholder groups

Rules Advisory Committee Roster

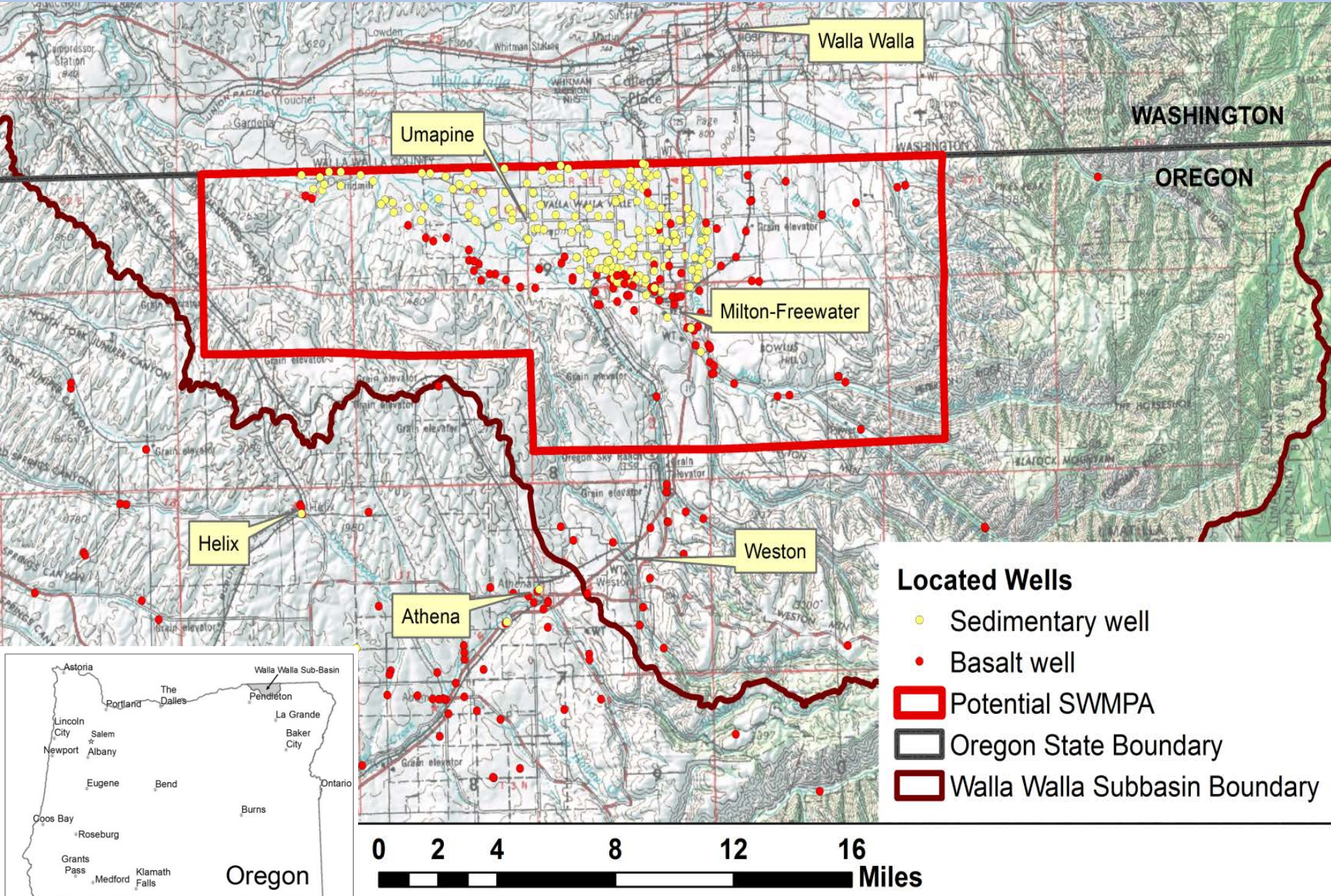
Robert Klein	Farmer/ Irrigation Engineer
Nathan Rea	HT Rea Farms
Ron Brown	Earl Brown & Sons, Inc
Norm McKibben	Pepper Bridge Winery
Brian Wolcott	Walla Walla Basin Watershed Council
Teresa Kilmer	Walla Walla River Irrigation District
Chris Marks	Confederated Tribes of the Umatilla Indian Reservation
Larry Givens	Umatilla County
Linda Hall	City of Milton-Freewater
Allison Aldous	The Nature Conservancy

Rules Advisory Committee

Dec 9th discussion focused on:

- Placing further limits on exempt uses
- SWMPA enforcement and penalties
- Applicants seeking permit extension
- Expanding boundaries of the SWMPA

Proposed SWMPA Boundaries



Rules Advisory Committee

Feb 2nd discussion:

- Exempt use modification not possible w/o legislative concurrence
- SWMPA enforcement and penalties included
- Boundary of the SWMPA expanded for hearing draft

- Deadline for flowmeter installation extended 1 year to Jan 1, 2019

Public Comment & Department Response

- **Written public comment period: March 1-31**
 - Nine written comments received (Attachment 4).
- **Verbal public comment session: March 22nd**
 - Four verbal comments received (Attachment 3).



Public Comment & Department Response

Negative effects of groundwater decline:

Concern that basalt groundwater declines are jeopardizing ability to continue long-term farming

- Widespread groundwater level declines exist and impact economic development
- Rule revisions are proposed in response to these data

Public Comment & Department Response

Need to quantify use:

Concerned that the SWMPA does not include alluvial groundwater users, but support quantifying basalt groundwater use

- The Department is prioritizing basalt use at this time due to the rate and magnitude of declines and resulting problems for users

Public Comment & Department Response

Insufficient data to support actions:

Concern that the Department has not provided adequate basalt aquifer data to support its actions

- Water level data were presented in PowerPoint, handouts, and on large format maps and posters for attendees to review at seven public meetings
- Department has requested and received landowner cooperation to collect additional data to inform future management actions

Public Comment & Department Response

Insufficient time before taking action:

Concern that the Department is rushing decision making

- Seven public meetings and direct outreach to community leaders and basalt well owners
- Extended deadline for SWMPA flowmeter installation
- The Department will continue public outreach efforts while addressing the needs of senior groundwater right holders in a timely manner

Public Comment & Department Response

Insufficient stakeholder outreach:

Concern the Department did not involve certain stakeholders during the rulemaking process.

- Rules Advisory Committee included a broad stakeholder base
- Department mailed multiple meeting and comment announcement letters to all basalt water rights holders of record within the WWSB
- Department staff attempted to notify newly affected water right holders before the second RAC meeting

Public Comment & Department Response

Groundwater permit extension review:

Requested permit extensions not be issued in areas where groundwater declines are occurring

- Permit extensions are outside of the scope of this rulemaking
- The extension review process currently considers many factors, including the present and market demand on the resource, as required in OAR 690-315

Public Comment & Department Response

Collaboration with Washington:

Recommended collection and presentation of basalt water level trends in Washington and involving Ecology in future management decisions

- The Department is including Washington groundwater data in its analysis and will take all practical and legal measures to collect and share data with Ecology
- Department staff met with counterparts at Ecology on January 4 - additional meetings are expected

Groundwater Advisory Committee

GWAC Motions at March 24, 2017 meeting

- Urges Commission to:
 - Consider existing tools to allow time and rate limited permitted uses similar to those in Amity-Walnut Hills Groundwater Limited Area
 - Revisit exempt use classification once data is collected and analyzed
- Supports designation of SWMPA

Request for Commission Action

The Commission may consider the following alternatives:

- 1. Adopt the proposed rules in Attachment 1**
- 2. Adopt the proposed rules as modified by the Commission**
- 3. Not adopt the rules and provide the Department with further direction**



Thank you

Proposed SWMPA Boundaries

