



Oregon

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NOTICE OF PETITION FOR RULE AMENDMENT OR RULEMAKING AND INVITATION FOR PUBLIC COMMENT

Petition for Rulemaking

On October 5, 2020, Stand Up to Factory Farms (“Petitioners”) (a coalition comprised of Columbia Riverkeeper, Food & Water Watch, WaterWatch of Oregon, Friends of Family Farmers, Center for Food Safety, Center for Biological Diversity, Farm Forward, Animal Legal Defense Fund, Humane Voters Oregon, Friends of the Columbia Gorge, and Oregon Rural Action) submitted a petition for the Water Resources Commission (“Commission”) to conduct rulemaking.

The Petitioners request the Commission “prohibit new or expanded exempt uses for stockwatering in the Ordinance CGWAs” through amendment, by rule, of the Commission’s Order dated April 2, 1976. The order is referenced in OAR 690-507-0070(3)(a) which states:

(3) Groundwater: Appropriation and use of groundwater in the Columbia-Umatilla Plateau subbasin shall comply with the following provisions:

(a) Groundwater resources of the basalt aquifer and shallow gravel aquifer within the Ordinance Critical Groundwater Area are closed to further appropriation by Order of the Director dated April 2, 1976;

The Petitioners seek an amendment of the Order by rule as follows:

Effective [date of Petition], the Ordinance Gravel Critical Ground Water Area and the Ordinance Basalt Critical Ground Water Area are closed to further appropriation of ground water in excess of 5,000 gallons per day under the “stockwatering” exemption in ORS 537.545(1)(a).

Further details about the request are included below.

Invitation to Comment

The OWRD is inviting public comment on the petition and the rule as proposed by the Petitioners, including whether options exist for achieving the rule’s substantive goals in a way that reduces the negative economic impact on businesses.

Public comments will be accepted until 5:00 PM on November 12, 2020. The OWRD will consider all comments received by the deadline when preparing a recommendation for the Commission. Written comments can be submitted via mail to:

Breeze Potter, Oregon Water Resources Department
725 Summer St. NE, Suite A,
Salem, OR 97301-1271

Or interested persons may submit written comments via email to: breeze.k.potter@oregon.gov.

Petition Details

A copy of the petition and attachments is accessible on OWRD's website.

In brief, the Petitioners request the Commission:

...amend its 1976 Findings, Conclusions, and Order on the Question of Determination of a Critical Ground Water Area in the Ordinance Area, Morrow and Umatilla Counties, Oregon (Order) to prohibit, as of the date of this Petition, new or expanded use of groundwater in excess of 5,000 gallons per day under the stockwatering exemption in the Ordinance Basalt Critical Groundwater Area (Basalt CGWA) and the Ordinance Gravel Critical Groundwater Area (Gravel CGWA) (collectively, Ordinance CGWAs)...

Petitioners request that the Commission amend the Order by rule to limit further development of groundwater in the Ordinance CGWAs under the stockwatering exemption...

Petitioners...propose[s] to add the following, by rule, as additional language at the end of the Order:

Effective [date of Petition], the Ordinance Gravel Critical Ground Water Area and the Ordinance Basalt Critical Ground Water Area are closed to further appropriation of ground water in excess of 5,000 gallons per day under the "stockwatering" exemption in ORS 537.545(1)(a).

Next Steps

The Commission is required by law to make a decision on the petition within 90 days. The Commission will take action on the petition at a special meeting in December 2020. At that time, the Commission will vote to either deny the petition in writing or initiate rulemaking proceedings.