

DRAFT

*****Disclaimer: This DRAFT language was developed based on the diverse input received from the RAC during the third RAC meeting. Given discussions at the fourth RAC meeting, OWEB staff are following up internally about processes for both rulemaking and guidance development. As discussed during the RAC meeting, a decision has not been made about this being added to Water Acquisition program guidance.***

*PROPOSED Groundwater Section for Water Acquisition Program Guidance

The term ‘Groundwater-dependent ecosystems and species (GDEs)’ covers a wide array of plants, animals and their habitats that are supported partially or exclusively by groundwater discharge. Aldous, A.R., Gannett, M.W., 2021, Groundwater, biodiversity, and the role of flow system scale: Ecohydrology, v. 14, no. 8, e2342, 14 p., <https://doi.org/10.1002/eco.2342>.

Groundwater rights are water rights. Depending on their location and local hydrogeologic properties, the use of groundwater rights can affect surface water, impacting native fish and wildlife populations and water quality. In Oregon, surface and groundwater systems are managed conjunctively when there is showing of hydraulic connectivity. OR. ADMIN. R. 690-410-0010(2)(a) (2018) states: “Groundwater and surface water shall be managed conjunctively where to do so will protect water resources, existing water rights, and the public interest.”

There are an increasing number of basins in Oregon with “Restricted Groundwater Use,” meaning basins or reservoirs classified to limit new groundwater permits, areas designated as Critical Groundwater Management Areas, or other areas as determined by Oregon Water Resources Department as closed to further groundwater permitting.

OWEB’s Water Acquisition grant program will consider applications for groundwater projects that propose acquiring legal rights not subject to forfeiture that:

- (a) are in a Restricted Groundwater Use area, and
- (b) can show a direct and demonstrable impact on a groundwater-dependent ecosystem.

Consistent with other applications, water acquisition grant applications that propose groundwater acquisition will be evaluated according to the criteria in OAR 695-046-0196 and OAR 695-005-0045. To assist in this review OWEB suggests that applications clearly describe:

- a. The GDE affected by pumping from the subject groundwater right,
- b. The significance of the impact of the pumping on the designated GDE,
- c. The significance of the GDE to Oregon’s native fish and wildlife species and habitats, and
- d. The measures to monitor effects of the acquisition on the designated GDEs to be protected.