OREGON
WATER RESOURCES DEPARTMENT

# Division 512 Rulemaking Seneca Public Meeting: Classification August 16, 2023

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# Meeting Agenda

| | |
|---|---|
| **5:30 – 5:40 PM** | Welcome & Introductions |
| **5:40 – 6:05 PM** | Why a Groundwater Study & What Did We Find? |
| **6:05 – 6:15 PM** | Groundwater Management Options |
| **6:15- 7:00 PM** | What is Classification? |
| **7:00 – 7:25 PM** | Q & A |
| **7:25 – 7:30 PM** | Closing remarks |

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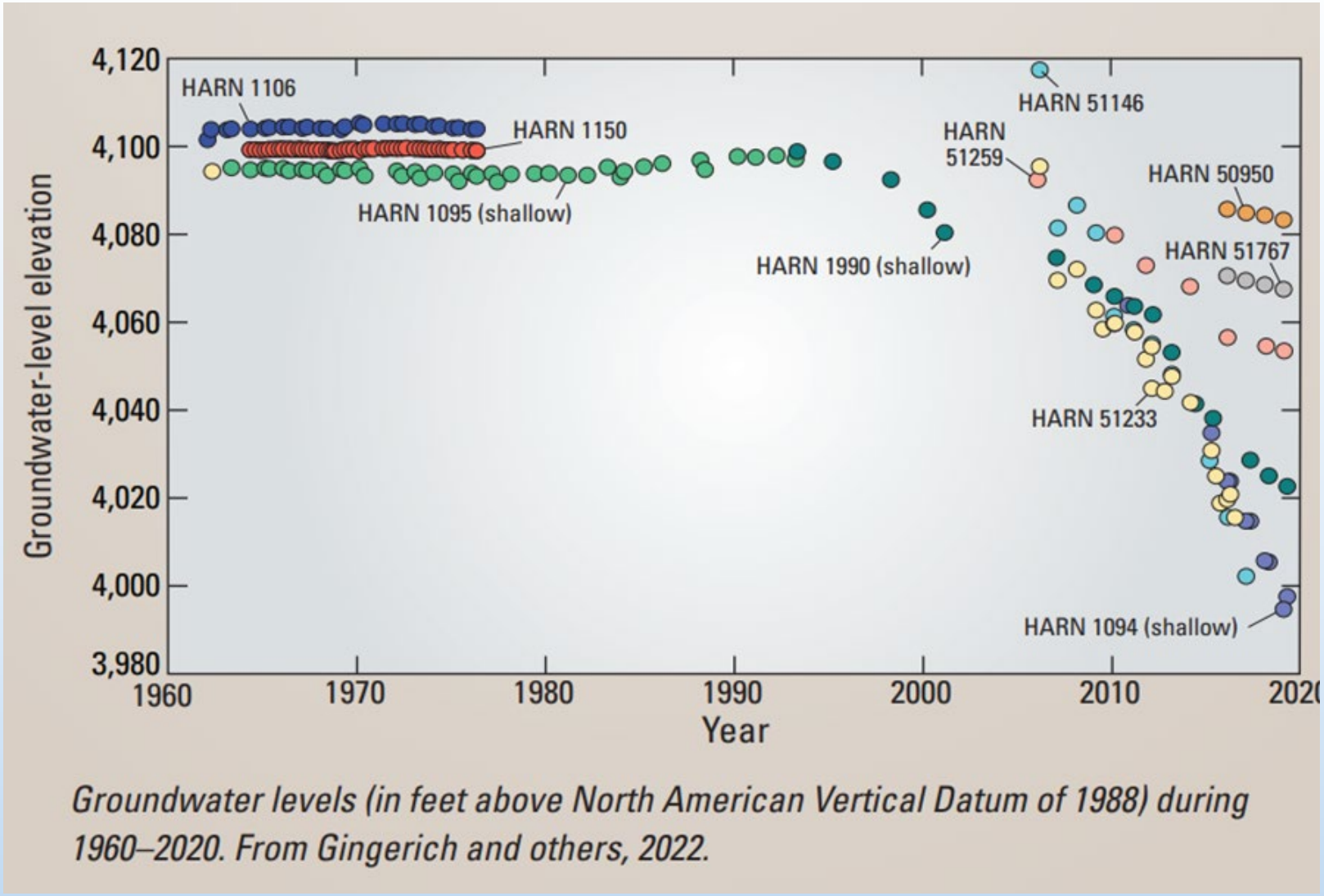
# Why a Groundwater Study?




*Groundwater levels (in feet above North American Vertical Datum of 1988) during 1960–2020. From Gingerich and others, 2022.*

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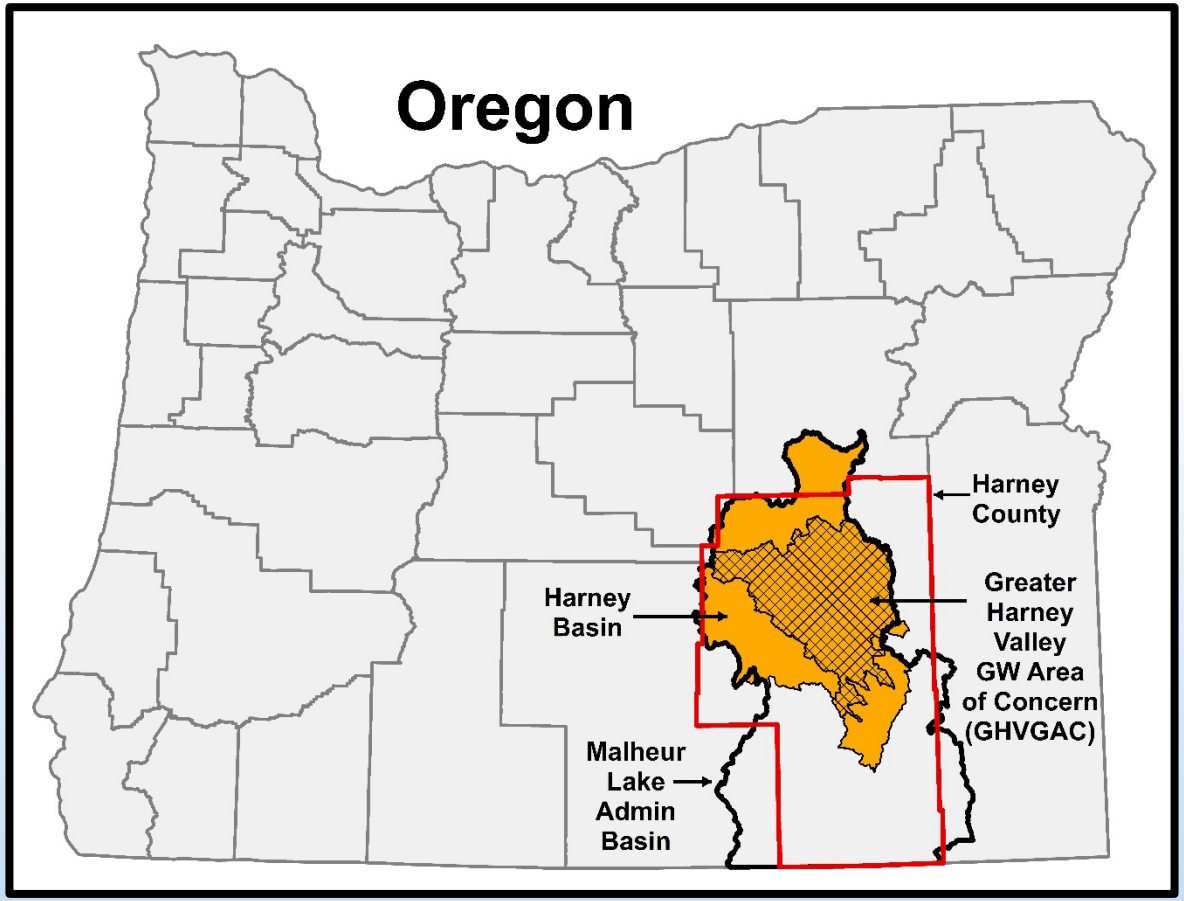
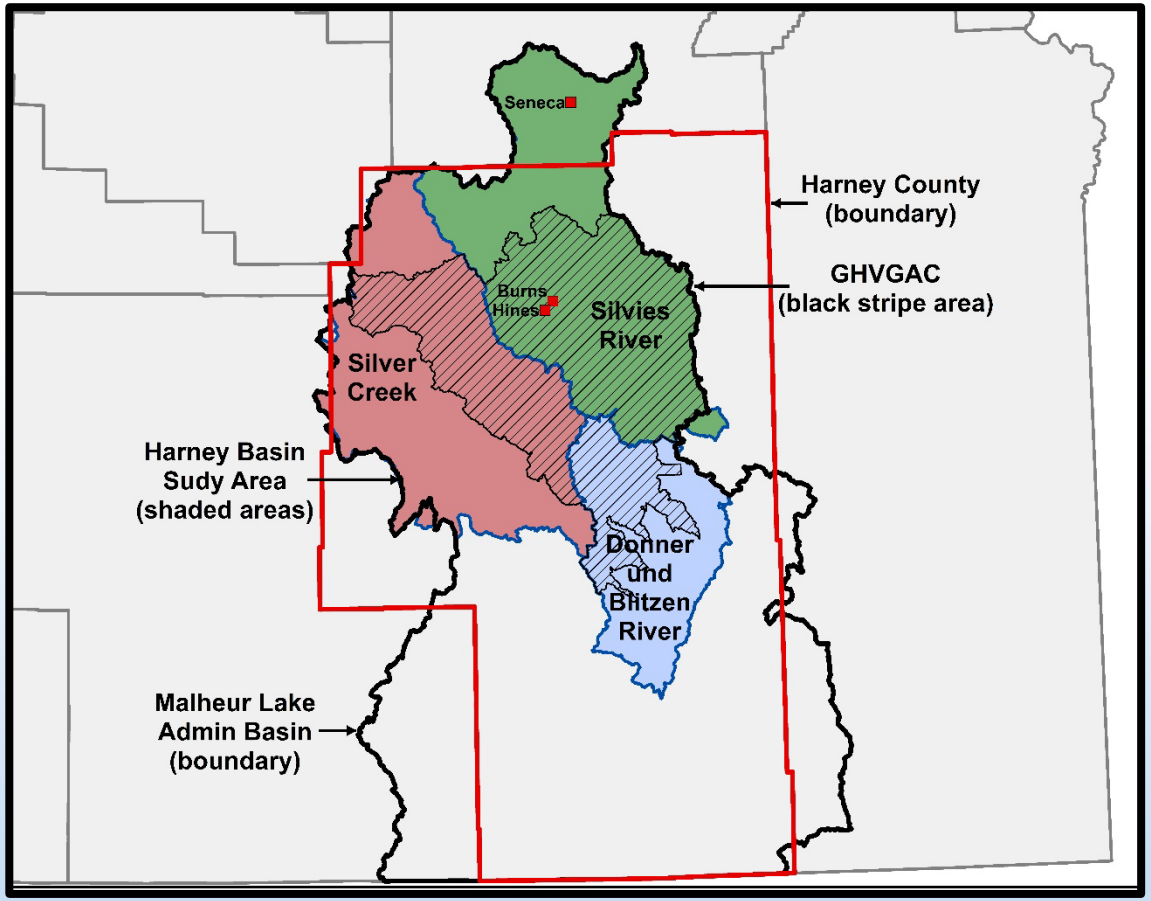
# Groundwater Study Area

## Harney Basin Groundwater Study Area
## 5,243 mile$^2$




## Harney Basin Watersheds
## Oregon Water Resources Board (1967)



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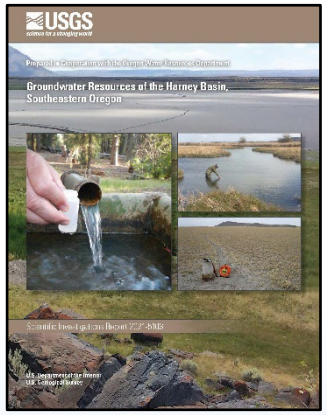
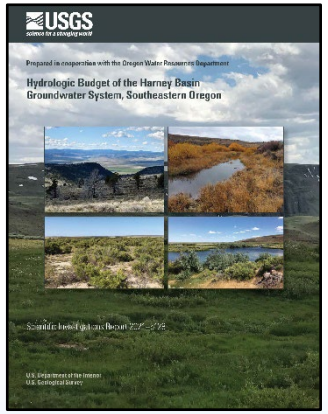
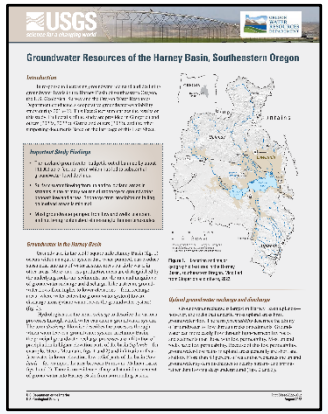
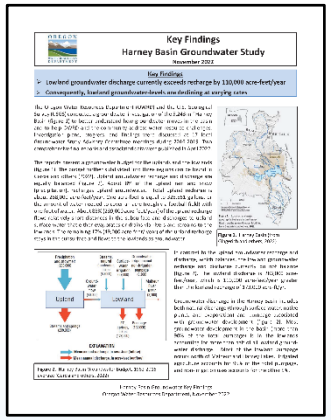
# Groundwater Study Reports

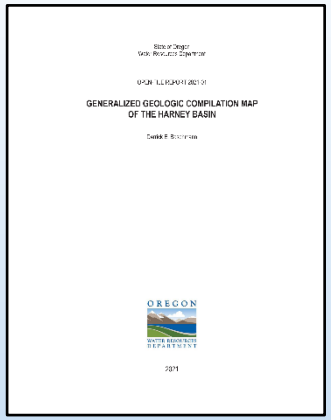
## Groundwater Reports (6) & Fact Sheets (2) Published 2021-2022

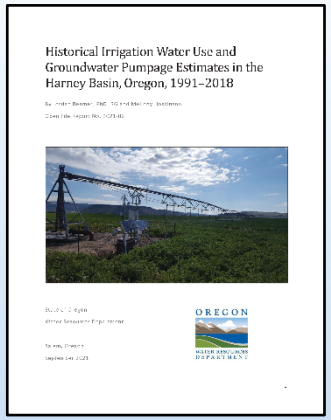


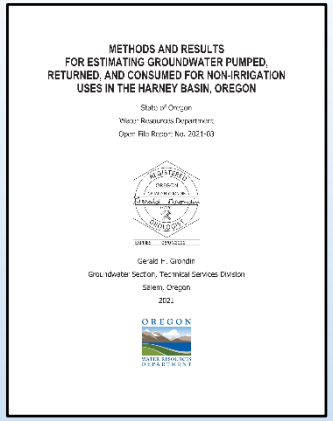



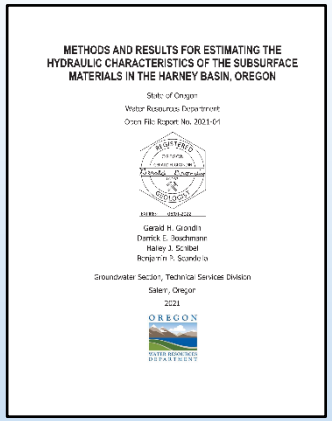



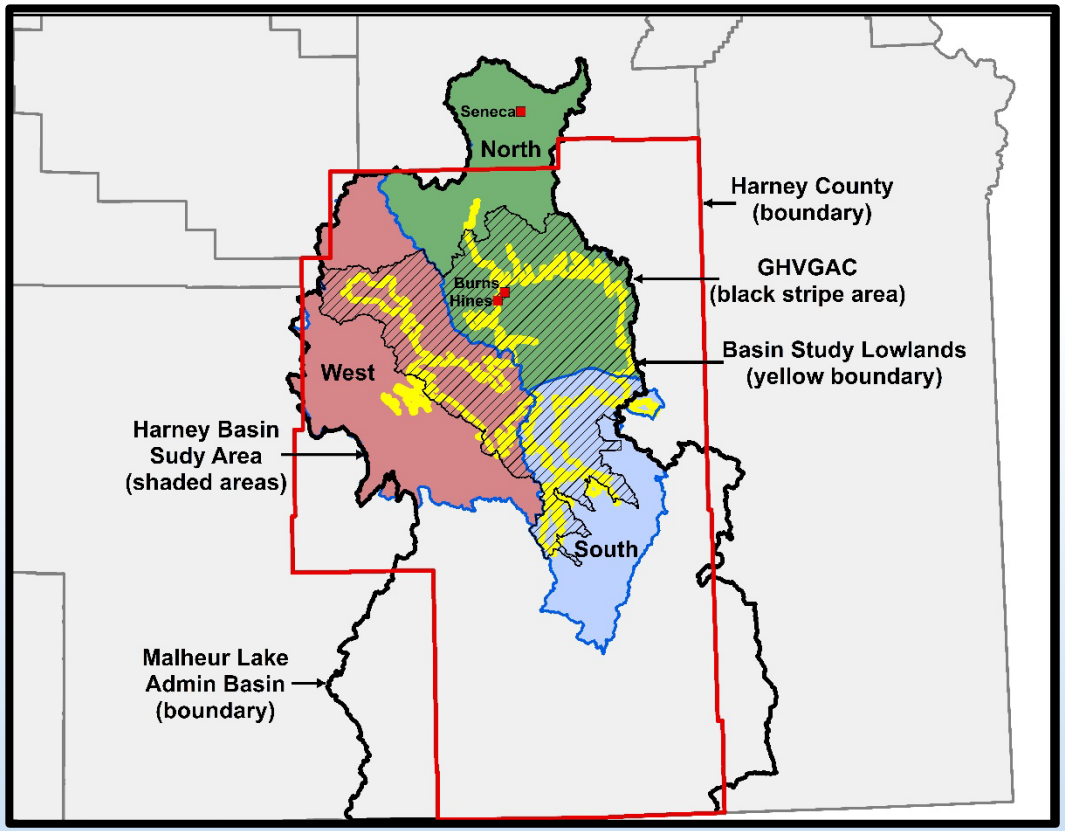




## Harney Basin Groundwater Study Area Water Budget Regions & Lowlands




## Work in Progress: USGS Groundwater Model & Reports

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# Groundwater Study Key Takeaways

## Key Takeaways

1. **Most Harney Basin groundwater is ancient (recharged 5,000 to 30,000 years ago), and modern groundwater (recharged after 1953) is limited to a thin, shallow zone beneath recharge areas**

2. **Harney Basin groundwater flows in a single, hydraulically connected system**

3. **Harney Basin groundwater budget balances in the uplands; it does not balance in the lowlands (deficit of 110,000 acre-feet/year)**

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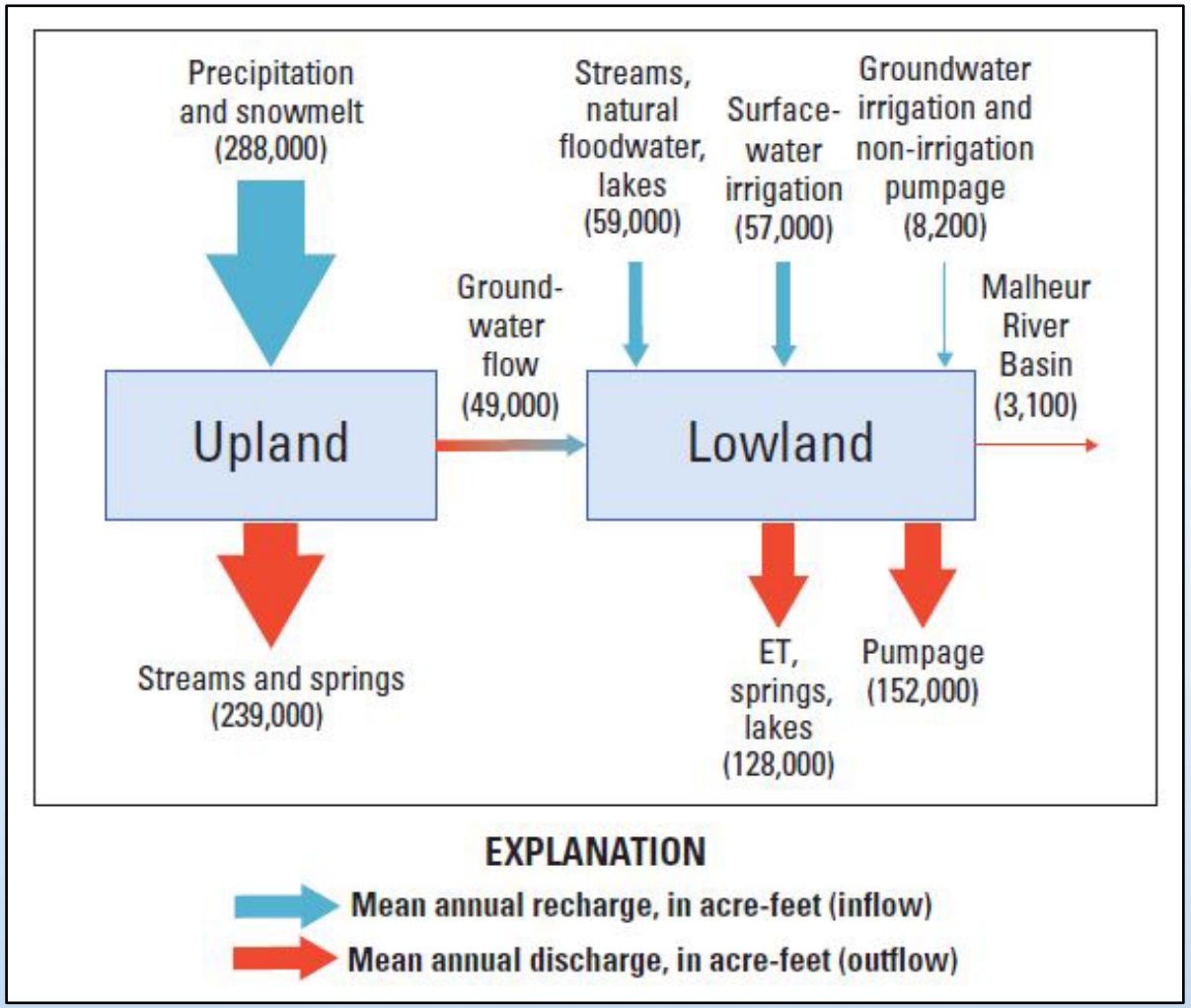
# Groundwater Study Key Takeaways




**Key Takeaway #3**

- Lowland groundwater discharge exceeds recharge by 110,000 acre-feet/year

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# Harney Basin Upland GW Budget

## Upland Groundwater Recharge & Discharge (acre-feet/year)

Adapted from: Garcia and others (2022)

| Component | Annual mean by region (acre-feet) | | | |
|---|---|---|---|---|
| | North | South | West | Harney Basin |
| **Upland Recharge** | | | | |
| Precipitation and snowmelt | 86,000 | 157,000 | 45,000 | 288,000 |
| **Total Upland Recharge** | **86,000** | **157,000** | **45,000** | **288,000** |
| | | | | |
| **Upland Discharge** | | | | |
| Stream base flow | 75,000 | 125,000 | 25,000 | 225,000 |
| Springs[1] | 2,000 | 12,000 | 22 | 14,000 |
| Groundwater flow to lowlands | 9,000 | 20,000 | 20,000 | 49,000 |
| **Total Upland Discharge** | **86,000** | **157,000** | **45,000** | **288,000** |
| | | | | |
| **Recharge minus Discharge** | **0** | **0** | **0** | **0** |

[1]Estimates represent discharges unaccounted for in base-flow estimates and include current and historical spring discharge measurements

# Groundwater Management Options

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# Regulatory Groundwater Control Tools

| Regulatory Tool | Description | What does it control? |
|---|---|---|
| **Withdrawal of Unappropriated Waters** | Withdraws unappropriated waters from future appropriation. | Future Groundwater Use |
| **Classification of Water (Relevant to Grant County)** | Classifies or reclassifies waters of Oregon to the highest and best use and quantities of use for the future. | Future Groundwater Use |
| **Serious Water Management Problem Areas (SWMPA)** | Requires reporting and measurement of water use. | Measure Present and Future Groundwater Use |
| **Critical Ground Water Area Designation (CGWA)** | A CGWA designation allows for control of current groundwater use. | Present Groundwater Use |
| **Groundwater Mitigation Area** | Affects groundwater allocation in Deschutes Basin. | Future Groundwater Use |

# Regulatory/Voluntary Groundwater Control Tools

| Regulatory | | |
|---|---|---|
| **Tool** | **Descriptions** | **What does it control?** |
| **Permit Conditions** | OWRD regulates groundwater use based on permit conditions. | Present Use |

| Voluntary | | |
|---|---|---|
| **Tool** | **Description** | **What does it control?** |
| **Voluntary Agreements** | An agreement between groundwater users within the same groundwater system. | Present Use |

# What is Classification?

# What is Classification?

- ORS 536.340: Authorizes the Commission to classify the water within a basin as to the highest and best use and quantity of use
  - Specify the types and quantities of use that will be allowed
  - Affects future uses only
  - Does not affect current uses or users
- This process was used to create the GHVGAC (OAR 690-512-0020)

# Justification for Classification

- Groundwater levels in the area are declining.
  - OWRD observation well network.
  - Dry well reports.
  - Locally reported conditions.
- Groundwater in the area is shown to be overallocated.

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# Decision Points for OWRD

| Decision Point | What needs to be decided |
|---|---|
| ***Boundary of classification area** | How will the boundary of the classification area be defined?<br>• Administrative Boundaries<br>• Geological Boundaries<br>• Hydrological Boundaries |
| ***What types of water use will be allowed going forward?** | • Exempt use only?<br>• Limited licenses for short-term uses, like dust abatement, construction, etc. |

***Note: Once OWRD makes the above decisions they will ask the Rules Advisory Committee to comment and provide input.**

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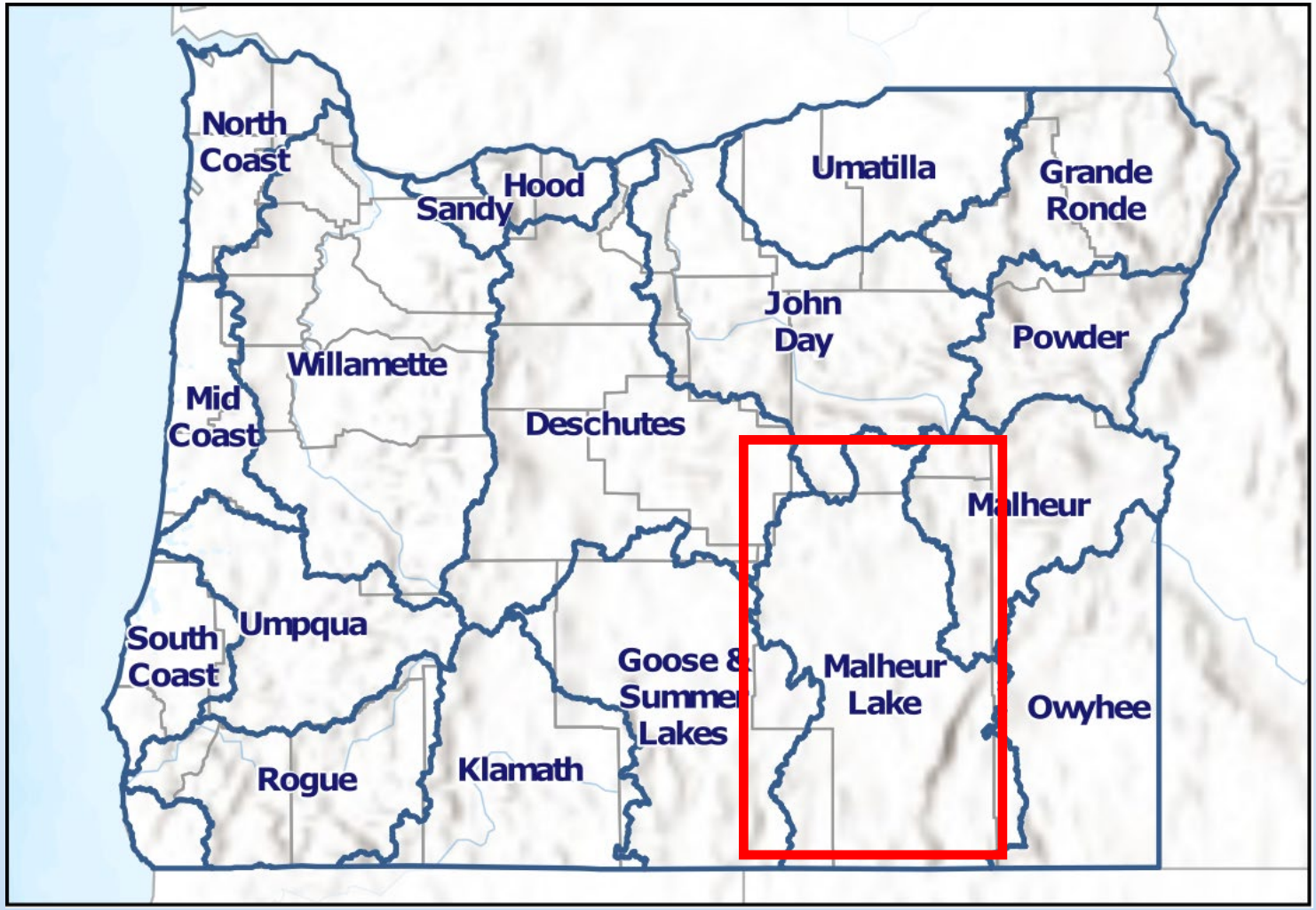
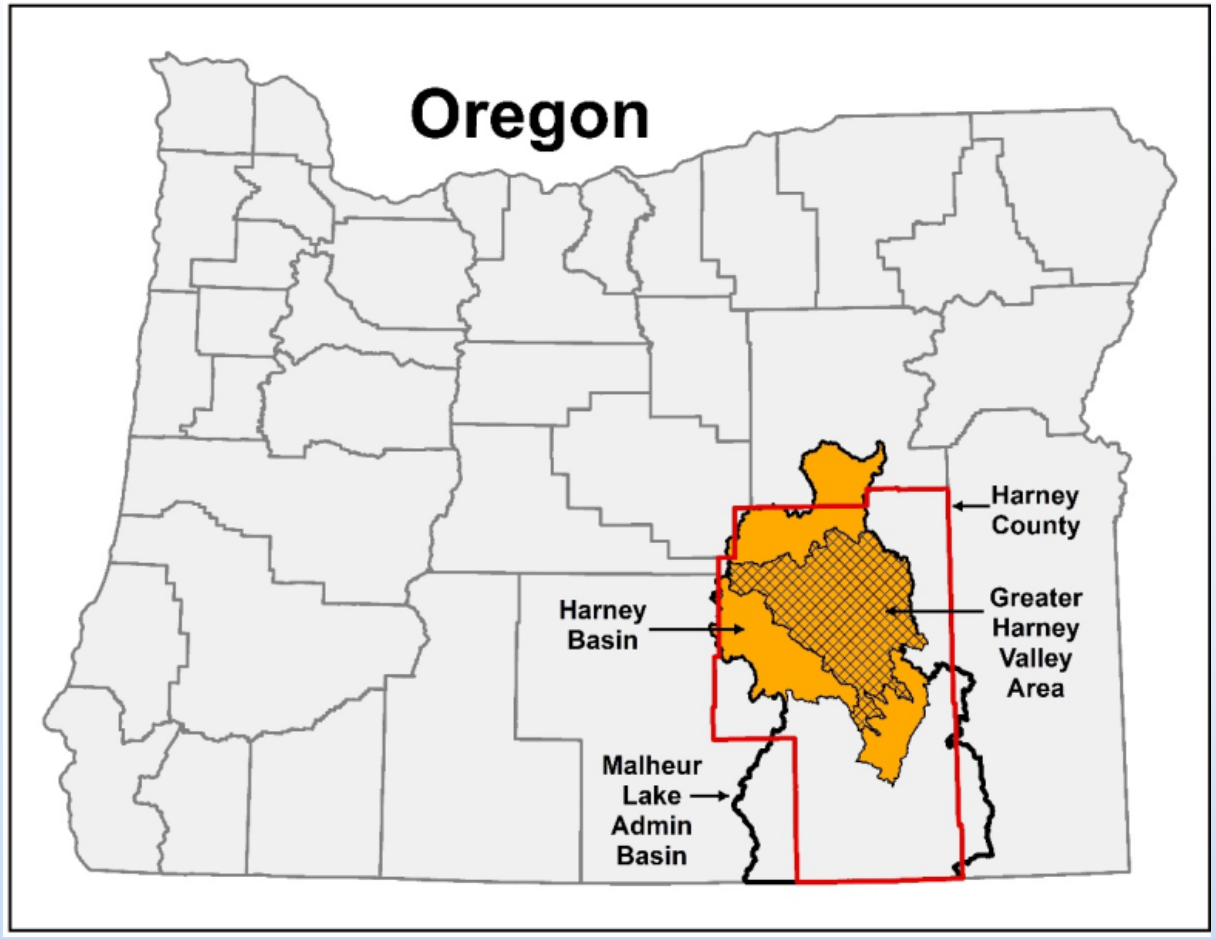
# GHVGAC



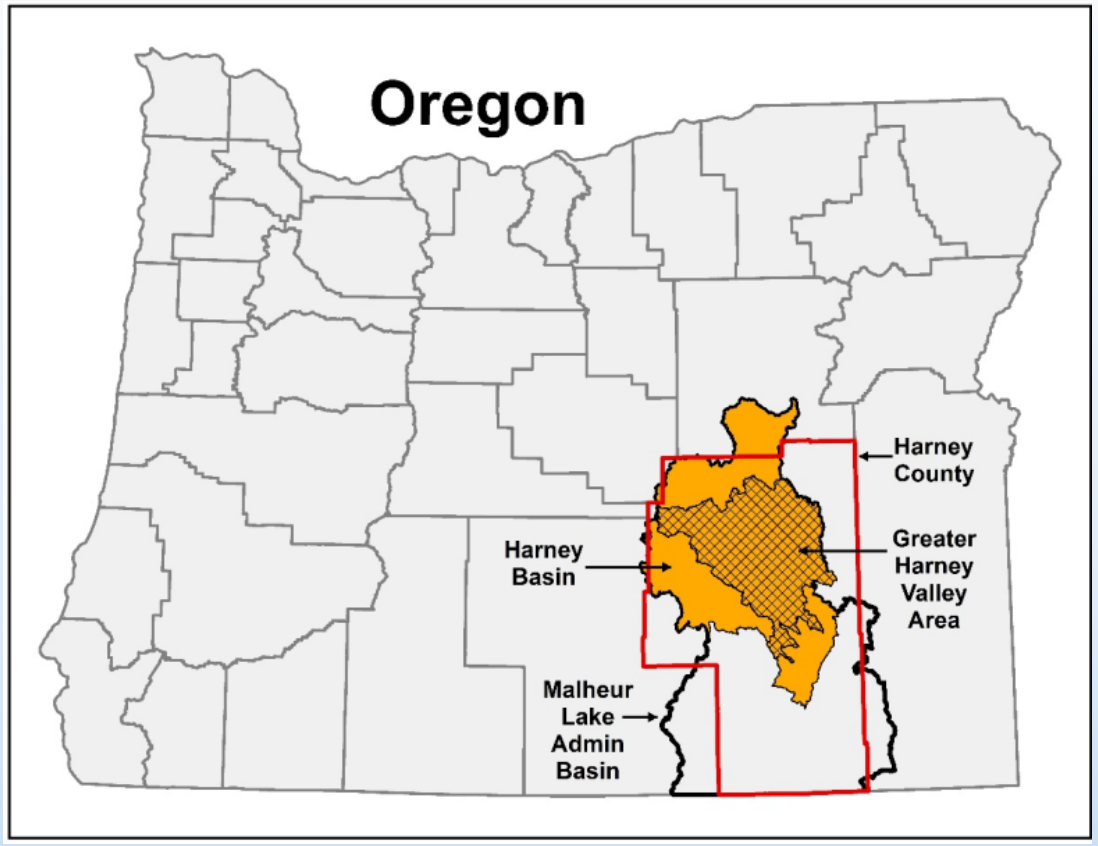
# GHVGAC Classification Boundary

- In 2016 the GHVGAC was established to stop groundwater allocation for new water rights due to declining groundwater levels in the basin.



# GHVGAC Classification Boundary

- The boundaries of the GHVGAC were drawn to include the area with substantial groundwater development.
- Boundary was drawn with the USGS Hydrologic Unit Codes (HUC)
- The GHVGAC is classified for:
  - Exempt uses only.



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# Exempt Uses Means

- Exempt Groundwater Use – Any use of groundwater not requiring a permit, registration or certificate defined in ORS 537.545.
- Some specific uses listed in the statute include but are not limited to:
- Stockwatering
- Watering any lawn or noncommercial garden not exceeding one-half acre in area
- Single or group domestic purposes in an amount not exceeding 15,000 gallons a day
- Down-hole heat exchange purposes
- Any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day

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# Rulemaking

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# Overview of (General) Rulemaking Process

- Develop Draft Rules
- **Rulemaking Advisory Committee (RAC)**
- Notice of Proposed Rulemaking
- Public Comment Period & Hearing(s)
- Staff Recommendation & Commission Decision

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# Overview of Rulemaking Process For Division 512

- Rulemaking Advisory Committee RAC # 1
- Develop Initial Draft Rules
- **Rules Advisory Committee RAC(s) #2 - #5**
- Public Comment Period & Hearing(s)
- Staff Recommendation & Commission Decision

# Community Engagement in Rulemaking

- As a community member how can I provide input?
  - Attend virtually or in-person a Rules Advisory Committee meeting and participate during public comment – **Next RAC is August 29 at the Harney County Community Center from 1 p.m. - 5 p.m.**
  - Participate in the public comment period once the rules are drafted to submit verbal or written feedback. Public hearings for this rulemaking will take place in Burns and will be advertised in the local newspaper.

# Rulemaking Timeline

**April 2023-January 2024**

Rule Development (RAC Meetings)

**February 2024-June 2024**

Notice in SOS Bulletin (Public Comment Period & Public Hearing)

**July 2024**

Consideration of Comments & Development of WRC Recommendation

**September 2024**

Adoption of the Rules/

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# Questions?

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# Thank You for Attending!

To stay informed on the Division 512 rules update, go to our Division 512 splash page https://owrd.info/Division512

Photo by Chad Sobotka