

OREGON



WATER RESOURCES
DEPARTMENT

Division 512 Rulemaking Informational Session 2: Classification August 2023

Regulatory Groundwater Control Tools

Regulatory Tool	Description	What does it control?
Withdrawal of Unappropriated Waters (Out of scope for 512 rulemaking)	Withdraws unappropriated waters from future appropriation.	Future Groundwater Use
Classification of Water	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 (Out of scope for 512 rulemaking)	Affects groundwater allocation in Deschutes Basin.	Future Groundwater Use

Regulatory/Voluntary Groundwater Control Tools

Regulatory

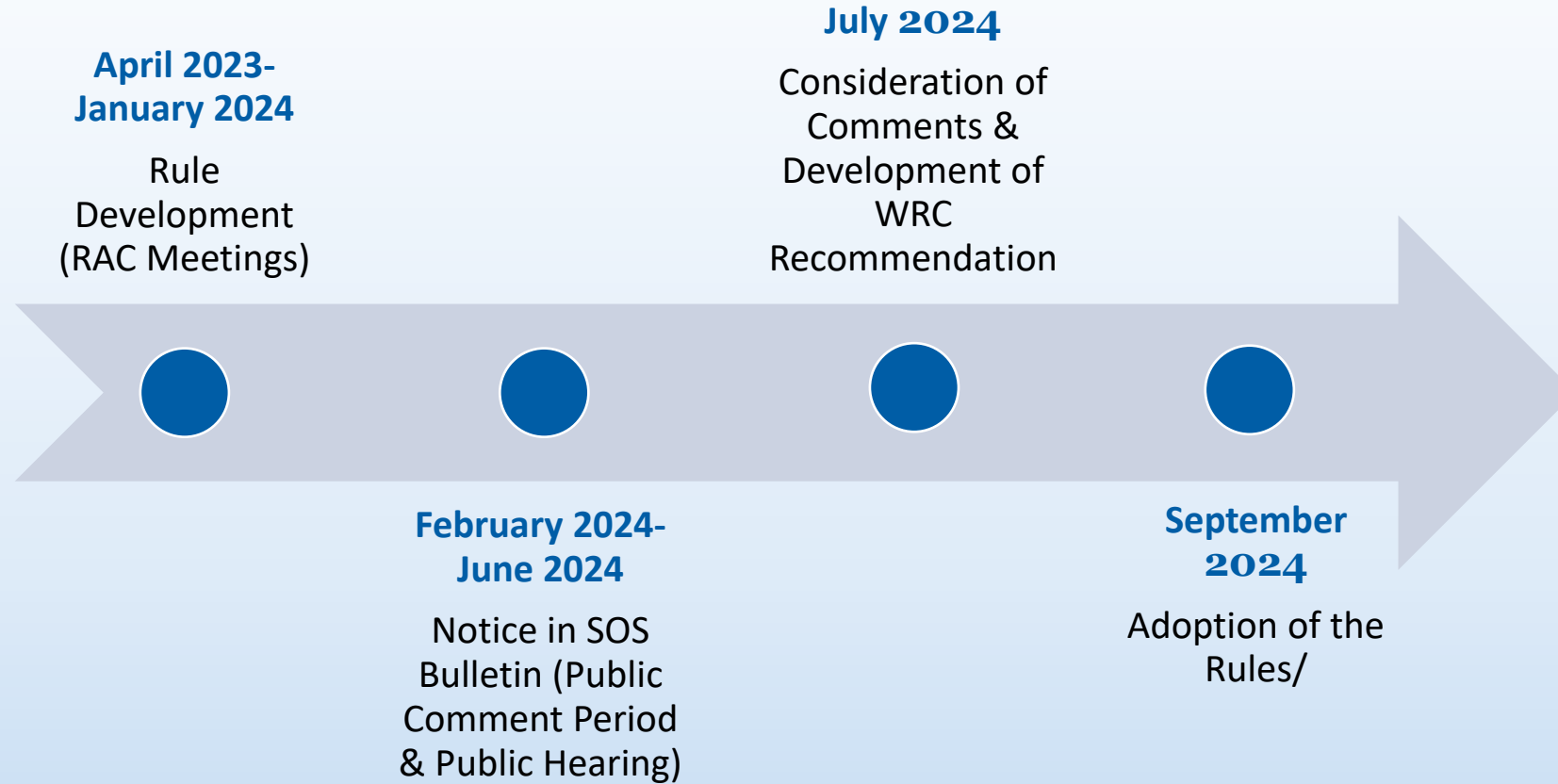
Tool	Descriptions	What does it control?
Permit Conditions	OWRD regulates groundwater use based on permit conditions.	Present Use

Voluntary

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



Rulemaking Timeline



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.

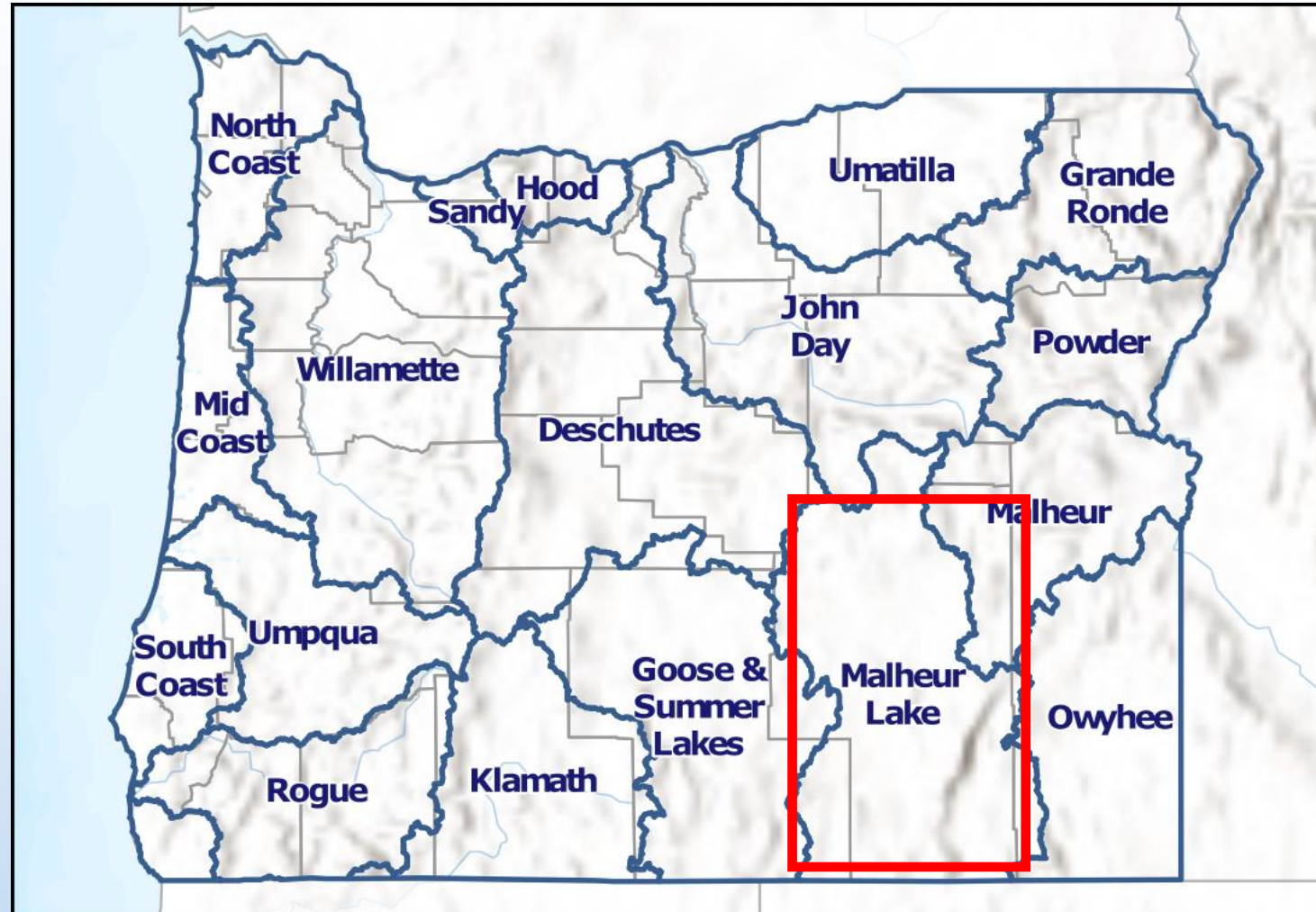
Decision Points for OWRD

Decision Point	What needs to be decided
<p>*Boundary of classification area</p>	<p>How will the boundary of the classification area be defined?</p> <ul style="list-style-type: none"> • Administrative Boundaries • Geological Boundaries • Hydrological Boundaries
<p>*What types of water use will be allowed going forward?</p>	<ul style="list-style-type: none"> • Exempt use only? • 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.**

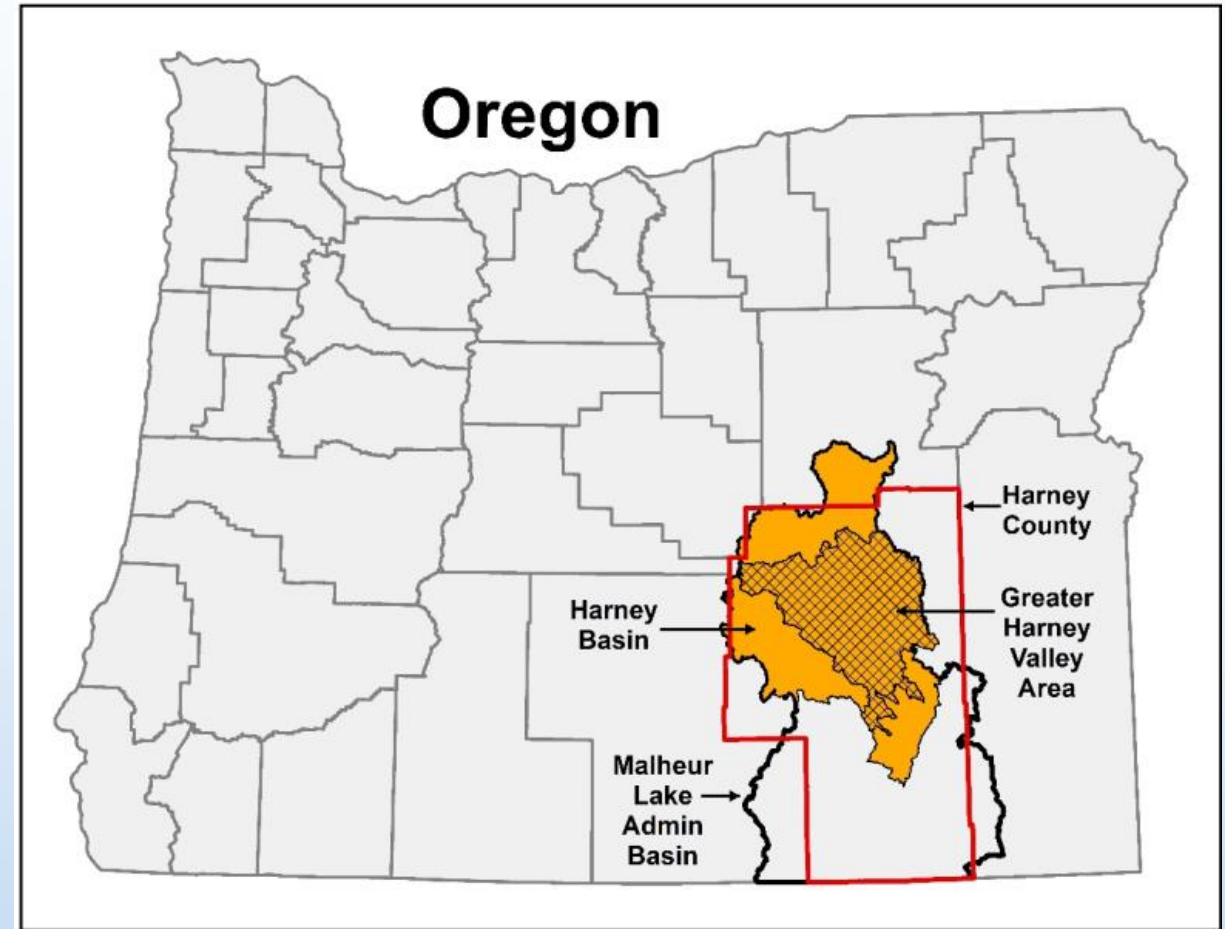


GHVGAC



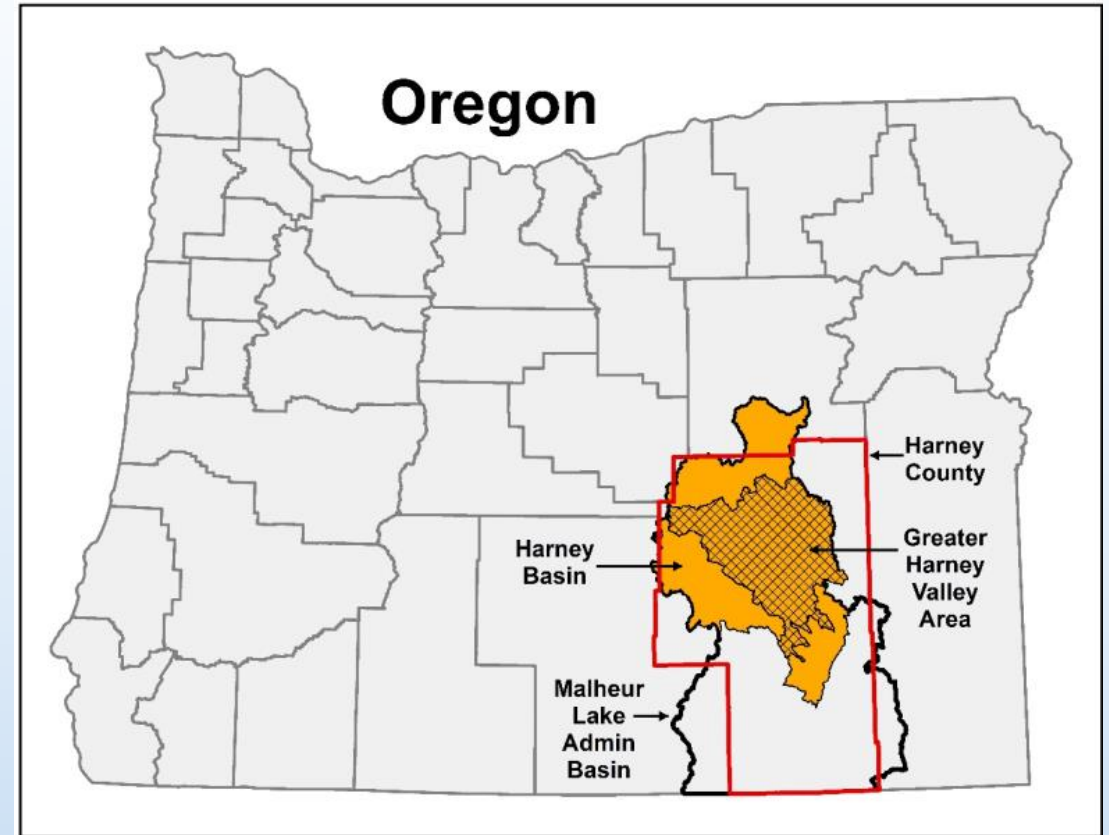
GHVGAC Classification Boundary

- 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.



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

Considerations

- Are there types of uses that should be allowed?
 - Limited Licenses?
 - Water projects that benefit the basin?
 - Community water systems?
 - Erosion control?

Questions from RAC 1

- Does Classification restrict you from transferring a water right?
 - Ans: Basin classification is not considered in the transfer review process or approval criteria.
- How will classification affect new businesses?
 - Ans: A new business could plug into existing municipal water rights, but classification restricts new groundwater uses.
- Can a classification be rolled back?
 - Ans: There is a possibility of rolling back a classification if there is strong evidence to do so.

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Questions?