Division 512 Rulemaking

Groundwater Regulation for the Malheur Lake Administrative Basin Rules Advisory Committee

Oregon Water Resources Department

May 15, 2025

Welcome, Introductions and Agenda Review

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Ground Rules

- You are here to express your viewpoint.
- Treat others respectfully.
- If online, remain muted when not speaking.
- Use the “raise hand” feature to indicate that you would like to speak.
- If in person, raise your hand to indicate that you would like to speak.
- RAC only participates in RAC meetings, and the Public only participates in comment periods.

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RAC Operating Guidelines

RAC Role

- Attend and participate in meetings at the horseshoe or online.
- Provide input/advice and help the Department consider various perspectives.

Public Role

- Listen only during the presentations and RAC discussions from the audience or online.
- Provide input/advice during the designated comment time.

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RAC Operating Guidelines

Department Role

- Foster meaningful dialog and conversation
- Consider RAC and public feedback.
- Draft final rules

Facilitator Role

- Foster meaningful dialog and conversation by all RAC participants.
- Ensure all parties have a safe space to express their viewpoints in a respectful environment.

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Meeting Agenda

8:00 AM (15 min)	Welcome and introductions
8:15 AM (45 min)	Statement of Need/ Racial Equity
9:00 AM (60 min)	Fiscal Impact (SWMPA, Classification)
10:00 AM (10 min)	Public Comment
10:10 AM (10 min)	Break
10:20 AM (100 min)	Draft Rule Language Review
12:00 PM (40 min)	Lunch

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Meeting Agenda

12:00 PM (40 min)	Lunch
12:40 PM (100 min)	Draft Rule language
2:20 PM (10 min)	Public Comment
2:30 PM (30 min)	Next Steps and RAC Wrap Up

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Goals for Today's Meeting

1. Gather input on racial equity statement and statement of need
2. Gather input on draft Fiscal Impact for SWMPA and Classification
3. Gather input on draft rules (Classification, SWMPA and CGWA)

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Statement of need

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Statement of need

Goals of Conversation

- Gather input around the Statement of Need

Level of Participation

Consult

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Statement of need

Elements of the statement of need

- Need for CGWA rules
- Need for SWMPA rules
- Need for Classification rules

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Statement of need

Need for CGWA rules

3 CGWA designation criteria met:

1. Groundwater levels have excessively declined
2. Groundwater levels are declining excessively
3. Groundwater is or is about to be overdrawn

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Statement of need

Need for SWMPA rules.

SWMPA Criteria met:

1. OAR 690-085-0020(1)(a) - Groundwater decline in the area is of such magnitude that the aquifer does not recover annually;

2. OAR 690-085-0020(1)(f) - There are frequent occurrences of surface or ground water shortages caused by use of water from streams or wells. Shortages may be evidenced by complaints from water right holders, requests to regulate water use, degraded water quality, or failure to meet administrative restrictions or minimum streamflows.

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Statement of need

<u>Need for Classification rules.</u>

Classification Criteria met:

- Groundwater pumping surpasses the recharge of the basin
- Further development could compound the problem, restricting new development with classification

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Statement of need

Input:

- Did we miss anything in the statement of need?

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Racial equity statement

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Racial equity statement

Goals of Conversation

- Gather input around the Racial Equity Statement

Level of Participation

Consult

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Racial equity statement

Elements of racial equity statement

- Community outreach/RAC formation
- Tribal coordination and potential impacts
- Local government coordination and potential impacts
- Water & energy supply impacts
- Domestic well impacts
- Impacts on existing water rights holds – SWMPA
- Impacts on future water right availability – classification
- Environmental impacts

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Racial equity statement

- Is there any other element we need to consider in the racial equity statement?

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SWMPA fiscal impact

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Fiscal Impact SWMPA, Classification

Goals of Conversation

- Gather input around the Fiscal impact (SWMPA and Classification)

Level of Participation

Consult

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SWMPA fiscal impact statement

SWMPA Fiscal Impact

- 336 new POAs required to install Flow meters
- Average cost for flowmeter in Harney: $2,900 - $3,400 per well
- **New:** Cost could vary outside of range if system requires substantial upgrades or modification
- Total cost: $974K and $1.14M

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SWMPA fiscal impact statement

SWMPA Fiscal Impact

- Of the 1410 POAs, 748 will be required to report
- **New:** This new requirement will primarily addy labor costs for farms

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SWMPA cost of compliance: OWRD

Measurement Device Cost Share

- $1M currently in fund/ $50K next biennium

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SWMPA cost of compliance: OWRD

Water Use Reporting and Compliance

1. Water Use Reporting System (WURS) cannot track meter installation
2. WURS can intake newly reported data
3. OWRD do not have capacity to check quality of reported data
4. Watermaster staff can verify reporting and check use is within water right on a case-by-case basis
5. WURS does not allow for broad in-season enforcement

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SWMPA cost of compliance: OWRD

Water Use Reporting and Compliance

- Total Investment needed $430K per year to add staff to combine WURS and GWIS

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SWMPA cost of compliance: groundwater users

Limitations on rules

- Users who have been regulated off are not required to report

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Cost of Compliance

Small Businesses

- Natural resources and mining: 40
- Construction: 23
- Manufacturing: 4
- Wholesale trade: 7
- Retail trade: 19
- Transportation, warehouse, and utilities: 7
- Information: 4
- Financial activities: 16
- Professional and business services: 21
- Private education and health services: 20
- Leisure and hospitality: 31
- Other services: 18

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Cost of Compliance

Small Businesses

- 230 small businesses
- 477 farms in Harney County, 22% of the farms are under 50 acres

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SWMPA cost of compliance: small business

- Required to install: Any business with a valid groundwater right
- $2,900 to $3,400 for installation of flowmeters
- **New**: Cost could vary outside of range if system requires substantial upgrades or modification
- Cost varies on how many POAS are connected to water right

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SWMPA fiscal impact statement

Input requested

- Are we missing anything for the SWMPA fiscal impact?

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Fiscal impact classification

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Classification fiscal impact statement

Classification Fiscal Impact

- No new groundwater rights – prevent growth of local agricultural economy
- Classification boundary expanded to include recharge areas

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Classification cost of compliance: OWRD

Processing water rights

- Classification does not allow for rejection of a water right. Staff time to process new water rights

Fee funded positions

- 19.93 full-time employees funded by fees

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Classification cost of compliance: small business

Reporting, recording, and administrative activities

- No direct costs for reporting, recording, and administrative activities

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Classification cost of compliance: small business

Fees for applying to a water right

- Groundwater Right Application Base Fee: $1,570.00
  - 1st cubic foot per second (cfs) or fraction thereof: $410.00
  - Each additional CFS or fraction thereof: $410.00
  - Each additional use, point of diversion, or well after the 1st: $410.00

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Classification fiscal impact

Input requested

- Are we missing anything for the classification fiscal impact?

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Draft Rule Language

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Draft Rule Language

Goals of Conversation

- Gather input around the draft rule language

Level of Participation

Consult

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Providing effective comments

<u>What we are not looking for:</u>

- Comment: I don't like the rule language

<u>What we are looking for:</u>

- I am concerned with rule {specify rule number} because {insert reason}, and I would change it to say {insert alternative language}.

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690-512-0010 Definitions

Unless specified in these rules the definitions in OAR 690-300-0010 apply to the below rules.

1) "Adaptive Management Checkpoint" means the scheduled interval at which the Department ~~adaptively manages~~ evaluates changes in groundwater levels and determines if adjustments to scheduled reductions in groundwater use are required as described in 690-512-0080. ~~the groundwater resource and adjusts the schedule for reductions in groundwater use.~~

2) "Exempt groundwater uses" are those defined in ORS 537.545.

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690-512-0010 Definitions

3) "Groundwater Level Change Envelope" means the modeled trajectory for groundwater levels to achieve the target water level trend by 2058. A groundwater level change envelope is modeled for ~~within~~ each subarea including the median, 10th, 25th, 75th, and 90th percentiles relative to the groundwater levels in 2028. The envelope describes the range of values that will be used to inform the adaptive management process in OAR 690-512-0080. The trajectories are ~~that are~~ modeled with the USGS Harney Basin Groundwater Model published in 2024.

4) "Initial ~~Allocation~~Allotment" means the quantity of water authorized for use by each groundwater right upon completion of the contested case.

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690-512-0010 Definitions

5) "Permissible Total Withdrawal" is the ~~total~~ volume of groundwater that, based on substantial evidence will achieve the target groundwater level trend by 2058 when following the schedule of reductions defined in OAR 690-512-0070. The Department may not reduce groundwater pumping through regulatory orders to a value less than the permissible total withdrawal. ~~allowed to be pumped annually within a subarea of the critical groundwater area.~~ The unit of measurement for the permissible total withdrawal is acre-feet.

6) "Public Uses" are those uses defined in OAR 690-077-0010(27).

7) "Subarea" means a portion of the critical groundwater area defined for administrative purposes.

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690-512-0010 Definitions

8) “Target Groundwater Level Trend” means the goal for the rate of change in groundwater levels within a subarea of the critical groundwater area.

9) “Totalizing flow meter” is an instrument used to measure and display both the instantaneous flow rate of groundwater produced from a well and the total volume of groundwater

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Input

Questions or feedback for the RAC

- Is this section clear and understandable?
- Is there anything we should change?
- Is there anything else we need to consider?

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690-512-0020 Administrative Boundaries

1) The Greater Harney Valley Groundwater Area of Concern (GHVGAC) is defined for administrative purposes and is described and shown in Exhibit 1.

2) The Malheur Lake Basin Boundary is delineated on the agency Map 12.6, dated January 1, 1966, shown in Exhibit 2.

3) The Serious Water Management Problem Area (SWMPA) boundary is defined as the Harney Basin within the Malheur Lake Basin and within portions of Grant and Harney Counties as shown in Exhibit 3.

4) The Groundwater Classification Boundary is defined as the Harney Basin within the Malheur Lake Basin and within portions of Grant and Harney Counties as shown in Exhibit 4.

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690-512-0020 Administrative Boundaries

5) The boundary of the Harney Basin Groundwater Reservoir is coincident with the Harney Basin boundary, as shown in Exhibit 5.

6) The boundary of the Harney Basin Critical Groundwater Area is defined as the GHVGAC boundary shown in Exhibit 1 and contains, in part, the Harney Basin Groundwater Reservoir.

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Exhibit 1

Greater Harney Valley Groundwater Area of Concern (GHVGAC)

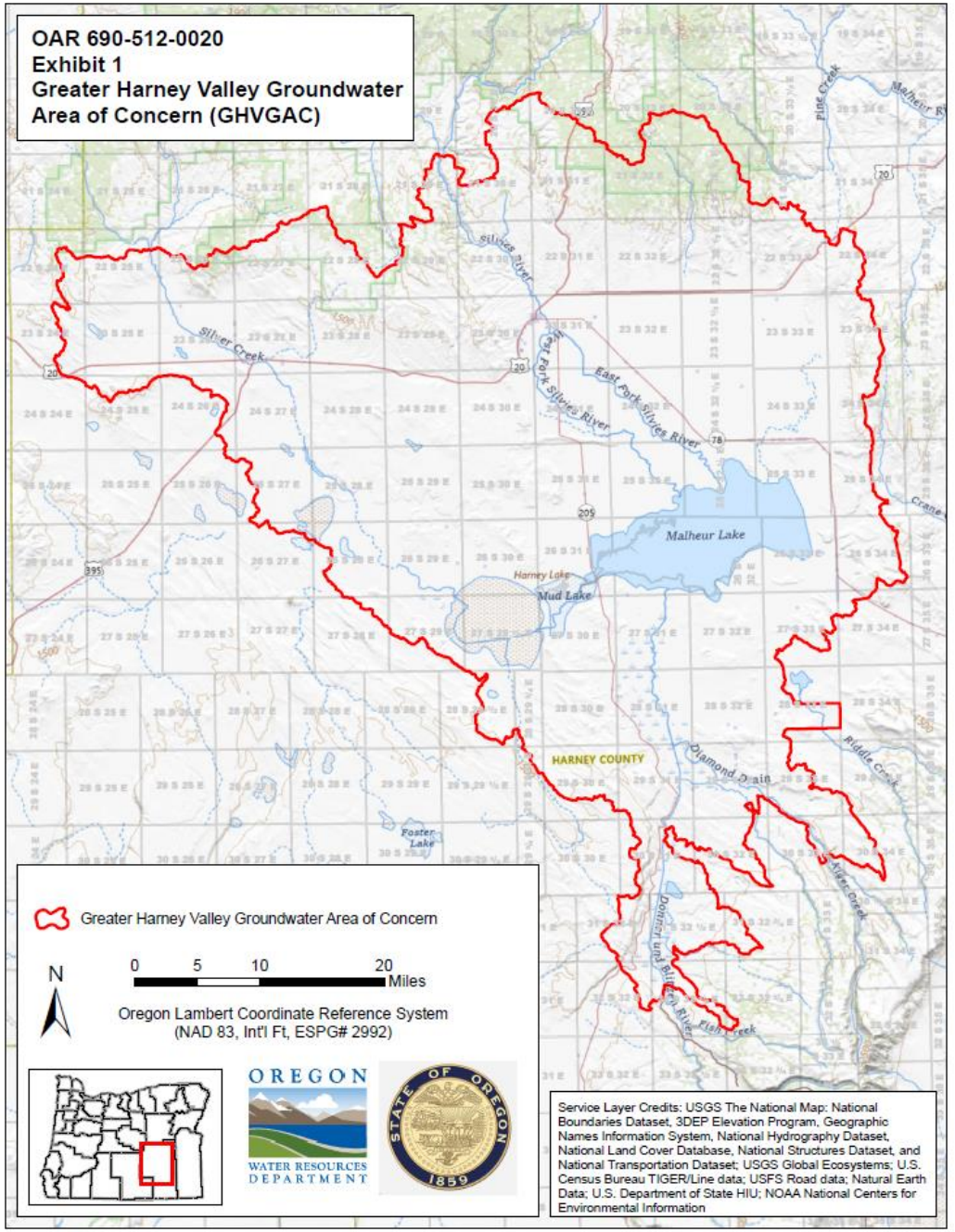

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Exhibit 2

Malheur Lake Basin

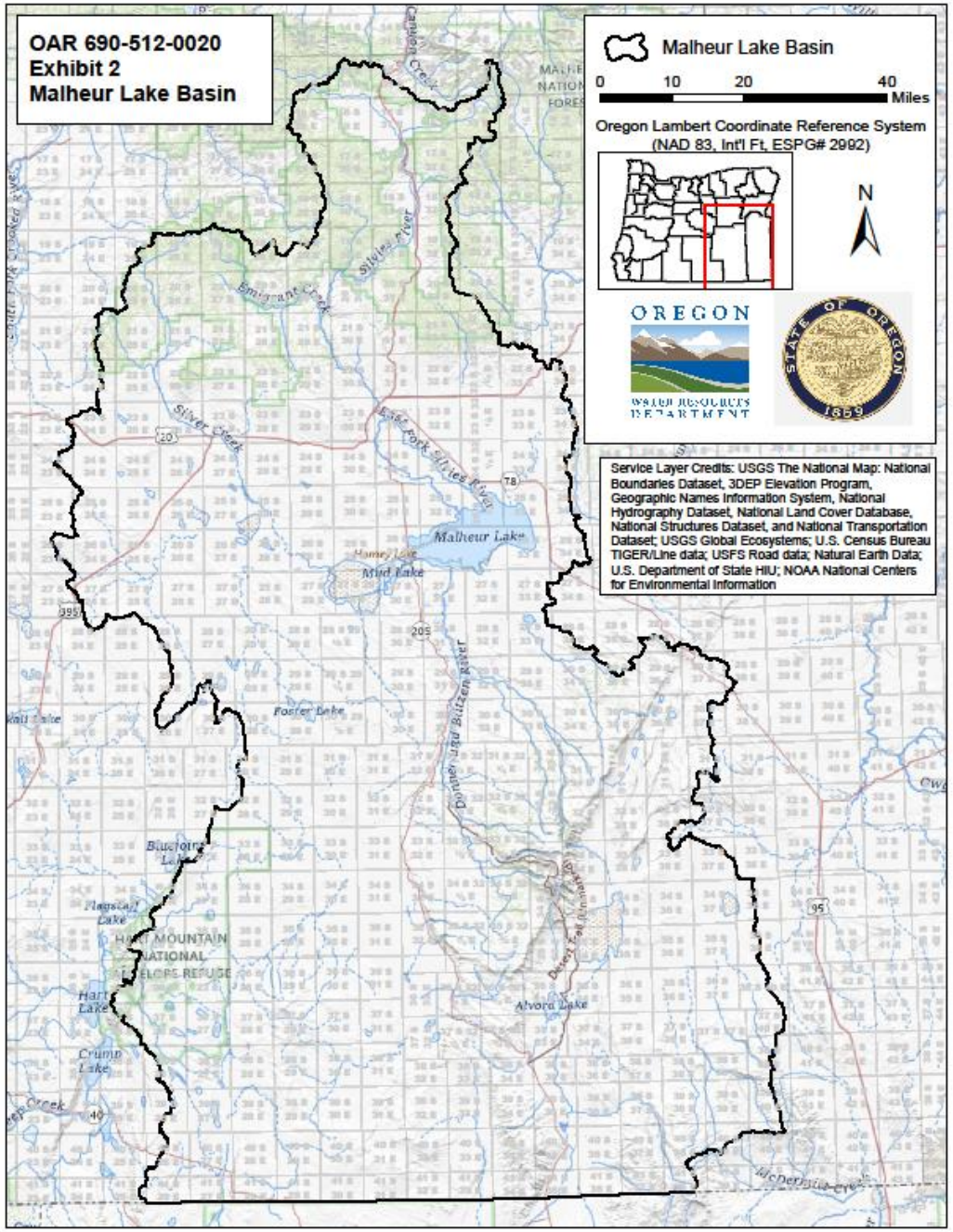

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Exhibit 3

Serious Water Management Problem Area

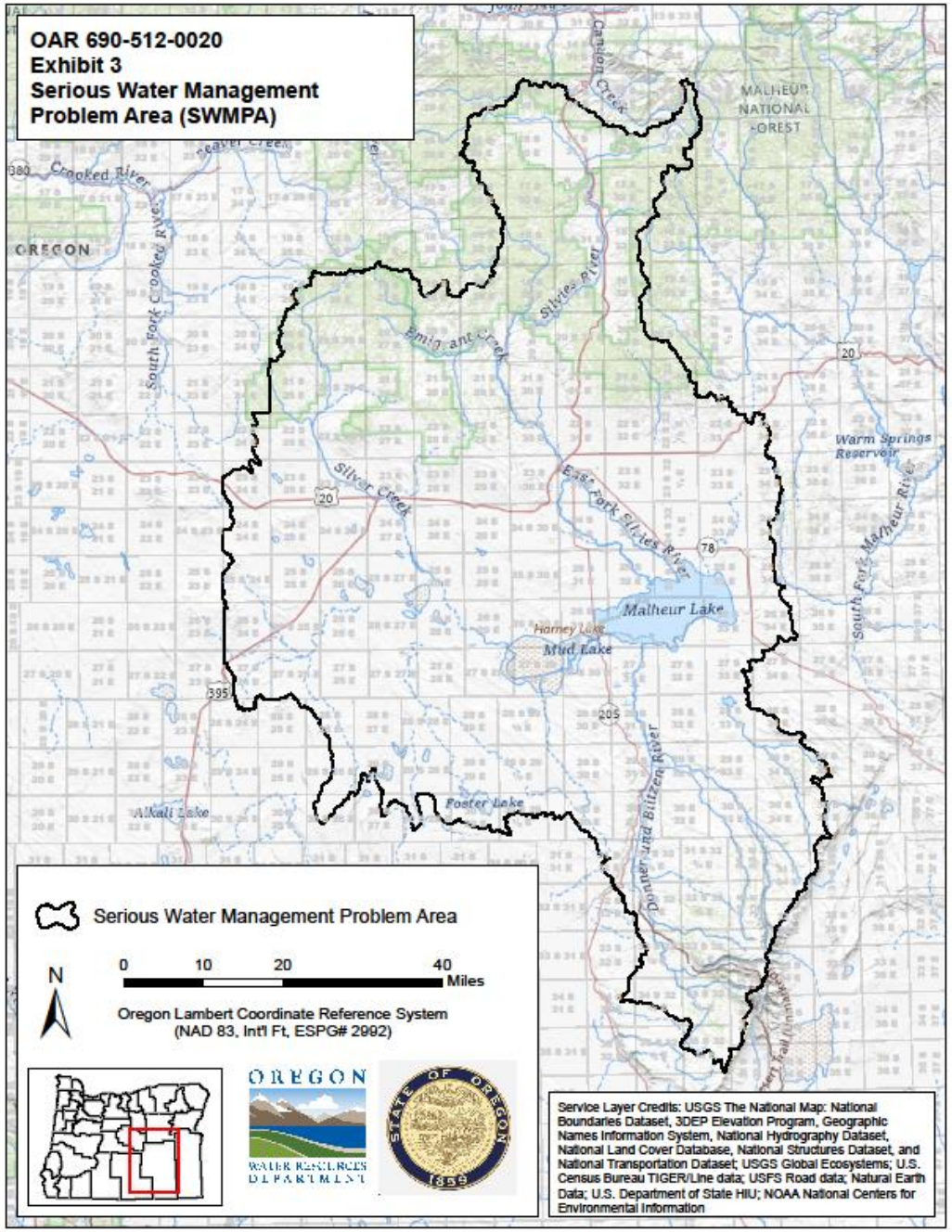

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Exhibit 4

Classification Boundary

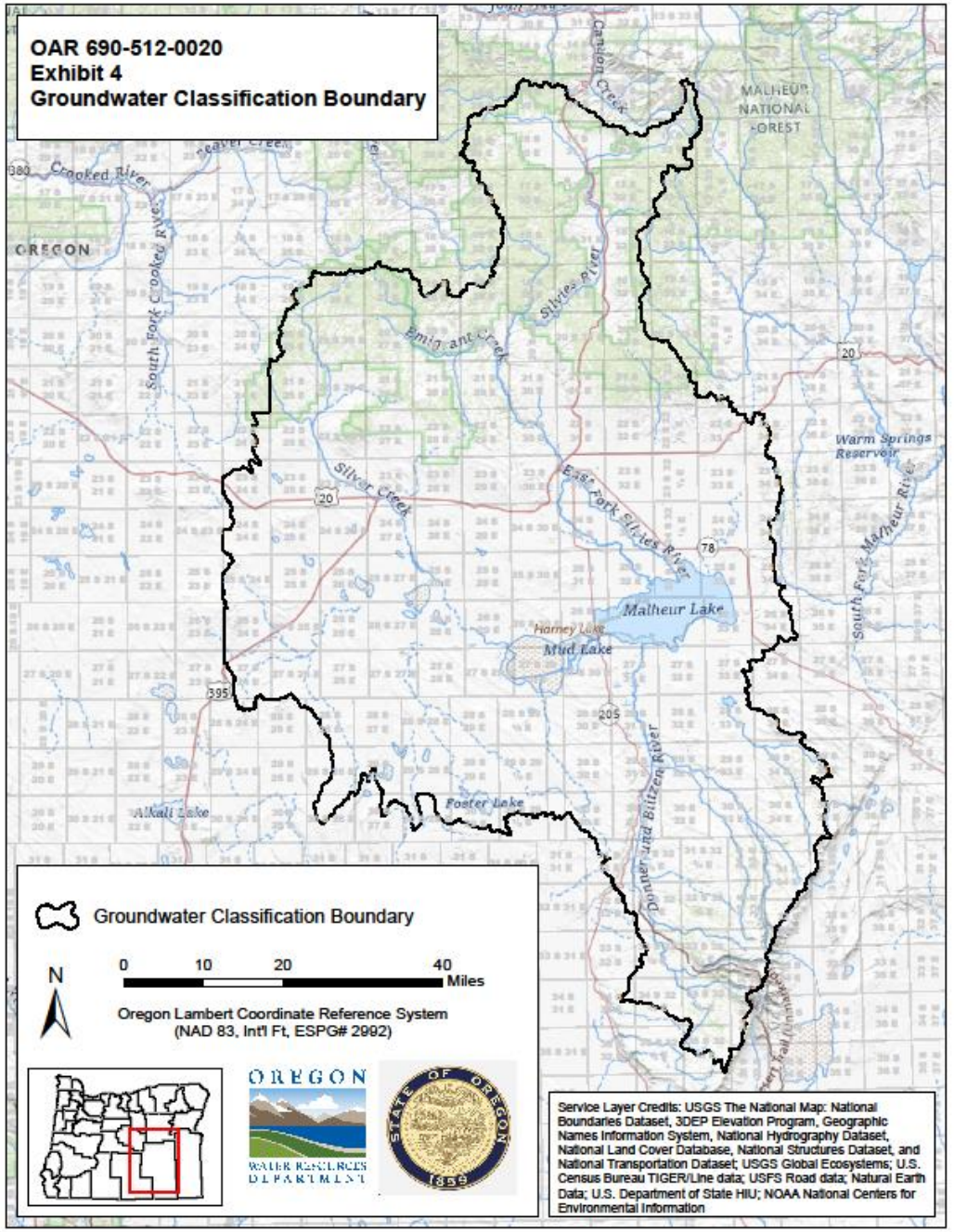

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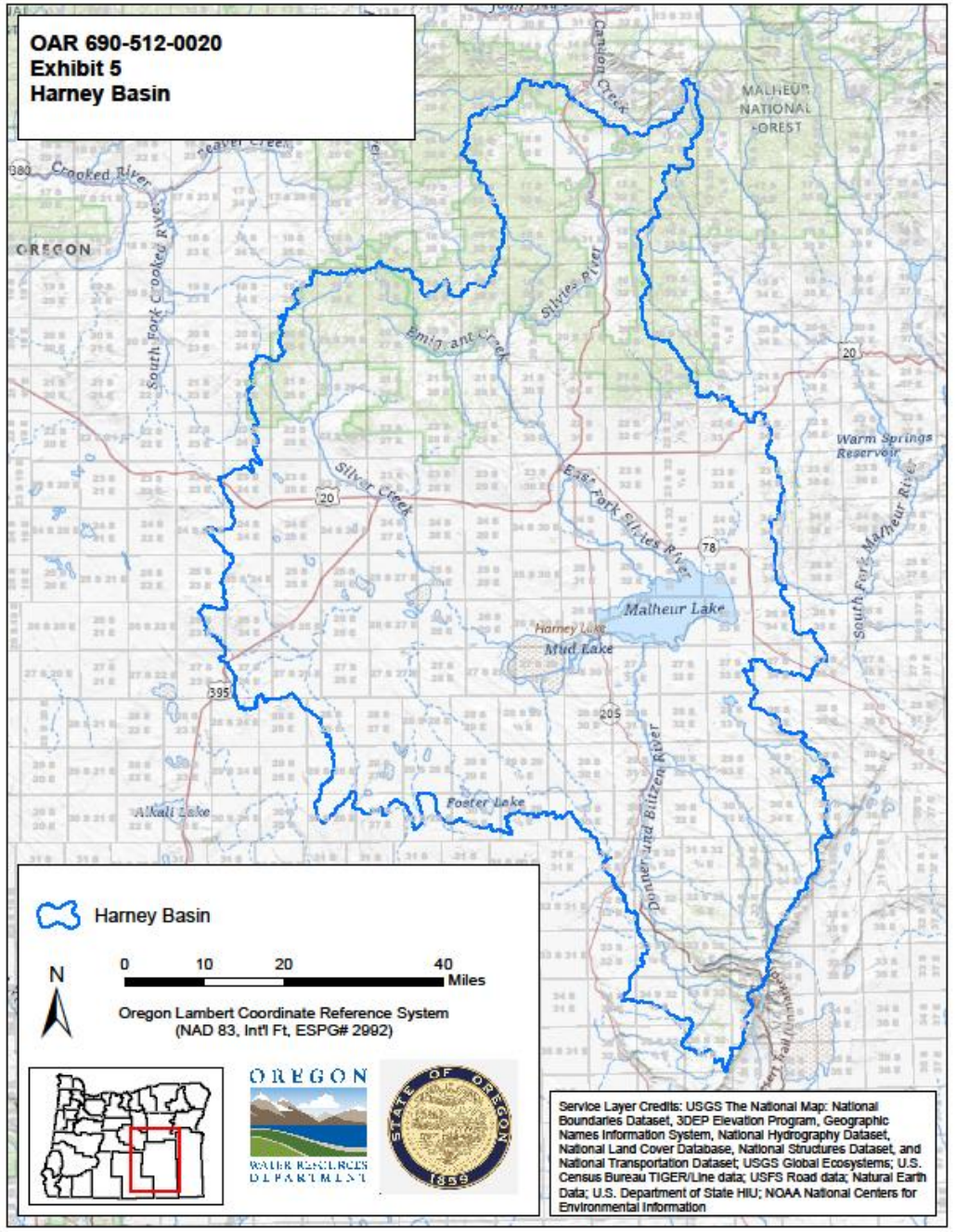
Exhibit 5

Harney Basin



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690-512-0030 Classification

1) Except as provided in OAR 690-512-0020(4), the groundwater and surface water of the Malheur Lake Basin are classified for direct appropriation of, or storage of surface water and use of, water for domestic, livestock, irrigation, municipal, quasi-municipal, industrial, mining, agricultural water use, commercial, power development, forest management, public uses, road watering, dust abatement, and wildlife refuge management.

2) Groundwater in the Groundwater Classification Boundary defined in OAR 690-512-0020(4) is classified for statutorily exempt groundwater uses as specified in ORS 537.545 and nonconsumptive geothermal uses. ~~below 259 degrees Fahrenheit.~~

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Input

Questions or feedback for the RAC

- Is this section clear and understandable?
- Is there anything we should change?
- Is there anything else we need to consider?

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690-512-0041 Harney Basin Critical Groundwater Area

1) The target groundwater level trend within the Harney Basin Critical Groundwater Area is a median groundwater level decline rate of no more than 0 feet per year in each subarea and will be calculated as described in OAR 690-512-0080(7). ~~. The median will be calculated for each subarea using representative wells with sufficient data as determined by the Department.~~

2) Beginning in 2028, and each year thereafter, for each valid water right, the groundwater right holder, well owner, or well operator shall take a static water-level measurement and report the measurement to the Department.

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690-512-0041 Harney Basin Critical Groundwater Area

a) The initial 2028 static water-level measurement shall be taken in the month of March at a single well listed as an authorized point of appropriation under each water right.

b) The static water-level measurement each year thereafter shall be made in the month of March at the same well as the initial static water-level measurement unless the change in well has been previously approved by the Department.

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690-512-0041 Harney Basin Critical Groundwater Area

c. The static water-level measurement shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed land surveyor, licensed well constructor, pump installer licensed by the Construction Contractors Board, or Department staff.

d. The static water-level measurement shall be made with equipment that is accurate to the standards specified in OAR 690-217-0045.

e. The static water-level measurement shall be properly submitted to the Department within 30 days of measurement using forms provided by, or specified by, the Department.

f. A static water-level measurement will be considered properly reported if the submission includes all required information.

g. Failure to submit a static water-level measurement will result in the watermaster regulating off use under the water right until a subsequent March measurement has been taken and submitted to the Department.

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690-512-0041 Harney Basin Critical Groundwater Area

3) A review of the Harney Basin Critical Groundwater Area rules shall be completed once every 3 years. The review shall be presented at a public meeting held within the basin at which written and oral public comment shall be accepted. The review and a summary of public comments received shall then be presented at a Commission meeting which has been publicly noticed and provides opportunity for public comment.

4) A review of the conditions in the Harney Basin Critical Groundwater area shall be completed no less frequently than once every 10 years and the findings reported at a Commission meeting which has been publicly noticed and provides opportunity for public comment.

5) Except as defined in rule 690-512-0030(2#) Classifications, the Department will not accept new applications for groundwater permits within the Harney Basin Critical Groundwater Area.

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690-512-0041 Harney Basin Critical Groundwater Area

6) The Harney Basin Critical Groundwater area defined in section 690-512-0020(5) shall be divided into seven subareas for the purpose of management as shown in Exhibit 6.
   a) The Dog Mountain subarea is shown in Exhibit 7.
   b) The Lower Blitzen-Voltage subarea is shown in Exhibit 8.
   c) The Northeast-Crane subarea is shown in Exhibit 9.
   d) The Silver Creek subarea is shown in Exhibit 10.
   e) The Silvies subarea is shown in Exhibit 11.
   f) The Upper Blitzen subarea is shown in Exhibit 12.
   g) The Weaver Springs subarea is shown in Exhibit 13.

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Exhibit 6

Harney Basin Critical Groundwater Area Subareas

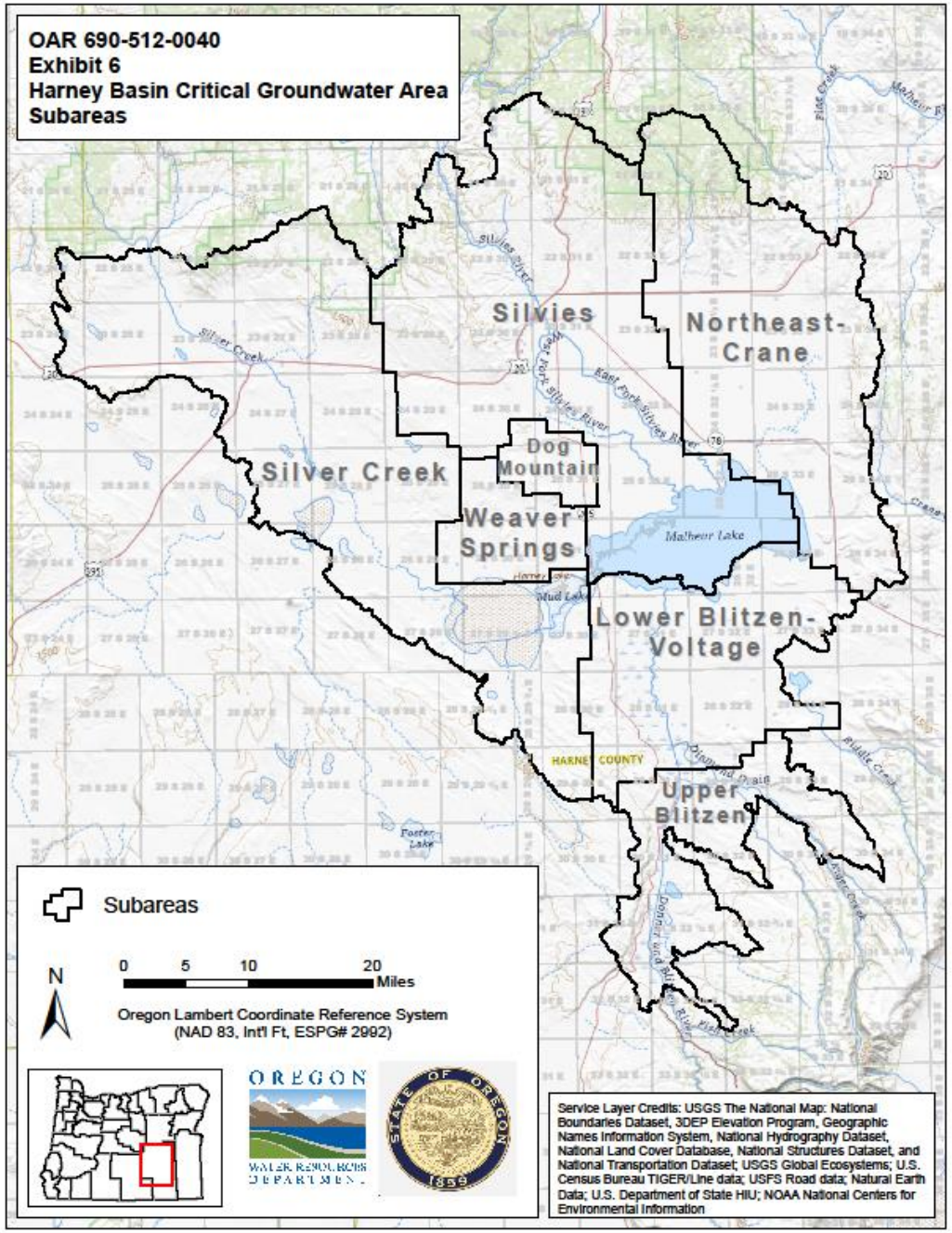

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Exhibit 7

Dog Mountain Subarea

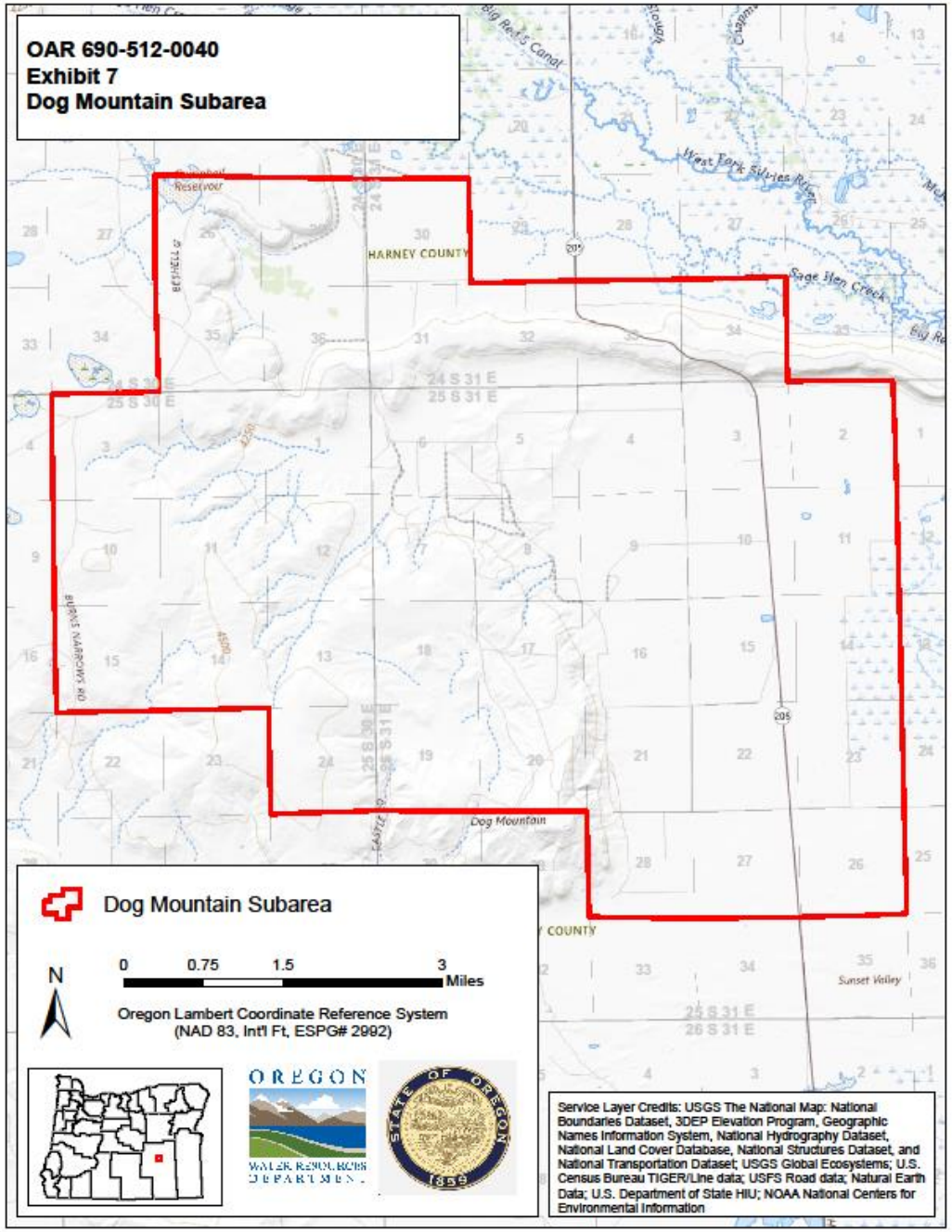

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Exhibit 8

Lower Blitzen-Voltage Subarea

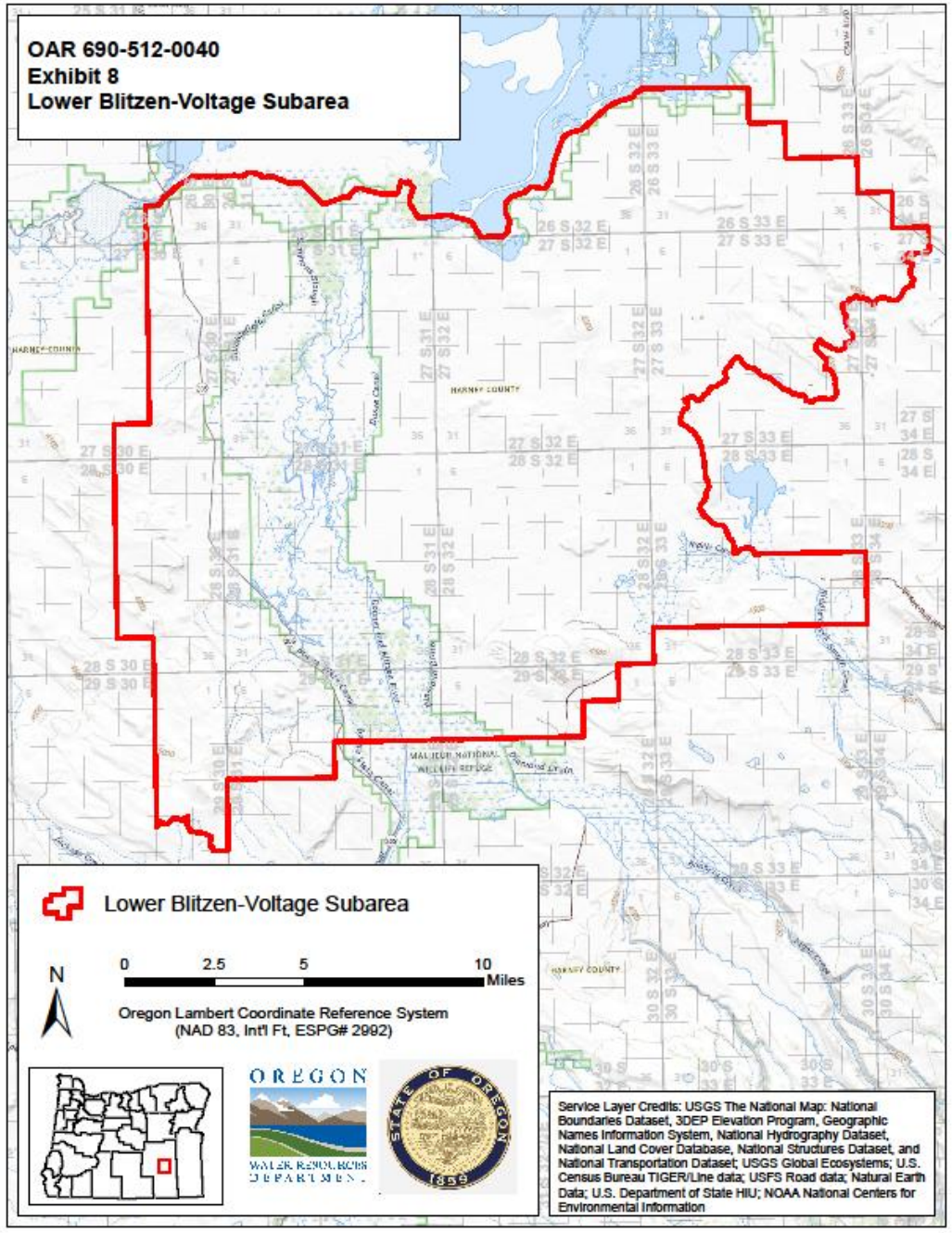

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Exhibit 9

Northeast-Crane Subarea

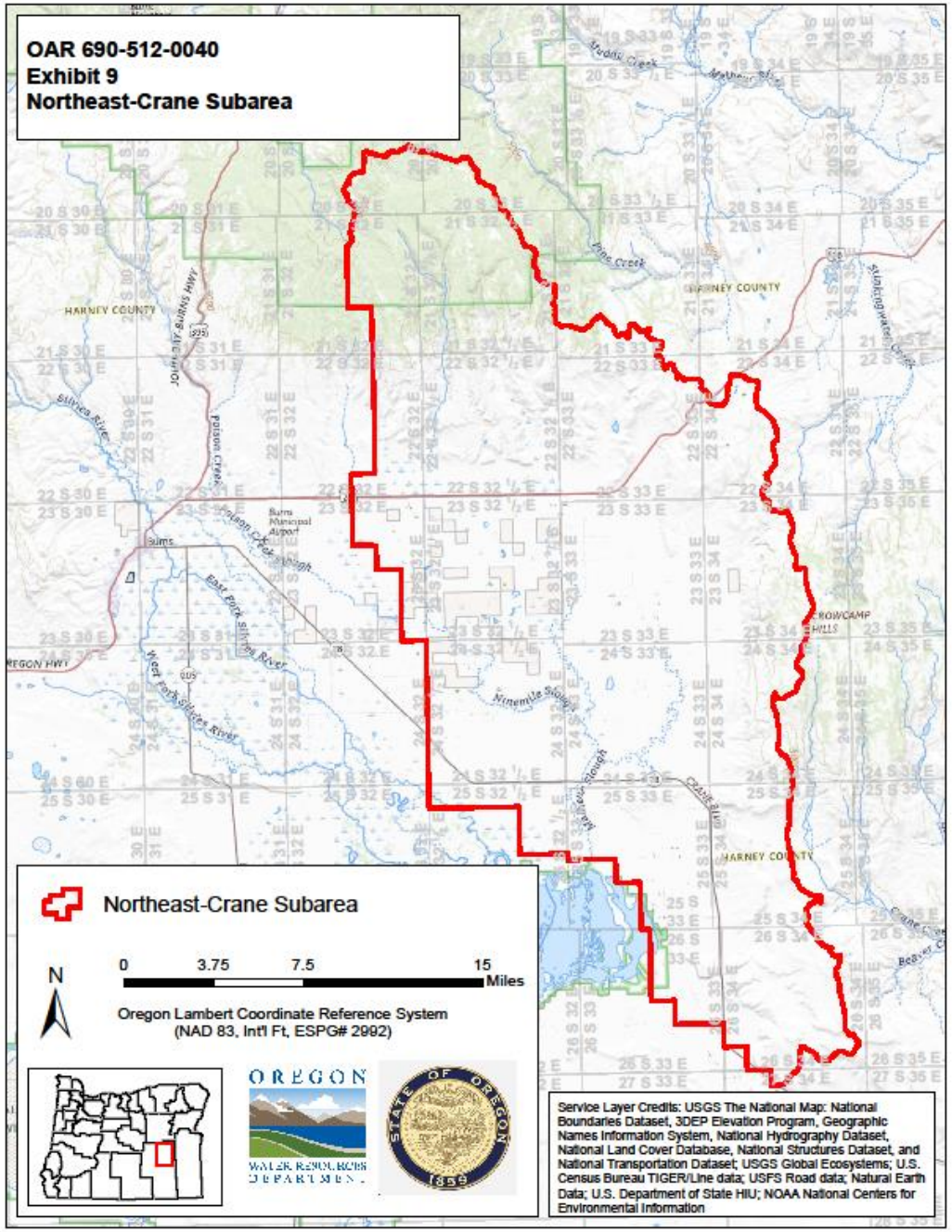

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Exhibit 10

Silver Creek Subarea

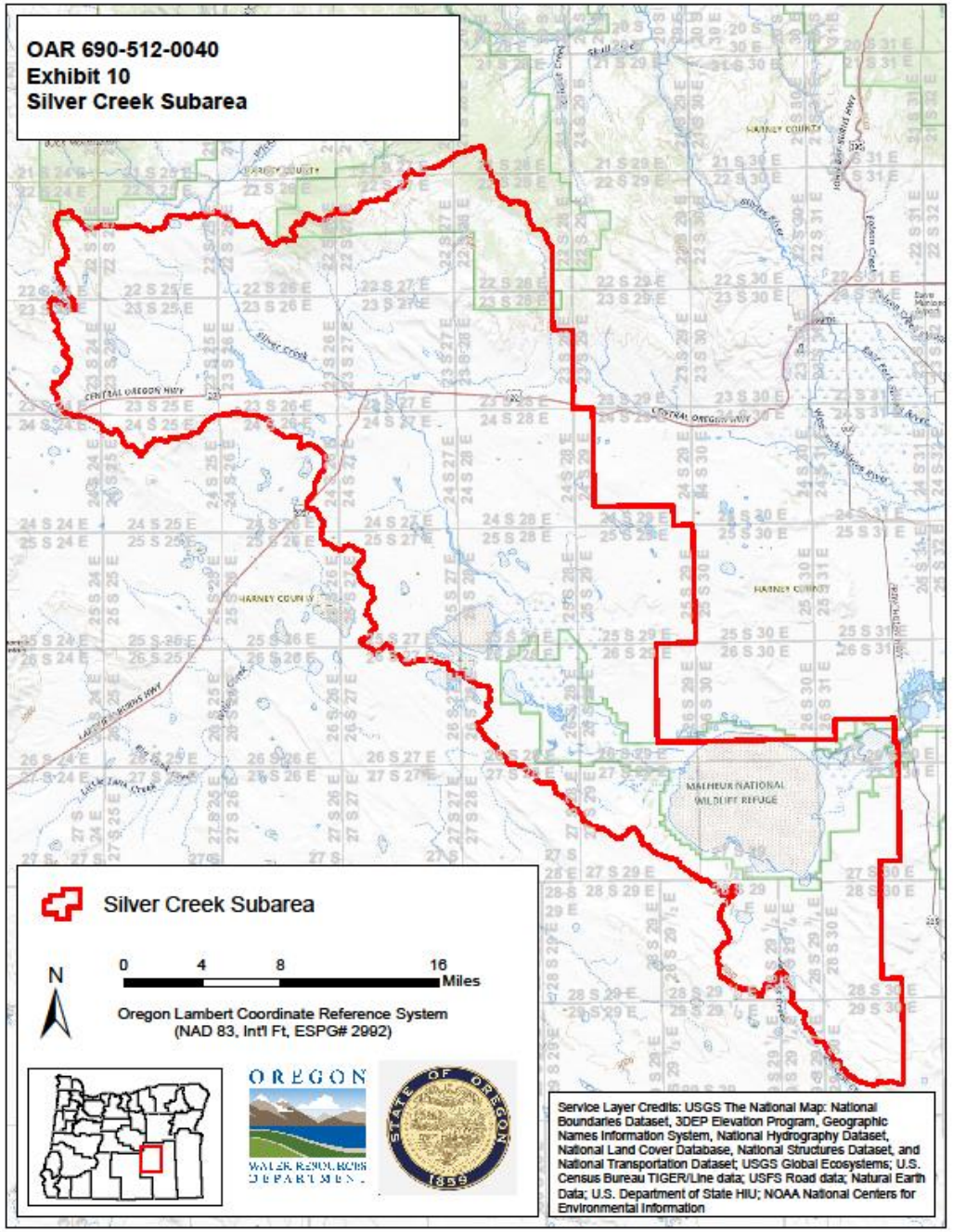

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Exhibit 11

Silvies Subarea

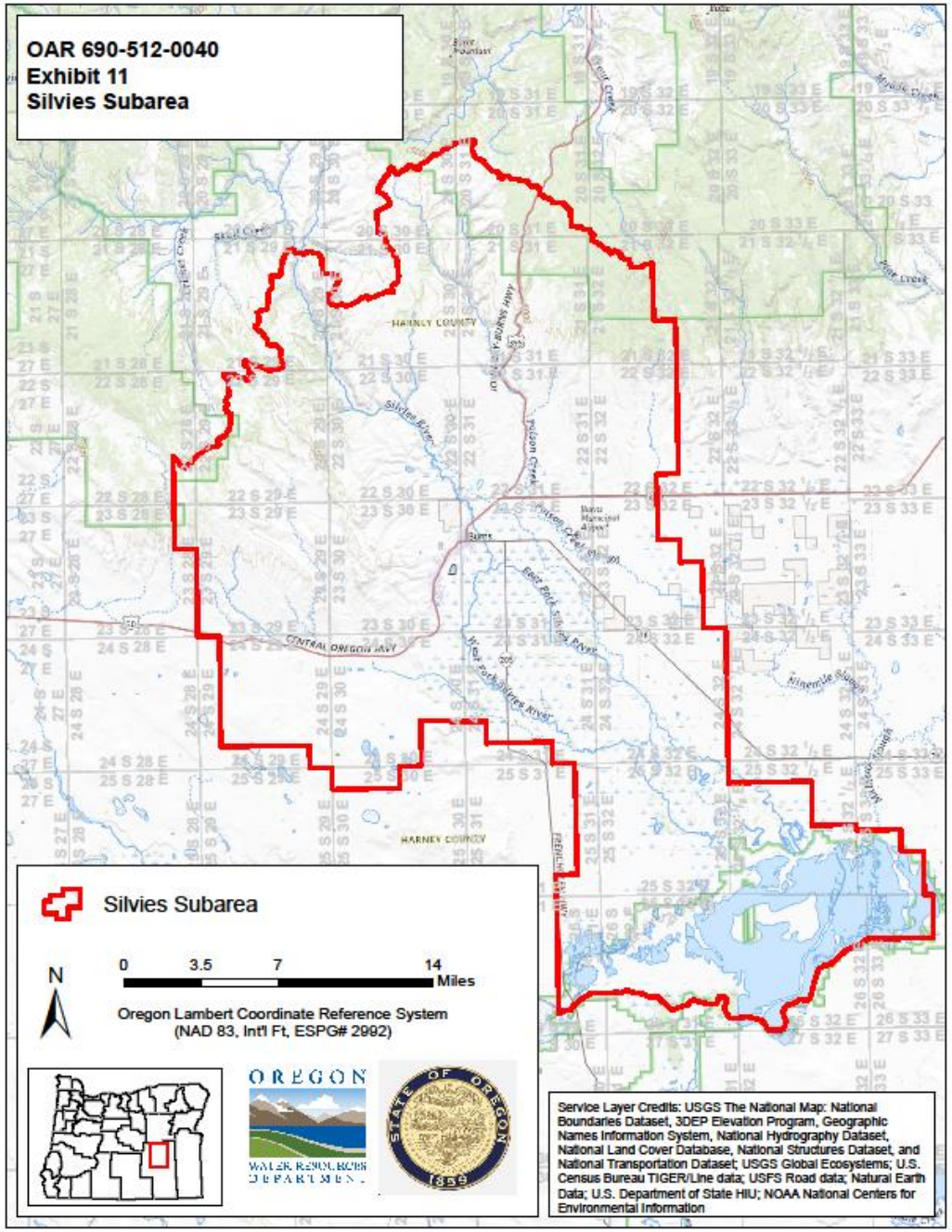

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Exhibit 12

Upper Blitzen Subarea

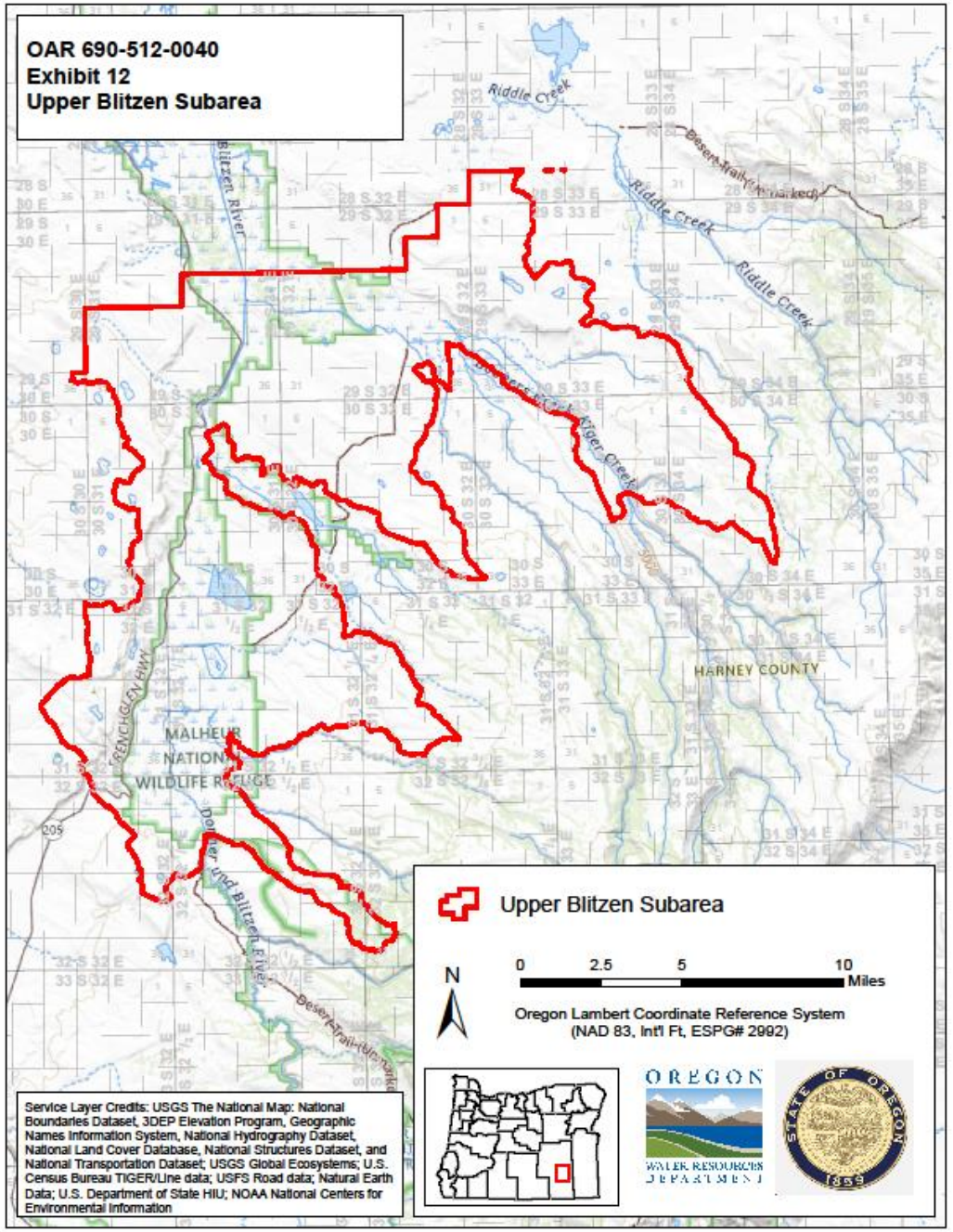

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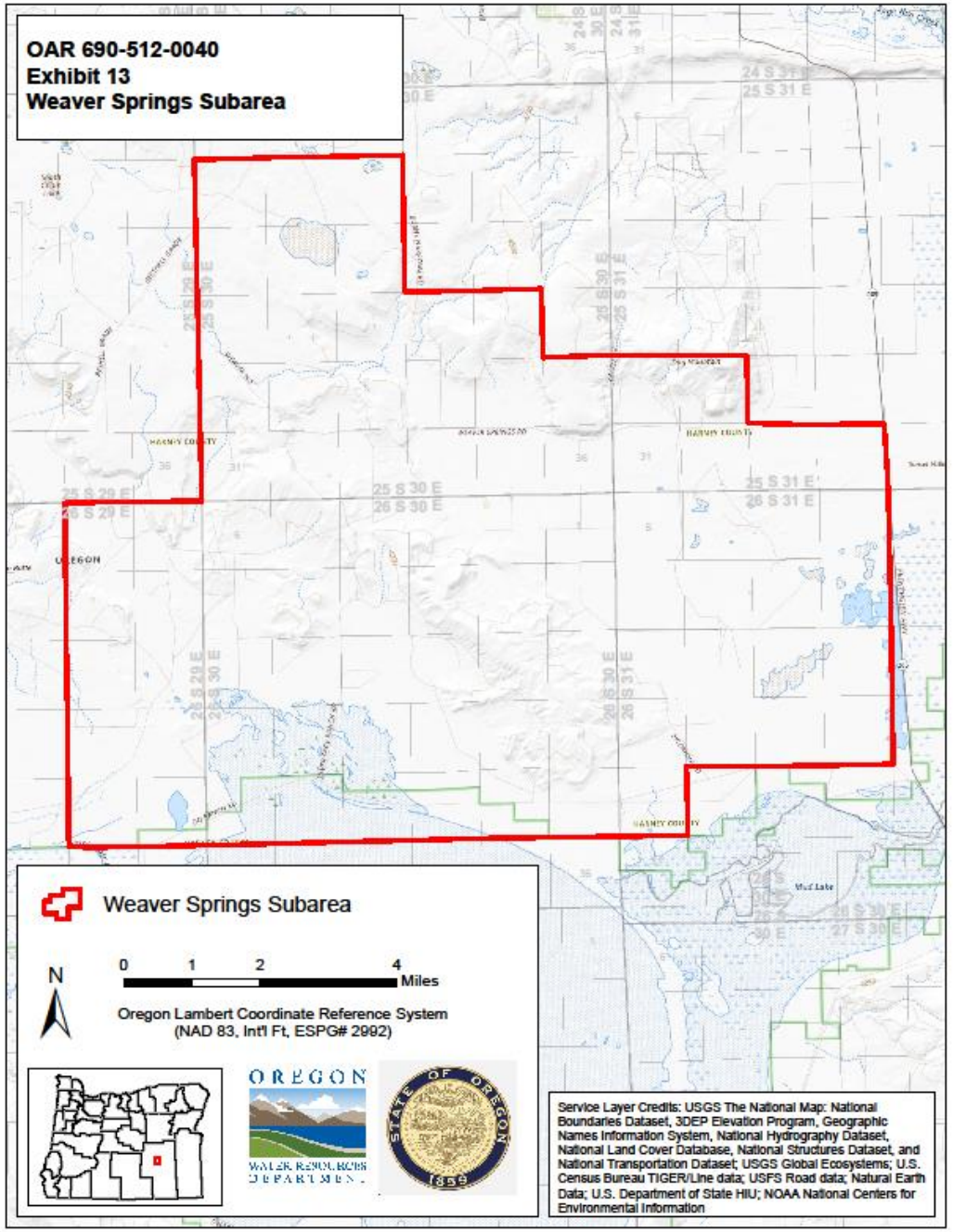
Exhibit 13

Weaver Springs Subarea



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Input

Questions or feedback for the RAC

- Is this section clear and understandable?
- Is there anything we should change?
- Is there anything else we need to consider?

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690-512-0050 Permissible Total Withdrawal for Each Subarea Within the Harney Basin Critical Groundwater Area

1) The permissible total withdrawal for the Dog Mountain subarea shall be 4,200 acre-feet per year.
2) The permissible total withdrawal for the Lower Blitzen-Voltage subarea shall be 8,300 acre-feet per year.
3) The permissible total withdrawal for the Northeast-Crane subarea shall be 35,000 acre-feet per year.
4) The permissible total withdrawal for the Silver Creek subarea shall be 15,200 acre-feet.
5) The permissible total withdrawal for the Silvies subarea shall be 21,200 acre-feet per year.
6) The permissible total withdrawal for the Upper Blitzen subarea shall be 76 acre-feet per year.
7) The permissible total withdrawal for the Weaver Springs subarea shall be 4,800 acre-feet per year.

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Input

Questions or feedback for the RAC

- Is this section clear and understandable?
- Is there anything we should change?
- Is there anything else we need to consider?

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690-512-0060 Determination of Initial Allotment for All Groundwater Rights

1) To establish a schedule for reductions in groundwater use, the Department will determine an initial ~~allocation~~ allotment for each groundwater right within the critical groundwater area which will be implemented through an order after completion of the contested case process as required in OAR 690-010. The initial ~~allocation~~ allotment ~~shall not exceed the total quantity of water authorized on the water right~~shall not exceed the total duty ~~or rate~~ authorized on the water right.

2) In determining the initial ~~allocation~~ allotment for each groundwater right with an irrigation use, the Department will:

   a) Use a duty of ~~2.7~~ 2.5 acre-feet per acre for primary groundwater rights~~; for primary and~~

   b) Use a duty of 1.25 acre-feet per acre for supplemental ~~irrigation and~~groundwater rights; and

   c) Consider the historic~~al~~, beneficial use in the six-year period from 2020 to 2025 when identifying the number of acres that will be ~~allocated~~ allotted water.

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690-512-0060 Determination of Initial Allotment for All Groundwater Rights

3) The initial ~~allocation~~ allotment for municipal and quasi-municipal rights shall be a quantity of water equal to 110% of the greatest single-year quantity reported to the Department in the six--year period from 2020 to 2025. ~~s preceding the adoption of these rules.~~

4) In determining the initial ~~allocation~~ allotment for each groundwater right with use types other than irrigation, municipal, and quasi-municipal,. ~~The~~ the department will consider:
   a) The limits of the groundwater rights;
   b) Historic~~al~~ beneficial use in the six-year period from 2020 to 2025;
   c) Whether or not a water user is physically capable of pumping and putting the ~~allocated~~ allotted water to a beneficial use; and
   d) Any other factors deemed appropriate by the Department to determine historic beneficial use

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Input

Questions or feedback for the RAC

- Is this section clear and understandable?
- Is there anything we should change?
- Is there anything else we need to consider?

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690-512-0070 Scheduling Water Use Reductions to Meet the Permissible Total Withdrawal

1) Notwithstanding adjustments made by the adaptive management methodology defined in OAR 690-512-0080, upon consideration of all water rights and determining the initial ~~allocation~~ allotment for each:
   a) Water use within the Weaver Springs subarea will be scheduled to be reduced to the permissible total withdrawal with 75% of the total reduction being scheduled for 2028 and the remaining 25% of the reduction scheduled for 2034.
   b) Water use within all remaining subareas of the Critical Groundwater Area will be scheduled for reduction to the permissible total withdrawal with 40% of the total reduction scheduled in 2028, 30% of the total reduction scheduled for 2034, 15% of the total reduction scheduled for 2040, 10% of the total reduction scheduled for 2046, and 5% of the total reduction scheduled for 2052.

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690-512-0070 Scheduling Water Use Reductions to Meet the Permissible Total Withdrawal

c) The schedule for reductions will be based on the relative priority dates of the water rights within each subarea, with the most junior water rights being curtailed first.

d) Municipal and quasi-municipal water use will be evaluated at each adaptive management checkpoint and the schedule of reductions may be adjusted so that the ~~allocation~~ allotment for each municipal or quasi-municipal right is increased or decreased to 110% of the greatest single year quantity reported to the Department in the preceding 6 years. The ~~allocation~~ allotment shall not exceed the total quantity of water authorized on the water right.

e) Uses exempt under ORS 537.545 are not subject to reduction.

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690-512-0070 Scheduling Water Use Reductions to Meet the Permissible Total Withdrawal

f) Corrective control orders reducing use will not be enforced until the completion of the contested case process specified in OAR 690-010-0170 through 230.

g) If enforcement of corrective control orders ~~reductions~~ reducing ~~in~~ use ~~are unable to be implemented~~ does not occur as scheduled in 2028, then at such time as enforcement occurs, ~~at the time when reductions in use are implemented through regulatory orders,~~ all reductions scheduled under OAR 690-512-0070(1)(b) ~~to be implemented by that point in time will be enforced~~ including any adjustments that should have occurred at the adaptive management checkpoints defined in 690-512-0080 will be included in the enforcement.

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Input

Questions or feedback for the RAC

- Is this section clear and understandable?
- Is there anything we should change?
- Is there anything else we need to consider?

OREGON
WATER RESOURCES DEPARTMENT

690-512-0080 Adaptive Management of the Harney Basin Critical Groundwater Area

1) Weaver Springs subarea is exempt from the adaptive management process as defined in this rule.

2) For each subarea except Weaver Springs, if the contested case process is complete and corrective control orders reducing use are able to be implemented in 2028, the Department will evaluate the median groundwater level for each subarea and compare it with the median groundwater level measured in 2022. If the median groundwater level in 2028 is found to be the same or higher than the median groundwater level measured in 2022, then the regulatory reductions scheduled for 2028 will be reduced to zero.

OREGON WATER RESOURCES DEPARTMENT

690-512-0080 Adaptive Management of the Harney Basin Critical Groundwater Area

3) Groundwater level changes will be evaluated using representative wells with sufficient data as determined by the Department.

   a) For each representative well the groundwater level change will be evaluated based on a reference groundwater level determined by the Department. The reference groundwater level for a well shall be the spring high static water level measurement in calendar year 2028, if one exists. Otherwise, the Department ~~Director~~ may establish the reference groundwater level based on an analysis of water level data from that well and other water-level data in nearby wells.

   b) For each representative well, the groundwater level change will be calculated as the difference between the ~~current~~ spring high static water level measured at the adaptive management checkpoint being evaluated and the reference groundwater level.

OREGON WATER RESOURCES DEPARTMENT

690-512-0080 Adaptive Management of the Harney Basin Critical Groundwater Area

4) The median groundwater level change for each subarea will be evaluated at each adaptive management checkpoint using representative wells with sufficient data as determined by the Department.
5) The groundwater level change envelope for each subarea is defined in Exhibit 1

OREGON WATER RESOURCES DEPARTMENT

690-512-0080 Adaptive Management of the Harney Basin Critical Groundwater Area

6) At each adaptive management checkpoint, the Department will compare the median groundwater level change for each subarea defined in OAR 690-512-0040 with the groundwater level change envelope. If the median groundwater level change for a subarea is:

   1) At or ~~B~~below the 10th percentile, the scheduled quantity of reduction will be doubled.
   2) Between the 10th and 25th percentiles, the scheduled quantity of reduction will be increased by one and a half times.
   ~~3) Between the~~From the 25th and through 75th percentiles, no adjustment will be made.
   4) Between the 75th and 90th percentiles, the scheduled quantity of reduction will be halved.
   5) At or ~~A~~above the 90th percentile, the scheduled quantity of reduction will be reduced to zero.

OREGON WATER RESOURCES DEPARTMENT

690-512-0080 Adaptive Management of the Harney Basin Critical Groundwater Area

7) At the end of each adaptive management checkpoint evaluation and after the Department has completed sections 1 through 4 of this rule, the Department will hold at least one public meeting at a location within the critical groundwater area boundary at which the Department will present:

   a) The findings of the evaluation of groundwater level changes.

   b) The comparison to the groundwater level change envelope.

   c) Any adjustments to the scheduled reductions.

OREGON WATER RESOURCES DEPARTMENT

690-512-0080 Adaptive Management of the Harney Basin Critical Groundwater Area

8) No sooner than 2058, the Department will evaluate the groundwater level decline rate to identify if the target groundwater level trend has been achieved. The groundwater level decline rate will be calculated using the Sen's slope method using annual high measurements for representative wells with sufficient data as determined by the Department from the 6 years preceding the evaluation.

9) After the evaluation in section 7 of this rule, if the target water level trend has not been achieved and all scheduled reductions have not been implemented, the Department will evaluate groundwater conditions and implement additional reductions as needed to achieve the target water level trend. ~~Pumping in each subarea shall not be reduced below the permissible total withdrawal as defined in OAR 690-512-0050.~~

OREGON WATER RESOURCES DEPARTMENT

690-512-0080 Adaptive Management of the Harney Basin Critical Groundwater Area

10) After the evaluation of section (7) of this rule, if the target water level trend has been achieved and all scheduled reductions have not been implemented, the Department will initiate a rulemaking process to adjust the permissible total withdrawal to match the implemented reductions.

OREGON WATER RESOURCES DEPARTMENT

Input

Questions or feedback for the RAC

- Is this section clear and understandable?
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OREGON
WATER RESOURCES DEPARTMENT

690-512-0090 Serious Water Management Problem Area (SWMPA)

1) Groundwater conditions within the SWMPA boundary defined in 690-512-0020(3) meet the criteria defined in 690-085-0020(1)(a) and 690-085-0020(1)(f).

OREGON
WATER RESOURCES DEPARTMENT

690-512-0090 Serious Water Management Problem Area (SWMPA)

2) By no later than March 1, 2028, each groundwater right holder, well owner, or well operator shall properly install and thereafter properly maintain a totalizing flow meter on each well listed as a point of appropriation on a valid water right within the Harney SWMPA boundary as defined in 690-512-0020(3). The Department may extend the deadline as needed. If the deadline is extended, the Department will notify each groundwater right holder, well owner, or well operator at least 60 days before March 1, 2028.

OREGON WATER RESOURCES DEPARTMENT

690-512-0090 Serious Water Management Problem Area (SWMPA)

a. Groundwater wells that are regulated off and disconnected from water use infrastructure do not require a totalizing flow meter to be installed.

OREGON WATER RESOURCES DEPARTMENT

690-512-0090 Serious Water Management Problem Area (SWMPA)

3) Totalizing flow meters shall be properly installed according to manufacturer specifications and must meet the specifications in subsection 5.

~~a. Groundwater wells that are regulated off do not require a totalizing flow meter to be installed.~~

OREGON WATER RESOURCES DEPARTMENT

690-512-0090 Serious Water Management Problem Area (SWMPA)

4) Totalizing flow meters and the method of flow meter installation may be subject to approval by Department staff. Once installed, totalizing flow meters must be maintained in good working order. Department staff shall have reasonable access to the totalizing flow meters upon request pursuant to ORS 537.780(1)(e).

OREGON
WATER RESOURCES DEPARTMENT

690-512-0090 Serious Water Management Problem Area (SWMPA)

5) The groundwater right holder, well owner, or well operator shall keep a complete record of the volume of water appropriated each month. The groundwater right holder, well owner, or well operator shall submit annually a report that includes water use measurements to the Department by December 31 of each calendar year ~~for the water year which ended September 30 of that same year~~ for water used between November 1st of the preceding year and October 31st of the current year. Reports shall be submitted using a form developed and maintained by the Department.

OREGON WATER RESOURCES DEPARTMENT

690-512-0090 Serious Water Management Problem Area (SWMPA)

a. Groundwater wells regulated off ~~do not need~~ are not required to report ~~use~~ until use is permitted to resume.

b. Any governmental entity required to submit water use reports under OAR 690-085 is exempt from the reporting requirements of this rule.

OREGON WATER RESOURCES DEPARTMENT

690-512-0090 Serious Water Management Problem Area (SWMPA)

6. A totalizing flow meter shall meet the following specifications:

a. A totalizing flow meter shall have a rated accuracy of plus or minus 2 percent of actual flow for all flow rates for which the meter is expected to measure.

b. A totalizing flow meter shall measure the entire discharge from the well.

OREGON
WATER RESOURCES DEPARTMENT

690-512-0090 Serious Water Management Problem Area (SWMPA)

c. A totalizing flow meter shall have a visual and recording, mechanical or digital totalizer located on or adjacent to the flow meter and shall be equipped with a sweep hand or digital readout so that instantaneous flow rate can be read.

d. The totalizing part of the flow meter shall have sufficient capacity to record at minimum the quantity of water authorized to be pumped over a period of 2 years. Units of water measurement shall be in acre-feet, cubic-feet, or gallons, and the totalizer shall read directly in one of these units. Flow meters recording in acre-feet shall, at a minimum, read to the nearest 1/10th acre-foot, and the decimal multiplier shall be clearly indicated on the face of the register head.

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WATER RESOURCES DEPARTMENT

690-512-0090 Serious Water Management Problem Area (SWMPA)

e. Totalizers on each meter shall not be field reset without notice to and written permission from the local watermaster. Prior to resetting the totalizers, the final reading must be recorded and reported.

f. The totalizing flow meter shall be installed in accordance with all manufacturer specifications. There shall be no turnouts or diversions between the well and the flow meter.

g. The totalizing flow meter shall be installed no more than 100 feet from the well head unless an exception is approved by the watermaster in writing.

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690-512-0090 Serious Water Management Problem Area (SWMPA)

7) A water user shall report broken flow meters to the local watermaster's office within 48 hours after determining that the flow meter is broken. A water user shall not appropriate water for more than 60 days without an operating flow meter.

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WATER RESOURCES DEPARTMENT

690-512-0090 Serious Water Management Problem Area (SWMPA)

8) While the flow meter is broken, the water user shall use other methods of reporting as defined under OAR 690-085-0015(5)until the flow meter is replaced or repaired. The water user shall keep the monthly data and mail the data to the local watermaster upon request. The data shall include a statement of the initial reading on the newly installed flow meter, the current power meter reading and the time of operation. The water user shall notify the local watermaster within 48 hours of installing the repaired or replacement flow meter.

OREGON
WATER RESOURCES DEPARTMENT

690-512-0090 Serious Water Management Problem Area (SWMPA)

8) While the flow meter is broken, the water user shall use other methods of reporting as defined under OAR 690-085-0015(5) ~~(a) – (c)~~ until the flow meter is replaced or repaired. The water user shall keep the monthly data and mail the data to the local watermaster upon request. The data shall include a statement of the initial reading on the newly installed flow meter, the current power meter reading and the time of operation. The water user shall notify the local watermaster within 48 hours of installing the repaired or replacement flow meter.

OREGON WATER RESOURCES DEPARTMENT

690-512-0090 Serious Water Management Problem Area (SWMPA)

9) Failure to have and maintain a properly installed, functioning totalizing flow meter by the deadline will result in the local watermaster regulating and controlling ~~an~~ the unmetered well such that no groundwater may be pumped or appropriated until a flow meter is ~~obtained and~~ installed consistent with these rules.

OREGON
WATER RESOURCES DEPARTMENT

690-512-0090 Serious Water Management Problem Area (SWMPA)

9) Failure to have and maintain a properly installed, functioning totalizing flow meter by the deadline will result in the local watermaster regulating and controlling ~~an~~ the unmetered well such that no groundwater may be pumped or appropriated until a flow meter is ~~obtained and~~ installed consistent with these rules.

OREGON WATER RESOURCES DEPARTMENT

690-512-0090 Serious Water Management Problem Area (SWMPA)

10) Consistent with ORS 536.900, ORS 183.745, and OAR 690-260, the Department may assess civil penalties for violation of these rules.

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Input

Questions or feedback for the RAC

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Next Steps

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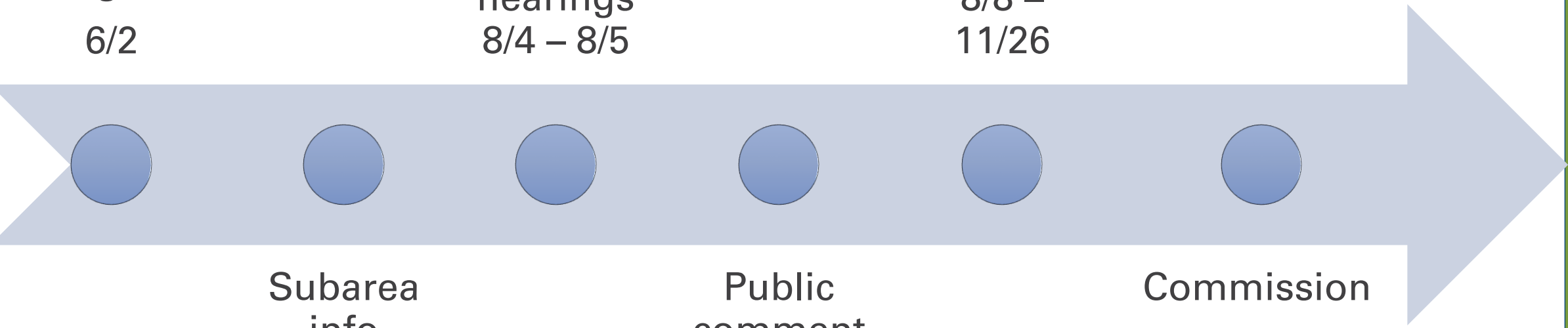
Remaining Div 512 rulemaking schedule



Public comment period begins 6/2

Subarea info sessions & hearings 6/23 – 26

Public hearings 8/4 – 8/5

Public comment period ends 8/7

Draft staff report 8/8 – 11/26

Commission meeting 12/11

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Next Steps

RAC Roundtable

- Final thoughts or reflections

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Public Comment

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Thank you!

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