



# Division 512 Rulemaking: Ground Water Regulation for the Malheur Lake Administrative Basin

Oregon Water Resources Department

Rules Advisory Committee Meeting

August 13, 2024

# Ground Rules

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

# 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.

## **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.

# Meeting Agenda

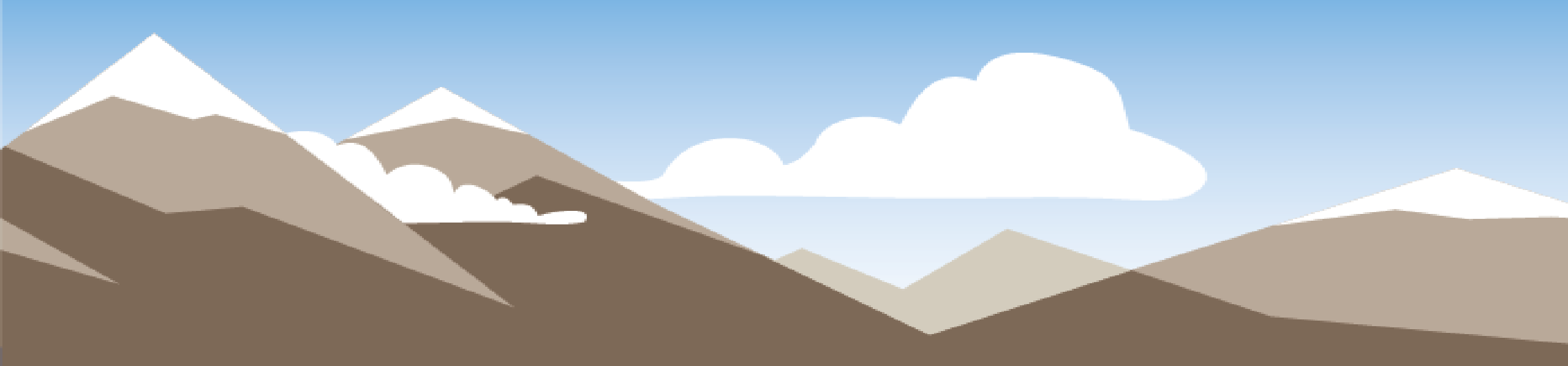
<b>15 Minutes</b>	<b>Welcome and Introductions</b>
<b>15 Minutes</b>	<b>Discussion Groups</b>
<b>15 Minutes</b>	<b>Public Comment</b>
<b>60 Minutes</b>	<b>Goal for Groundwater Levels</b>
<b>15 Minutes</b>	<b>Closing</b>

## Future RAC Schedule

- RAC Number 10, October 2, 2024: 8 a.m. – 3 p.m.
- RAC Number 11, November 13, 2024: 8 a.m. – 3 p.m.
- RAC Number 12, December 18, 2024: 8 a.m. – 3 p.m.
- RAC Number 13, January 22, 2025: 8 a.m. – 3 p.m.

# Goals of Today's Meeting

- Clarifying the goal of stabilizing groundwater levels to help:
  - Guide development of management scenarios
  - Evaluate modeled outcomes of the management scenarios



# Discussion Groups



# Discussion Group Operations

- Discussion groups are about generating options and considerations for different topics
- They are designed for more open conversation, but do not make decisions
- Discussion groups will be facilitated by Oregon Consensus with support from High Desert Partnership
- They will generally meet on Mondays from 10-11:30AM, with some full-day workshops where needed



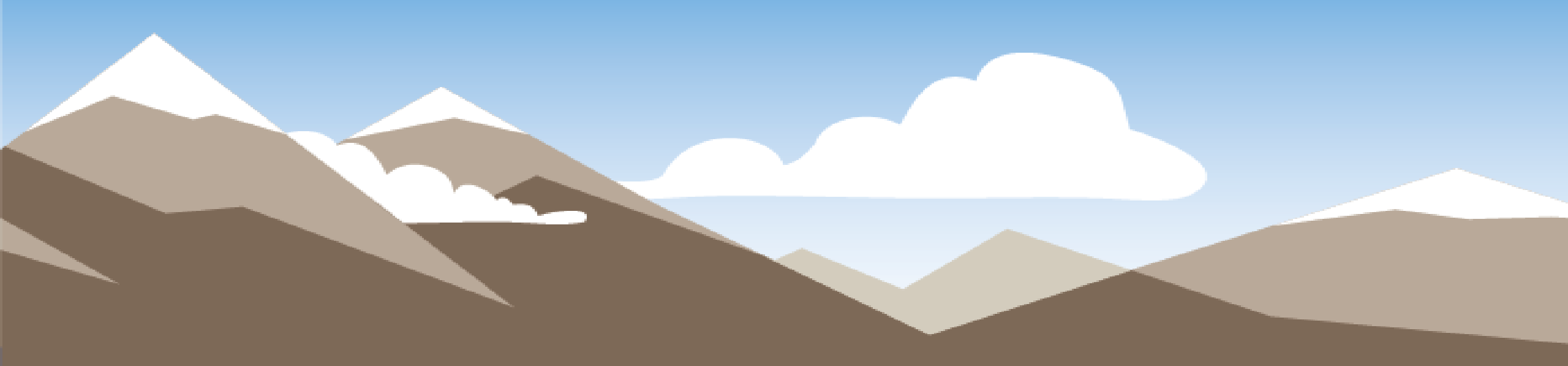
# Proposed Sequence of Topics

September 9:  
Focused on Scope

September 16:  
Focused on  
Goal/Management  
Scenarios

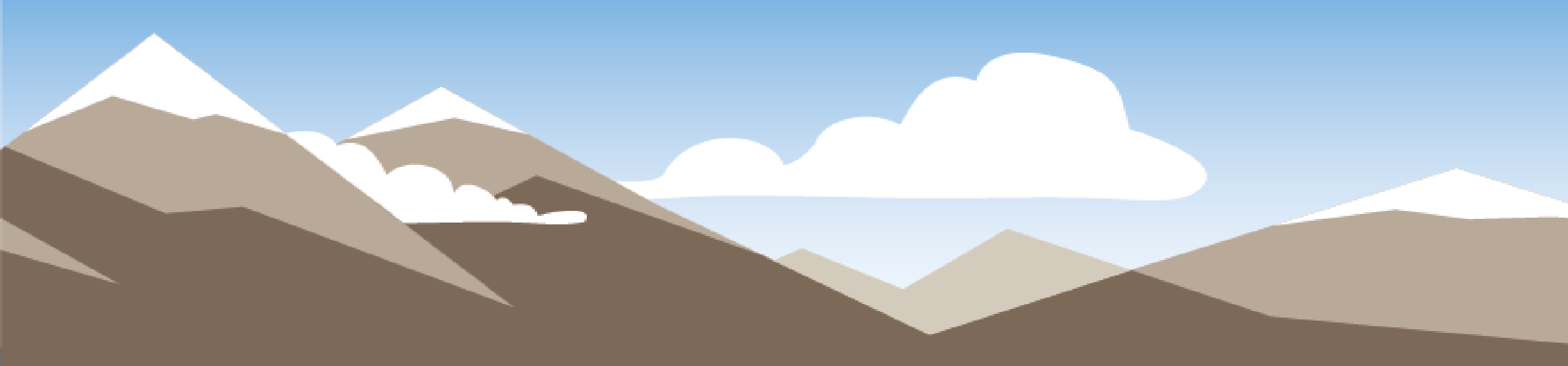
September 17:  
Fiscal Impact

September 23:  
Follow Up  
Discussion



# Public Comment





# Goals for Groundwater Levels



## Intent of this conversation

- Discussion groups and the October RAC will focus on designing options for management scenarios to test with the model
- A clear goal is needed to help:
  - Guide the development of management scenarios
  - Evaluate the modeled outcomes of the management scenarios
- Measuring groundwater management success is a longer conversation that we will have in October.

# Considerations

- Longer timelines to achieving the goal results in more impacts
  - Dry domestic wells
  - Decreased natural discharge (ET and springflow)
  - Loss of groundwater storage (lower groundwater levels)
  - Possible decrease in water quality and land subsidence
- The groundwater system is complex and thus the response to reductions in use will be complex
- Should all areas have the same goal?
- Do all areas need the same actions on the same timeline?
- Should our goal be to recover water levels so that a critical designation could be removed?

## Goals in other CGWAs

- “Reasonably Stable” has been the goal in other CGWAs
  - Butter Creek and Stage Gulch (Umatilla County) use the same definition
    - *"Reasonably stable water level" means an annual static water level decline of less than one foot over the entire subarea as determined by averaging the annual water level change of the representative wells in the subarea, and the water level change for the subarea averaged over five consecutive years displays no decline.*
  - All other CGWA orders reference reasonably stable but do not define the term
  - This definition ignores the 100+ feet of decline that occurred in Stage Gulch and Butter Creek resulting in the critical area designation

## Statutory Policy: Reasonably Stable

- ORS 537.525(7) - *“Reasonably stable ground water levels be determined and maintained.”*
- A critical area can be designated in Harney because portions of the groundwater reservoir are overdrawn, declined excessively and are excessively declining
- How can an area be “reasonably stable” when it is both declined excessively and excessively declining
- We don’t think we should define reasonably stable in this CGWA. We prefer to focus on Target Water Level Trend

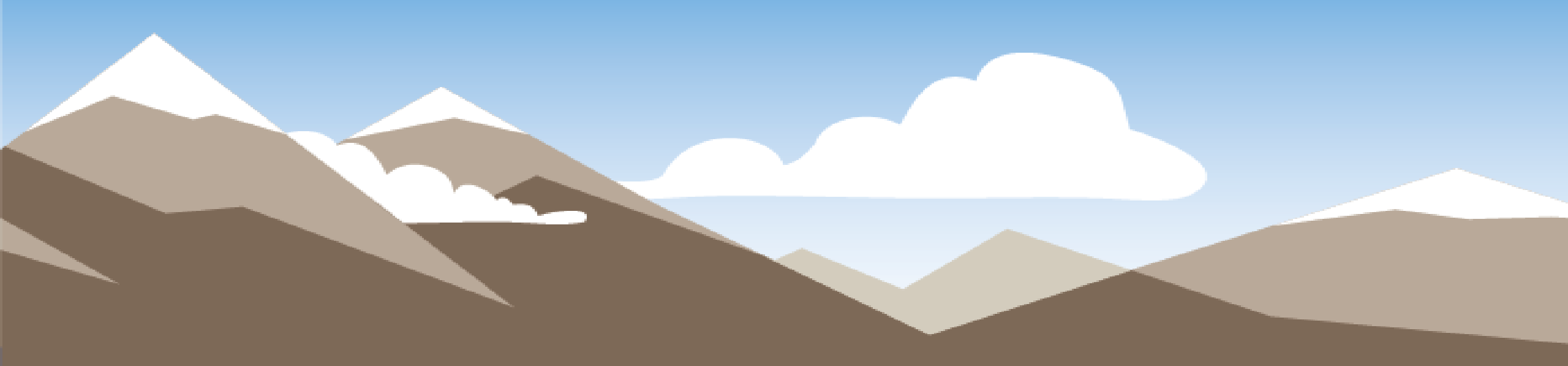
# Stabilizing Water Levels

- OWRD's current position is that all areas need to achieve a minimum target water level trend of no decline, meaning:
  - Water levels do not show long-term declines
  - Water levels should exist in a dynamically stable range
  - Some wells will show declines, some will be stable, some will show recovery
  - No individual well should exceed some defined rate or magnitude of decline (how do we handle extremes?)



# Designing alternative management scenarios

- Flexibility in alternatives comes from:
  - How the CGWA is divided into subareas
  - The timeline to reach the goal in each subarea
- Additional flexibility comes in how we measure success which will be discussed at the October RAC
  - Defining how we measure the water level trend for each subarea
  - Defining the acceptable rate or magnitude of decline in individual wells



Next Steps/ Wrap up





# Upcoming Documents

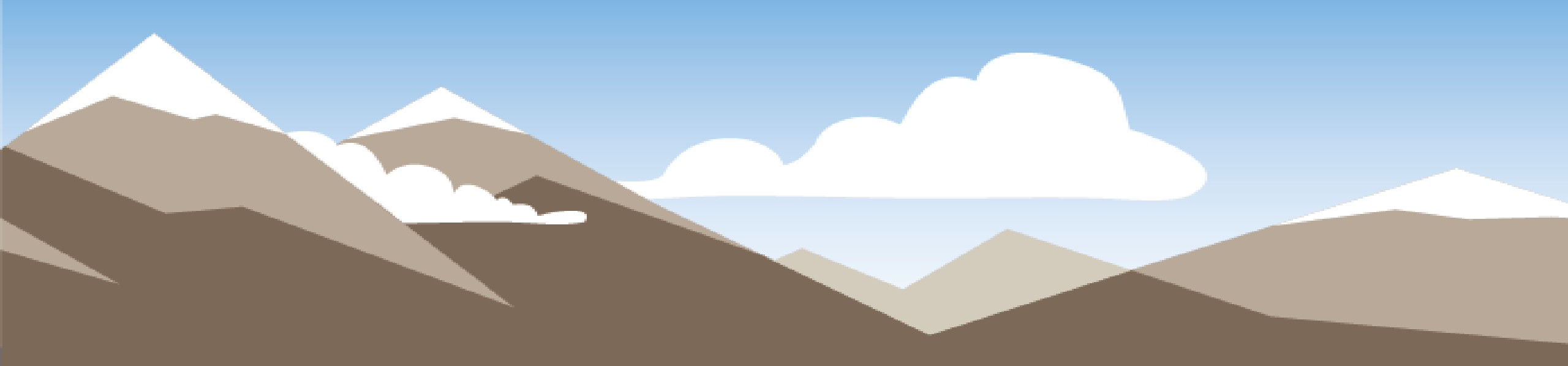
- Water Level Trends Analysis
- Harney Basin Groundwater Model Summary
- Guidelines for Management Scenario Development
- List of water rights and water right holders

## Next Steps/ Wrap Up

- Discussion group schedule:
  - September 9, 2024, from 10-1130: Virtual
  - September 16, 2024, from 10am to 4pm: In- person – Harney County Community Center
  - September 17, 2024, from 8am to 11am: In-person – Harney County Community Center
  - September 23, 2024, from 10-1130: Virtual

## Next RAC

- When: October 2, 2024
- Where: Harney County Community Center
- Time : 8 am to 3 pm



Thank you

