

Groundwater Regulatory Tools



Withdrawal of Unappropriated Waters

Statute: ORS 536.410
Chapter 690, Division 80

Allows the Oregon Water Resources Commission to withdraw unclaimed waters from future water rights. While in effect, no new water right applications will be accepted.

This tool controls future groundwater use.

Reasons for Use

The Oregon Water Resources Commission can withdraw water from all uses to:

- Ensure compliance with the state water resources policy.
- Conserve water resources of the state for maximum beneficial use.

How this tool is implemented

1. The Oregon Water Resources Department (OWRD) identifies the need to withdraw unclaimed waters from future water rights.
2. OWRD notifies the affected area about a public hearing by posting two weekly notices in the local newspaper.
3. A public hearing is held in the area.
4. The Oregon Water Resources Commission issues an order withdrawing future water rights. The order can be modified and revoked by the Commission at any time.



Classification of Water

Statute: ORS 536.340
Chapter 690, Division 500 to 520

Allows the Oregon Water Resources Commission to classify the type of water use allowed in an area of the state, and the quantity of water allowed for that use.

This tool controls future groundwater use.

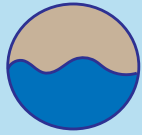
Reasons for Use

The Oregon Water Resources Commission can classify or reclassify water to:

- Restrict groundwater use in areas where it is declining at an unsustainable rate.
- Restrict groundwater use in areas where it is shown to be over allocated.

How this tool is implemented

1. The Oregon Water Resources Department (OWRD) determines that classification of water is needed to protect declining groundwater levels.
2. OWRD internally determines the boundaries of the classification area and the types of water use allowed.
3. In the Rules Advisory Committee (RAC), OWRD discusses the boundaries and the proposed classification with the RAC members.
4. OWRD notifies the public of the new rules and the public comment period begins.
5. OWRD hosts a public hearing during the public comment period in the affected area.
6. The Oregon Water Resources Commission adopts the new classification rules.



Serious Water Management Problem Areas (SWMPA)

Statute: ORS 540.435
Chapter 690, Division 85

Allows the Oregon Water Resources Commission to require measurement and annual reporting of water use.

This tool monitors current and future groundwater use.

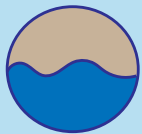
Reasons for Use

The Oregon Water Resources Commission can designate a SWMPA if:

- The groundwater is declining and not recovering.
- There are frequent water management disputes.
- Substantial interference between wells.
- Groundwater pumping is affecting surface water flows.
- The diversion of surface water is affecting wells.
- There are frequent shortages of surface or groundwater caused by water use.

How this tool is implemented

1. The Oregon Water Resources Department (OWRD) identifies the SWMPA Boundary, the required measurement devices, the individuals required to install those devices, and the timeline for installation.
2. OWRD consults with the Rules Advisory Committee (RAC) on the proposed SWMPA plan.
3. OWRD notifies the public and holds a public hearing within the boundary of the SWMPA.
4. The Oregon Water Resources Commission adopts the new SWMPA rules.



Groundwater Mitigation Area

Chapter 690, Divisions 505,
521, and 522

A Groundwater Mitigation Area is only used in the Deschutes Basin.

This tool controls future groundwater use only in the Deschutes Basin.

How this tool is implemented

This tool is only used in the Deschutes Basin.



Critical Ground Water Area Designation (CGWA)

ORS 537.730 to ORS 537.742
Chapter 690, Division 10

Allows the Oregon Water Resources Commission to designate an area of the state as a critical groundwater area. This allows the Commission to restrict groundwater use within the designated area.

This tool controls current groundwater use.

Reasons for Use

The Oregon Water Resources Commission can designate an area of the state a CGWA if:

- Groundwater levels declining or have declined excessively OR
- The Department finds a pattern of well to well interference OR
- The Department finds a pattern of substantial interference between wells and senior surface water rights OR
- The groundwater is being or about to be overdrawn OR
- The groundwater has been or is expected to become contaminated to an extent contrary to public welfare, health and safety OR
- Groundwater temperatures are expected to be, are being or have been substantially altered except as specified in ORS 537.796.

How this tool is implemented

1. Oregon Water Resources Department (OWRD) initiates a CGWA designation if a basin in the state meets one of the criteria for a CGWA designation under ORS 537.730(1)(a)-(g).
2. OWRD prepares a Oregon Water Resources Commission report on the plan for CGWA designation, posts the report online for public comment, then presents the final report at a Commission meeting.
3. OWRD drafts the CGWA rules.
4. Prior to the first Rules Advisory Committee (RAC), OWRD must coordinate with the Affected Local Governments in the Basin and engage with the Federally Recognized Indian Tribes.
5. OWRD initiates a RAC with those affected by the designation within the basin.
6. OWRD notifies the rules to begin the public comment period. At least 60 days after notification, public hearing(s) are held in the CGWA basin.
7. Rules are brought to the Commission for adoption.

Role of the Watermaster in Implementing Groundwater Regulatory Tools

Watermasters may be requested to provide group informational sessions regarding any of the following tools.

Withdrawal of Unappropriated Waters

The watermaster would not specifically regulate with this tool. The watermaster would discuss the withdrawal with any potential applicants.

Classification of Water

The watermaster would not specifically regulate with this tool. The watermaster would discuss classification with potential applicants for water to explain what the classification is and what uses are allowed under the classification.

Serious Water Management Problem Areas (SWMPA)

The watermaster would help to ensure water users are complying with the SWMPA requirements. If the watermaster finds non-compliance with the SWMPA requirements, they may restrict or shut off water use until the user is in compliance.

Critical Ground Water Area Designation (CGWA)

The watermaster will actively regulate water use according to the terms of the CGWA. This would include regulation by priority date of the water right, within designated subareas. Junior priority dates will be shut off allowing only senior priority dates to apply water that are within the limits designated by the CGWA.

Groundwater Mitigation Area

This tool is only used within the Deschutes Basin. The watermaster would provide mitigation criteria to applicants for new uses in this area.