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Division 512 Rules Advisory Committee

Meeting 13 (March 5th, 10 am – 12 pm)

This document is a summary of Division 512 Rules Advisory Committee (RAC) meeting number thirteen held online on March 5, 2025, from 10 am to 12 pm. For more information, see the Meeting Agenda, Meeting Presentation, Draft Rules, and other Meeting Materials, available on our [rulemaking website](#). This summary is intended to capture key questions and discussion items however it is not an official transcript or includes “minutes” of the meeting. [The recording of the March 5 meeting is available online.](#) This summary captures key take-aways as identified by the third-party facilitation support and should not be interpreted as the confirmed thoughts and opinions of the OWRD, the RAC, or members of the public.

RAC Members in attendance on March 5:

Barbra Howard
John Short
Karen Moon
Kristen Shelman
Mark Owens
Jess Wenick
Lorissa Singhose
Andy Root
Rob Frank
Zach Freed
Brenda Smith
Ben McCanna
Brandon Haslick

Oregon Water Resources Department (OWRD) staff in attendance were:

- Tim Seymour
- Kelly Meinz
- Laura Hart
- Jason Spriet
- Ben Scandella
- Darrick Boschman
- Alexandria Scott
- Dally Swindlehurst
- Rachel Lovellford

Bryant Kuechle and Angela Singleton with The Langdon Group contracted with Oregon Consensus (OC) at the National Policy Consensus Center at Portland State University to provide third-party, neutral facilitation services. Bobby Cochran from Oregon Consensus was also in attendance.

Welcome and Introductions

Bryant Kuechle introduced himself, shared ground rules, reviewed the operating guidelines, reviewed the agenda, reviewed the upcoming schedule, and facilitated self-introductions by OWRD staff and RAC members. The following ground rules were shared:

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

Bryant Kuechle shared the following goals for the meeting:

1. Provide an update on Rules Advisory Meeting Schedule
2. Gather input around the draft SWMPA rule language
3. Gather input around the draft classification rule language

Update on Schedule

OWRD provided an update on the RAC schedule and expected meeting topics.

- **RAC Meeting 14** - April 2, 2025, from 8AM- 3PM at the Harney County Community Center
 - Expected discussion topics:
 - Management Scenario, implementation and adaptive management
 - CGWA Rule Language
 - Fiscal Impact
- **RAC Meeting 15** - May 15, 2025, from 8AM – 3PM at the Harney County Community Center
 - Expected discussion topics:
 - Proposed SWMPA rule language, classification, CGWA
 - Fiscal Impact
- Public comment period is open from June 1, 2025, to August 7, 2025, with public hearings from August 4-6, 2025.
- OWRD staff drafting report August 8 – November 26, 2025.
- Water Resources Commission meeting on December 12, 2025, will be asked to vote to adopt the rules.

The following captures some of the key comments and questions from that discussion. Names are not attributed to their respective question or comment:

- Is it possible to add an additional RAC meeting to provide RAC members with an update from the public comment period prior to OWRD staff submitting their report to the Commission? OWRD will look into the possibility of doing that.
- Will the RAC see the actual reduction percentages at the April meeting? OWRD will provide the RAC with the PTW and the proposed management scenario in the April and May RAC meetings.
- Are the rules finalized, and the RAC is just providing comments on the rule language? OWRD confirmed that the rules are not finalized and are still being drafted. OWRD is still accepting feedback and comments on the rules.

Draft SWMPA Rule Language

OWRD provided a review of the comments received during the last virtual extension RAC meeting, and led a presentation and discussion on SWMPA rule language with the goal of gathering feedback from the RAC on the following:

- Boundary
- Deadline
- Reporting
- Specifications
- Broken Flowmeter

The following captures some of the key comments and questions from that discussion. Names are not attributed to their respective question or comment:

- It is unclear as to why the southern region is included in the SWMPA boundary if it doesn't meet the criteria. *OWRD response:* The Division 10 groundwater report and study show that the Harney Basin is one groundwater reservoir, and we want to manage the groundwater reservoir as whole and in an effective manner. There is development in the southern portion of the basin, and we are seeing groundwater levels decline. Measuring and reporting all portions of the basin are important for ensuring accountability.
- There is concern about having all southern water users being mandated to install new devices and incurring financial hardship because of it. If the only reason they are included is to measure and monitor, then every well owner in the state of Oregon should be required to install flow meters.
- Has OWRD done an analysis of the staff and resources needed to implement the cost share program, and to ensure that the data is able to be used? *OWRD response:* The Department is having discussions about this, and planning is ongoing. It was reiterated by a RAC member that he will likely bring this point up again until he sees the plan.
- **Section 1**
 - Will there be quick links to the statutes referenced in the finalized rules? This will make it less arduous for people to find the correct statute and understand the rule because we don't write out the associated statutes in the current draft rules. *OWRD response:* We agree that the rules should write out the conditions and not simply state the corresponding ORS for people to research. Links can also be added in addition to explaining the conditions.
- **Section 2**
 - The rules allow for alternative measurement methods in the SWMPA. A watermaster could do real time regulation instead of waiting for last season's data using OpenET. *OWRD response:* OWRD has decided not to use ET at this time. We need to effectively monitor the water, and we can't do that if don't know where the water is coming from on the field.
 - If ET was good enough to calibrate a model and set PTW, then it should be accurate enough to use for regulation of individual fields. *OWRD response:* There is a difference between the geographic scales of use (field size vs subbasin). OWRD will send out the OpenET document that the Department drafted.
 - If we're trying to meet PTW in a subarea, why does it matter what is pumped by an individual well? OWRD will follow up with an answer to this question.
 - There should be an alternative method for measuring. Perhaps have some farmers install real-time telemetry to help calibrate OpenET data. The type of meter and age of meter affects the age. This is the direction we need to go, but we may not be able to get there by 2028.
 - If the same amount of money that was used to install meters was invested into developing ET instead, it would be a better use of funds. This is a short-term solution for a basin, not a long-term solution for the state.

- **Section 3** – No comments
- **Section 4**
 - Where in rules does the cost sharing get defined? Is it in the rules? Where is that defined? Is it a one-time deal? What if there are problems with it? It would be nice to have this program defined in the rules so that there is certainty. *OWRD response:* The program is fairly flexible and not a one-time deal. If a meter goes out and we require you to report data, the program is available to you still.
- **Section 5**
 - If you don't use all your water right in 2024, can you bank the rest for use in 2025? Or does that water belong to the State? *OWRD response:* No, your water right is only valid through a single irrigation season.
- **Section 6** – No comments
- **Section 7** – No comments
- **Section 8** – No comments
- **Section 9** – No comments
- **Section 10** – No comments

Public Comment

Bryant Kuechle requested a show of hands by members of the public interested in providing public comment. The following provided verbal comment. [Comments begin at 1:20 on the meeting recording.](#)

- Ken Bierly

Classification of SWMPA Rule Language

OWRD provided a review of the comments received during RAC meetings 7 and 8 about the classification boundary.

The following captures some of the key comments and questions from that discussion. Names are not attributed to their respective question or comment:

- **Boundary Map**
 - Are we going to regulate back everything or are we going to classify some uses such as municipal or commercial that would support other commerce. *OWRD response:* Currently the draft language regulates exempt uses. The Department is open to suggestions on what to classify.
 - Does OWRD have the latest comprehensive land use plans for Harney County so that it can be reviewed and considered with relation to the rules? *OWRD response:* We are not sure who all has seen it and would appreciate if you could send it over.
 - Is this related only to new groundwater right applications? *OWRD responded:* answered that it's only for new rights.
- **Section 1**
 - Where do we include the change in the season of use? *OWRD response:* If the language is based in rules, then there is more certainty. Voluntary cancellation of a right to get a new right doesn't make much sense since you could accomplish the same thing with a transfer, and you'd get to keep the priority date of the transferred right. The Department will follow up by providing more information on the policy.
 - Couldn't the rule allow for a community well to be permitted only if the same amount of water use is voluntarily cancelled? *OWRD response:* This question has the same answer as the previous question.
 - There will be a requirement for a permanent cover crop as specified in the conservation

plan of action. The option OWRD is thinking about seems reasonable. You need to think about regulation effects for enrolled junior users. OWRD in chat - Agree, if the permanent cover crop will require irrigation for a short time, OWRD will continue to look for options that can work for junior users.

Public Comment

Bryant Kuechle requested a show of hands by members of the public interested in providing public comment. The following provided verbal comment. [Comments begin at 1:41 on the meeting recording.](#)

- Jerry Grondin
- Kirk Blackburn

Meeting Wrap Up

- The next RAC meeting is April 2, 2025, at the Harney County Community Center. This meeting will be in person with a virtual option.
 - The Department will accept comments about classification and SWMPA by March 17, before the next RAC meeting.
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