



Division 512 Rulemaking Informational Session 3: Serious Water Management Problem Area (SWMPA)

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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 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 New 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

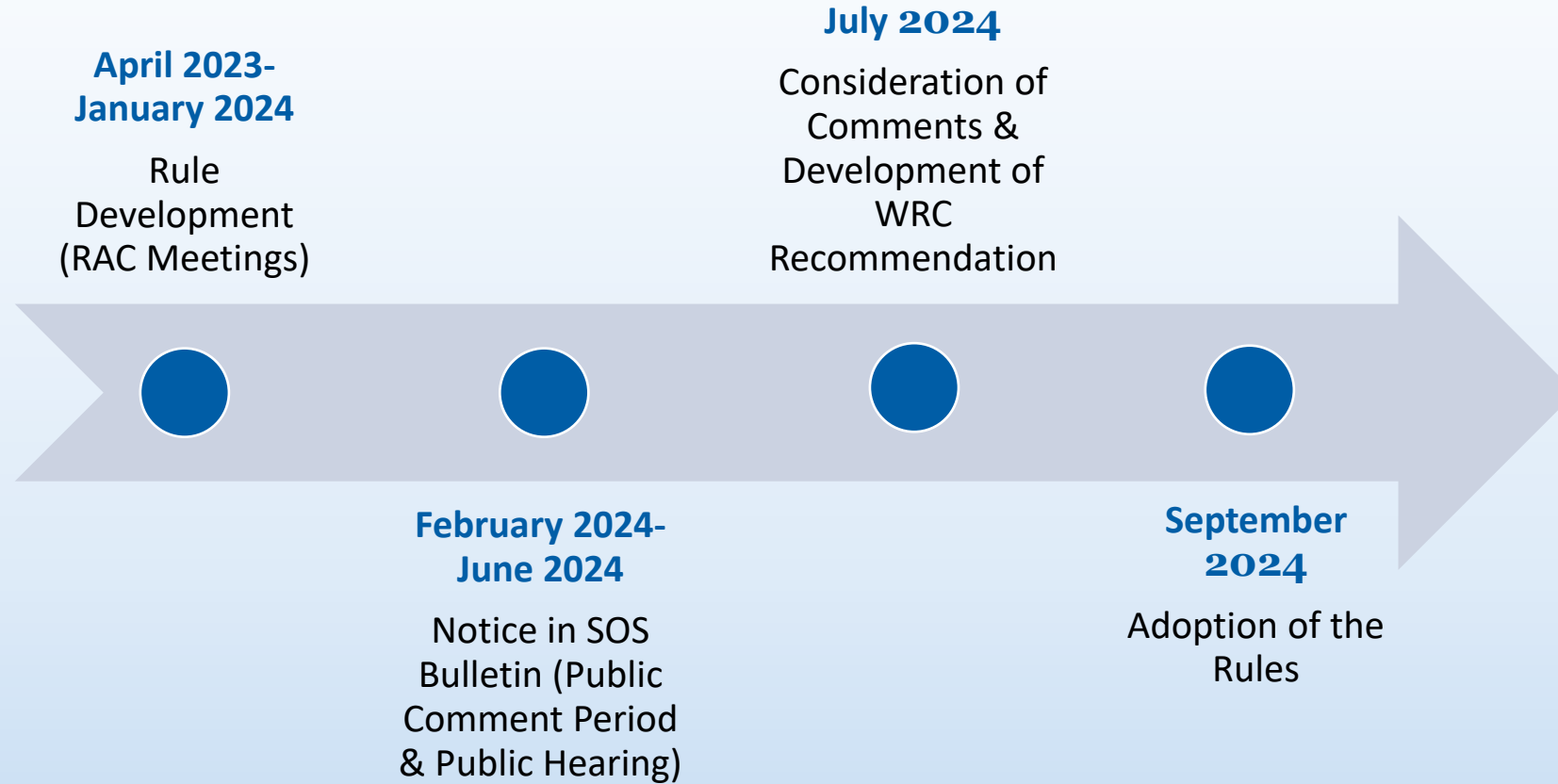
Tool	Descriptions	What does it control?
Permit Conditions	OWRD regulates groundwater use based on permit conditions.	Present Use

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 a Serious Water Management Problem Area?

- ORS 540.435 - Authorizes the Commission to establish a Serious Water Management Problem Area (SMWPA) and:
 - May require any water right owner to install a totalizing measuring device on any surface water or groundwater source.
 - May require submission of an annual water use report,
 - Watermaster may prohibit water use by anyone who fails to comply.
- Provides accountability for water use.

- The Commission must meet the following requirements when designating a SWMPA:
 - Identify that one of the criteria for designation has been met.
 - Hold a public hearing.
 - Allow alternative proposals for metering, data gathering, and reporting formats.
 - Adopt a rule to create the designation.

SWMPA Designation Requirement: Criteria

Criteria for SWMPA Designation

Ground water declines are occurring that don't recover annually.

There are frequent water management disputes between users.

Substantial interference exists between wells.

Ground water use is interfering with flow of water in a nearby stream, to the detriment of senior surface water rights.

The diversion of water from streams is in such quantities that interference with nearby wells occurs.

There are frequent shortages of surface or ground water.



SWMPA Designation Requirement: Public Hearing

- Notice of the public hearing **must**:
 - Be provided in the local newspaper at least two weeks before.
 - When feasible, mailed to water right holders in the proposed area.
- The hearing must be held in the proposed area for designation.

SWMPA Designation Requirement: Alternative Proposals

- The Commission must allow any affected person to present alternative options for measuring devices, methods of obtaining data, or formats for reporting data.

Alternative Proposals must:

Be submitted by an affected person.

Provide the information necessary to manage the water resource or to alleviate the water management problem

Be presented to WRD within 30 days after the public hearing.

SWMPA Designation Requirement: Rule Adoption

A rule designating a SWMPA must:

Specify the nature of the problem.

Define the boundaries of the area involved.

Specify who is required to install measuring devices.

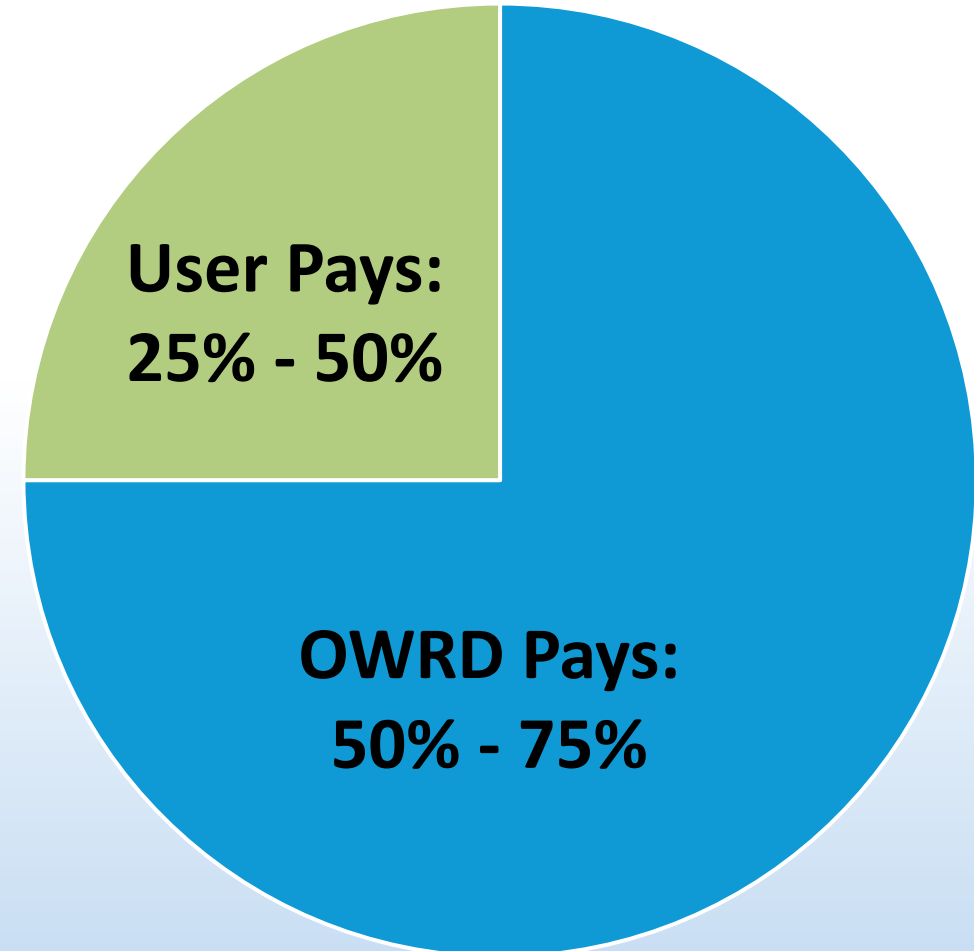
Define specifications for the types of measuring devices that must be installed.

Specify annual reporting requirements.

Provide timelines for implementation.

Water Measurement Cost Share Program

- OWRD has a Cost share agreement for installing Water Measurement Devices.

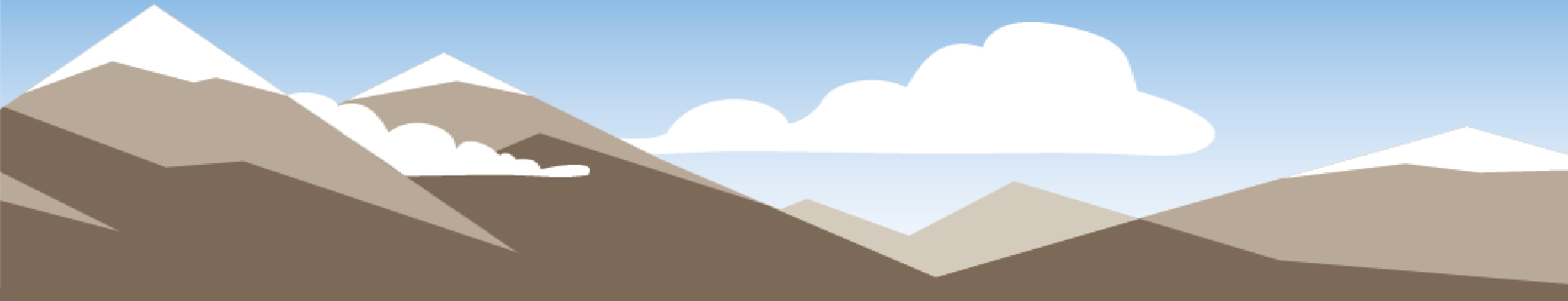


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Walla Walla: Serious Water Management Problem Area



Walla Walla SWMPA Designation

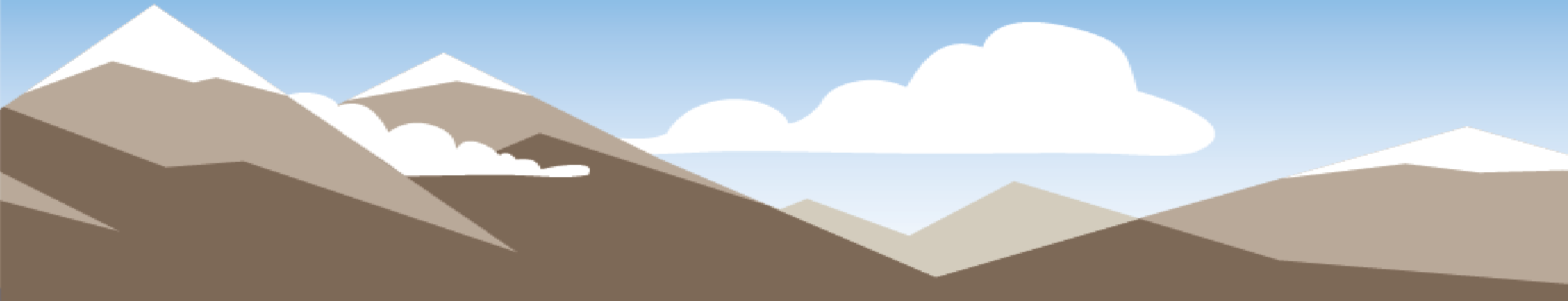
- The Walla Walla basin was the first SWMPA designation.
- **Criterion met**: Groundwater levels in the basalt portion of the aquifer were declining and not recovering each year.
- **Public Hearing**: Held in the Walla Walla basin.
- **Alternative proposals**: Were accepted and reviewed prior to rule adoption.
- **Rule adoption**: Rules were adopted in 2017.

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Walla Walla: Serious Water Management Problem Area Rule Language



Walla Walla SWMPA Rule Language

- OAR 690-507-0030(4) contains the specific language for the implementation of the SWMPA in the Walla Walla basalts.



Figure 1: Walla Walla Flowmeter

Example: Walla Walla SWMPA Rules

SWMPA Rule Requirement

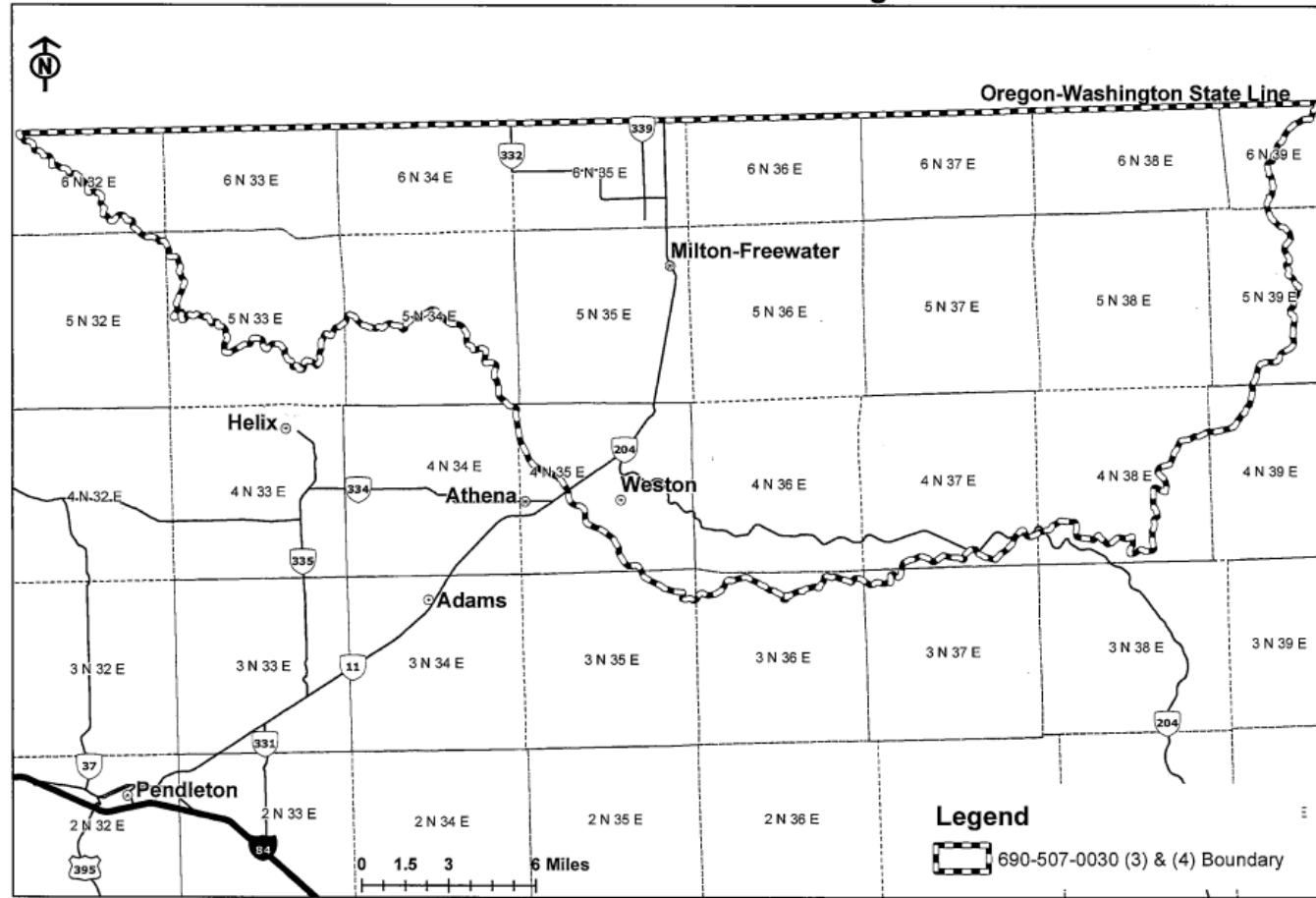
Define the boundaries
of the area involved.

“(4) Basalt Well Flow Meter Installation and Groundwater Use Reporting: The Commission establishes a Serious Water Management Problem Area (SWMPA, ORS 540.435) as shown in Exhibit 507-1.”



Walla Walla SWMPA Boundary

Exhibit 507-1: Walla Walla Subbasin Serious Water Management Problem Area.



Example: Walla Walla SWMPA Rule Language

SWMPA Rule Requirement

Provide
timelines for
implementation

Who is required
to install

“By no later than January 1, 2019, each water right holder, well owner, or well operator, shall properly install and thereafter properly maintain a totalizing flow meter on each basalt well within the SWMPA boundary listed as a point of appropriation on a valid water right. Totalizing flow meters must meet the specifications in subsections (e)–(h) and shall be properly installed according to manufacturer’s specifications.”

Example: Walla Walla SWMPA Rules

SWMPA Rule Requirement

Specify annual reporting requirements.

“The water right holder, well owner, or well operator shall keep a complete record of the volume of water appropriated each month, and shall submit a report which includes water use measurements to the Department on an annual basis by January 31 of each calendar year. The Director may request submission of reports more frequently as necessary to monitor and administer the SWMPA. Reports of water use measurements shall be submitted to the Department during the month of January for the preceding year, or more frequently as required by the Director. Reports shall be submitted on a form developed by the Department.”

Example: Walla Walla SWMPA Rules

SWMPA Rule Requirement

Define specifications
for the types of
measuring devices
that must be installed

“e) 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 register the full range of discharge from the well.

(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.”

Example: Walla Walla SWMPA Rules

SWMPA Rule Requirement

Define specifications
for the types of
measuring devices
that must be installed

“(g) Totalizers on each meter shall not be field reset without notice to and written permission from the Watermaster.

(h) 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. The flow meter shall be installed not less than five pipe diameters downstream from any valve, elbow, or other obstruction which might create turbulent flow, or other provisions shall be made that meet the manufacturer’s specifications to control or eliminate turbulent flow.”

Example: Walla Walla SWMPA Rules

SWMPA Rule Requirement

Define specifications
for the types of
measuring devices
that must be installed

“(f) The totalizing part of the flow meter shall have sufficient capacity to record 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.”

Example: Walla Walla SWMPA Rules

- **Failure to comply and penalties:**

- (i) Failure to have and maintain a properly installed, functioning totalizing flow meter by January 1, 2019, will result in the Watermaster regulating and controlling an unmetered well such that no groundwater may be pumped or appropriated until a flow meter is obtained and installed consistent with these rules.
- (j) Consistent with ORS 536.900, Chapter 183, and OAR Chapter 690 division 260, the Department may assess civil penalties for violation of these rules.

Questions from RAC 1

- Is surface water metering going to be required?
 - The Department has no intention of requiring surface water metering with this rulemaking.
- Could surface water metering be required at a later time?
 - Yes, the Department could come back and require measurement and reporting of surface water for the whole basin or parts of the basin. To do that, the Department would have to go through another rulemaking process.
- Is a SWMPA designation ever removed from a basin?
 - Only one SWMPA designation currently exists and was adopted in 2017. The Department has not removed a designation, but could. A rulemaking process would be needed to remove a SWMPA designation.

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Questions?