

Oregon's Groundwater Allocation Rulemaking



Background

Water is a finite and critical resource. In some parts of the state, water pumped and used from underground aquifers is far outpacing what nature can replace through natural water and precipitation cycles. Scientific data confirms that groundwater depletion is occurring at a rapid and unsustainable rate. Additionally, groundwater impacts are worsened by the effects of climate change. As a result, some parts of the state are experiencing dry wells and water scarcity which impacts families, farmers, industry and recreation. Much of the water in streams during summer months comes from groundwater sources. With groundwater sources declining, reduced surface water flows in streams, rivers, and lakes inhibit healthy fish, aquatic habitat, and recreation.

After decades of groundwater declines, the Oregon Water Resources Department (OWRD) is responding to the modern water realities experienced by Oregonians and confirmed by science. To limit the long-term impact of unsustainable groundwater depletion around the state, OWRD is working to modify longstanding practices and rules for new water right applications. With a forward-looking approach that considers the needs of future generations, OWRD is working to safeguard existing surface water and groundwater users and the livelihoods they support, while managing groundwater resources more sustainably.

Current Groundwater Availability Review Process

The current groundwater availability review process does not adequately address the cumulative and long-term impacts to existing users and the groundwater and surface water systems over time. The current process evaluates one-year short-term acute impacts to surface water bodies within one mile of the proposed location in the application. When making a site-specific determination for an application, the reviewers rely on available site data, or when necessary, the basin scale level groundwater data as a substitute. Under this approach, permits are generally granted until the basin has more water allocated than may be available at the specific location. **Climate change plays a role in this problem and adds urgency to this issue, making this rulemaking crucial.** Revisions to the groundwater application review process are necessary to ensure it comprehensively addresses long-term impacts and the sustainability of Oregon's vital water resources.

Proposed Rules

The proposed rules focus on updating how OWRD determines if water is available to support new groundwater rights. The proposed rule changes are not intended to impact exempt groundwater use, existing water rights, water rights transfers, or groundwater applications in the agency queue at the time of rule adoption.

The proposed rules clarify, and update key terminology used for decision-making when issuing new groundwater rights. Under the proposed rules, water is considered available if the groundwater levels are reasonably stable, the proposed groundwater pumping does not interfere with surface water flows

and the aquifer can produce the water at the full amount requested. If the Department is not able to make site-specific determinations based on existing data, a finding that no water is available for the requested use and the application would be denied. In practice, this would mean overall fewer new water right applications would be granted.

Water for the Future

Cities in the western U.S. have found ways to grow their populations and economies while using less water. Growth can continue to occur in Oregon, but Oregonians must adapt, invest and innovate to meet the changing water realities and address health and safety, population growth, economic development, and housing needs of the state.

Some examples include:

- Efficiency and conservation measures to offset water needs.
- Transfer of water rights.
- Water sharing agreements.
- Market-based solutions.
- Designing for water reuse and reclamation.

On a larger scale, planning initiatives can help communities explore multifaceted solutions to their long-term water needs.

Similar options to meet water needs may exist for other water users, such as agriculture and industry.

Water Summary

Oregon is one of many western states dealing with rapid groundwater depletion. Groundwater depletion negatively impacts existing groundwater and surface water uses and wildlife habitats. Previous water rights determination practices did not consider long-term impacts to groundwater and surface water when granting water rights. Oregon Water Resources Department is proposing to modify and update key terminology and add provisions to determine if water is available for new groundwater rights. This would mean many new groundwater use applications would be denied, because they would result in unsustainable water use. Future water uses would likely require alternative pathways as identified above to meet new water demands.

The goal of the rulemaking is to better ensure existing water users receive consistent water throughout the year while also slowing groundwater depletion which benefits all Oregonians now and in the future.

Contact

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