



Oregon

Tina Kotek, Governor

Water Resources Department

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Testimony for House Bill 3130

House Committee on Agriculture, Land Use, Natural Resources, and Water

Representative Ken Helm, Chair

Submitted by: Bryn Hudson, Legislative Coordinator

2/7/2023

Thank you for the opportunity to provide information related to House Bill 3130 which appropriates funds to the Department to facilitate voluntary agreements among ground water users. This testimony is provided for informational purposes and the Department is not taking a position at this time.

Department Groundwater Responsibilities

The Department is responsible for collecting and analyzing groundwater information, and managing the groundwater resources of the state, including the designation and management of groundwater administrative areas, such as critical groundwater areas. A critical groundwater area (CGWA) may be designated to address groundwater supply, quality, or thermal issues. A designation under ORS 537.730-742 allows the Commission to take corrective actions necessary to address groundwater issues, which may include reducing groundwater pumping under existing permitted or certificated rights. ORS 537.745 authorizes the Water Resources Commission to “encourage, promote and recognize voluntary agreements among ground water users from the same ground water reservoir.”

Background on Work in the Greater Harney Valley and Community Interest in Voluntary Groundwater Agreements

In 2016, the Commission established the Greater Harney Valley Groundwater Area of Concern (GHVGAC; OAR 690-512) based on observed declines in groundwater levels and “to ensure that groundwater in the GHVGAC is appropriated within the capacity of the resource, and that new appropriations of groundwater assure the maintenance of reasonably stable groundwater levels and prevent depletion of the groundwater resource.” The Department intends to establish a Critical Groundwater Area in the upcoming year, with possible corrective groundwater control measures to follow. That process is likely to take several years.

Since 2017, the Harney Community-Based Water Planning Collaborative has participated in the Department’s Place-Based Integrated Water Resources Planning Program. In 2022, the group commissioned [a report to evaluate collaborative groundwater management strategies and policies, particularly voluntary groundwater agreements](#). Generally, voluntary groundwater agreements are a way for groundwater users from the same reservoir to take joint action with the Department to address declining groundwater levels. This report found that while ORS 537.745 authorizes the Department to encourage and promote voluntary agreements, there is a need to further clarify the process and substance of such agreements, such as considerations for



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geographic management scope, how many water users in the area must sign on to the agreement, and timelines for achieving agreement goals.

The groundwater statutes support and encourage voluntary agreements as a method for ensuring reasonably stable groundwater levels; however, the Department does not have much experience with such agreements, only finding one example in historic documents. In order to develop a clear understanding of the criteria and definitions for evaluating the adequacy of a voluntary agreement, the Department understands that the bill includes funding for staff that would work with local communities and develop guidance and/or rules governing voluntary agreements.