

## Setting the Record Straight – Don't Rely on Sound Bites, Ask for the Facts

- The Harney Basin is NOT being over-pumped. A peer-reviewed USGS study showed that pumping in the basin is LESS than available recharge.
- The Harney Basin is 5,240 square miles. The Harney Basin Critical Groundwater Area adopted by the Water Resources Department is 2,409 square miles – 46% of the Harney Basin. This area is 10 times bigger than any other Critical Groundwater Area. The largest area prior to adoption of the Division 512 rules was 274 sq miles.
- For 4,715 sq miles or 90% of the basin – including the Silver Creek, Blitzen-Voltage, and Silvies areas – the substantial evidence provided by the Department *clearly shows* that these areas meet the *current policy definition* of “reasonably stable” conditions, which is the statutory standard in Oregon. The Department does not have any substantial evidence to call these areas critical.
- Much less than 10% of the basin is overpumped or has evidence of excessive declines (wells concentrated in Weaver Springs and scattered over Northeast-Crane). For two years the Water Resources Department led our community to believe that these were the only parts of the basin that would be regulated and that regulation would be targeted and focused in these areas to limit economic impact.
- For two years, from April 2023 to April 2025, the Water Resources Department assured members of our community that they would not regulate areas without excessive declines that they would encourage voluntary approaches. At the very end of a lengthy process, they changed their minds after undisclosed meetings with advocacy groups outside of our basin. They changed the goal and their approach without notifying or involving our community or the rulemaking committee.
- Our community worked for **10 years** to develop a consensus-based collaborative plan to guide water management for the future that was recognized by the state. The plan and the voices of the people of Harney County were ignored in the rulemaking process in favor of a purely regulatory approach favored by advocacy groups.
- The Water Resources Department **ignored and rejected** an alternative proposal that was collectively developed and proposed by Harney County, the City of Burns and Hines, the Burns Paiute Tribe, the Malheur National Wildlife Refuge, small businesses, and residents of Harney County. This level of cooperation on any water issue is unprecedented. The entire community was essentially ignored.
- The rules adopted by the Water Resources Department’s will result in a **loss of more than 10% of Harney County’s entire workforce**, directly contradicting the Governor’s Roadmap to Economic Prosperity.
  - This would be like eliminating all 4,400 positions with the Oregon Health Authority, which is 10% of the State of Oregon’s state employees.
  - This would be like losing Intel’s 20,000 employees and Nike’s 10,000 employees, 10% of Washington County’s workforce.

- The adopted rules threaten public welfare, safety, and health rather than protect it by eliminating family wage jobs and creating an environment of regulatory and economic uncertainty for a rural community with high levels of poverty. It reduces state revenue and local taxes that fund public services like schools and hospitals.
- The Water Resources Department refused to consider community supported alternatives to reduce economic impacts in direct violation of the Administrative Procedures Act.
- The Water Resources Department did not coordinate with affected local governments in direct violation of Oregon's land use laws.
- The Water Resources Department continuously emphasized only the most alarming technical information to support their predetermined policy outcomes.
- The Water Resources Department repeatedly misrepresented public comments to decision-makers suggesting that there was more support than actually existed.
- The Water Resources Department made many misleading statements and did not correct inaccurate statements about the impacts of pumping in our basin, leading decision-makers to believe that we would run out of water if they didn't regulate.
- The Water Resources Department is knowingly leading this basin into conflict and litigation, despite a decade of promising collaboration. This will cost family farmers and the public taxpayers millions of dollars. Money will go to lawyers rather than water management and conservation.
- The Water Resources Department is using the language of collaboration, partnership, and adaptive management but doing the exact opposite. They have no intention of involving our community, which became clear during the rulemaking process and public comment period for their rules.
- The adopted rules will essentially take available groundwater supplies away from legally granted groundwater right holders without a clear legal basis to do so in violation of our constitutional rights.
- The proposed rules adopted by the Water Resources Department quietly overturn they system of prior appropriation and over 100 years of water law. Everyone in Oregon should be concerned about what this means.
- The Water Resources Department continually promises transparency and partnership to our faces and then in private meetings they actively undermine our efforts and work against us.
- Now the Water Resources Department and the same groups that negotiated behind closed doors to ruin family farms in Harney County and destroy our economy want to hold us hostage to their rules that are not commonsense, not collaborative, and do not represent a compromise.
- HB 4049 will allow us to sustainable manage groundwater while minimizing devastating economic impacts to our community.