Potential for Voluntary Agreements: Situation Assessment for the Blitzen Voltage Subarea

Background

Between January and June 2025 a situation assessment was performed to understand the potential for voluntary agreements in the Blitzen Voltage Subarea. As a part of this situation assessment, 9 landowners in the Blitzen Voltage Subarea were interviewed to gather observations on groundwater conditions in their subarea, better understand their irrigation operations and opportunities for voluntarily reducing water use, elicit their feedback on the draft rules, and to assess their interest in forming a voluntary agreement. Information was also gathered from meetings of the Rulemaking Advisory Committee, public hearings, and available written materials. Three initial meetings have been held with groundwater users in this area and a first draft of a voluntary agreement has been drafted for the Blitzen Voltage Area. A draft of the voluntary agreement for the Blitzen Voltage Area is expected in September 2025 with a desire to bring it before the Water Resources Commission in December. A summary of the key takeaways is included here. Identifying information about the interviewees has been removed. All information collected from interviewees is kept confidential. The groundwater users have requested that no drafts of voluntary agreements be shared without their unanimous consent.

Interest in Forming a Voluntary Agreement

- Nearly all groundwater users interviewed in the Blitzen Voltage Subarea are strongly interested in entering into a voluntary agreement. There may be an interest in forming a separate or connected voluntary agreement for the former Windy Point area. See below for the proposed process.

Groundwater Conditions in the Blitzen Voltage Subarea

- Groundwater users would like to delineate the Blitzen Voltage Subarea as a distinct groundwater management area for purposes of forming a voluntary agreement. This area may include a small portion of the Northeast-Crane area south of Windy Point. This area may also include the Upper Blitzen Subarea. The boundaries are actively being discussed. Generally there is support for inclusion of the entire “southern region” of the USGS groundwater budget, though individuals near boundary lines would like to invite further discussion.
- There are approximately 16-24 groundwater users in the Blitzen Voltage Subarea.
- The Blitzen Voltage Area is recharged by precipitation in the uplands and recharge from Donner Und Blitzen River. This area is distinct from the Silvies River and Silver Creek areas. There is variability in the subsurface, with many different theories and questions about the directional flow of groundwater, the saturated thickness and yield of the various aquifers, recharge potential of Steens Mountain, the hydraulic connection with other parts of the basin, the role of faults in the flow of water, and many other things. Some groundwater in this area is believed to be fairly modern. Generally well yield is very good and high yield wells are completed at relatively shallow depths. Some believe that the Voltage Basalts are highly transmissive and receive a significant amount of recharge from the Steens Mountain.

- Groundwater users interviewed did not express concern about groundwater level declines in this area. Groundwater level declines have been minimal and are not uniform across the this area. Some wells have increased during their period of record. Some wells have risen above reference levels set by the Department. Some wells chosen by the Department to be representative appear to be anomalous and are not considered representative by groundwater users interviewed. There are questions about the Department's selection process and concern that it might be biased towards inclusion of concerning data with the purposes of reinforcing certain narratives about this part of the basin.
- There is a desire to better understand hydraulic connection between the Blitzen Voltage Subarea, Weaver Springs, the Warm Springs Valley, and the Northeast Crane Subarea. The link between these areas is not understood or supported by groundwater users in this area and more discussion is warranted. There are questions about the extensive clay layers in the center of the basin and how they affect flow from south to north.
- Without the declines in the Weaver Springs Subarea or the Northeast-Crane Subarea and the determination that this is all one groundwater reservoir it does not appear to groundwater users interviewed that there would be problems in the Blitzen Voltage area. Some believe that the west side of the "southern region" (the area west of the Donner Und Blitzen floodplain and west of 205 belongs in a separate area given differences in water quantity and quality. Wells west of the Donner Und Blitzen River are expected to be part of a different system given that water quantity is known to be poor and is not expected to receive significant recharge from the Steens Mountain or Donner Und Blitzen river. There are questions about the connection between the Blitzen Voltage area and the Warm Springs Valley.
- Groundwater users interviewed are not aware of any domestic well users in the immediate area who have observed concerning declines, had to deepen their well due to declines, or expressed concern. There is a strong interest in ensuring adequate and safe supplies for human and livestock consumption because they all rely on groundwater for their homes and livestock. No concerns were expressed about the groundwater quantity or quality for Blitzen Voltage area, with the exception of "pockets" of water close to and west of 205.
- Groundwater users believe that groundwater in this area is generally stable, with some pockets of water that did not appear to have a sustainable yield and questions about the differences in groundwater quantity and quality in different portions of the Subarea.
- There is a desire to engage with groundwater scientists to better understand aquifer properties in the Blitzen Voltage area, especially where claims made by scientists do not correspond with local ecological knowledge. This presents an opportunity for partnership to better understand the groundwater system, but groundwater users sense a hesitance from the Department to actively engage them on their outstanding questions or uncertainties. They feel that their contributions and questions have largely been ignored or that Department staff spend most of their time defending the science or defending their decisions rather than engaging groundwater users to develop a shared understanding.
- Groundwater users expressed an interest in retroactively and proactively addressing other known issues in some aquifers, including well construction issues as well as water quality issues. They wondered if the Department had an interest and willingness to partner on other issues or if the Department was only focused on regulating groundwater users. By focusing

just on regulation of irrigators, some groundwater users expressed that the State did not actually seem interested and invested in holistic water management in this area to ensure the long-term health of the groundwater system and groundwater users.

Agricultural Operations and Opportunities for Voluntary Water Reductions

- Groundwater use varies from groundwater user to groundwater user depending on their soil, where they are located, interannual variability in weather, microclimate, irrigation technology, level of experience, capacity, crops, proximity to surface water, and many other factors. All groundwater users report being able to grow their crops with 2.5 acre feet, though sometimes they need or want the flexiblity to go above this amount. They expressed an ongoing need for flexiblity. Groundwater users are concerned about losing their rights if they do not use the full duty allocated, especially if they are publicly reporting groundwater use to the state. They are concerned that information they share will be used against them.
- The irrigation infrastructure amongst groundwater users varies in this area, though most are using pivots. There are some groundwater users who are still on wheel lines and have the opportunity to upgrade irrigation infrastructure, but some are hesitant to make costly upgrades without a sense of certainty that they will not be regulated off and lose those investments.
- Groundwater users expressed interest and excitement about joining together, being more connected to one another and exchanging ideas about how to better manage groundwater. Groundwater users see a lot of opportunity to effectively manage the resource and look forward to working together and learning from one another, but also see that it will require a lot of active effort given that farmers and ranchers are historically pretty independent.
- Groundwater users expressed the desire for greater flexibility in how and where they use their water and indicated many opportunities to reduce groundwater use with greater flexibility.
- Some groundwater users grow crops and have livestock, some just grow crops. Some groundwater users primarily use what they grow for their own livestock and would have to purchase feed if they were not producing it. Much of what is produced stays within the local, state, and regional economy and is important source of high-quality feed for local ranching communities.
- Everyone interviewed is deeply rooted in the community. Most groundwater users have a desire to include their children and grandchildren in their operations and to have the younger generations inherit their operations. They are concerned that this may no longer be possible with the proposed regulations. They expressed an appreciation and respect for their neighbors and the culture in this part of the basin that prioritizes looking out for one another and supporting one another.
- Groundwater users noted that their operations not only provide for them and their families, but also contribute to their identity and sense of belonging in their community. They feel a strong sense of duty to contribute to regional, national, and international food security. They are proud of the contributions they make to the local community and economy. They believe they are good stewards of the land and water resources and are open and willing to improve their practices. For most groundwater users working on their farms is how they spend all of their time and they are deeply dedicated to the agricultural way of life. It is

more than a way to make a living, it is their full-time job, their hobby, their social life, their home, and their family life. Most of them have not considered other lines of work and do not have an interest or desire in pursuing opportunities outside of their current operations as it provides a sense of fulfillment and purpose and they are good at what they do.

- Groundwater users offered up the following actions for reducing water use:
    - Temporary fallowing
    - Crop rotations / delayed planting
    - Alternate crops
    - Irrigation technology / sprinkler packages
    - Temporarily or permanently reducing acreage
    - Data driven management/more active management
    - Experimentation
    - Deficit irrigation
- Having security and flexibility would allow groundwater users to implement water savings measures. Groundwater users are generally motivated to improve their operations to maximize yield with the least amount of water, but would benefit from support from the state and other partnres.

Feedback on Proposed Rules

- The groundwater users that participated in or tracked the rulemaking effort expressed dismay at the process. They felt that the there was very little opportunity to effectively engage in the process and that most of their questions or contributions were dismissed or ignored. Groundwater users questioned whether their input or feedback on the rules would even matter and expressed that the Department does not appear to be open to receiving feedback. They did not feel like they were treated as partners in the rulemaking effort and instead felt like targets.
- Groundwater users question the determination that the entire Harney Basin is a single groundwater reservoir given the different areas of recharge and discharge, different water quality and chemistry, different aquifer characteristics, different hydraulic gradients, the travel time of groundwater through the subsurface, well yield, and the geographic distribution of irrigation. Groundwater users are generally in agreement that there a different aquifers that produce differing amounts of water with differing quality and chemistry. There is a desire to drill into the definition of groundwater reservoir and come up with more site-specific determinations based on more criteria. This is an area where groundwater users invite partnership, especially around opportunities to improve the collective understanding of groundwater in this area.
- Groundwater users do not feel that the Department has substantial site-specific evidence to include the Blitzen Voltage Subarea in a critical groundwater area designation. They noted that no wells have excessively declined or are declining excessively. This area is not overdrawn or about to be overdrawn according to the Department's own definition.
- Groundwater users indicated that they had been tracking the process of the rulemaking up until recently and were surprised at the changes that had been made over the last few months. Several groundwater users expressed a preference for the boundaries that had been previously proposed (Windy Point) or adjusting the current boundaries so that the area

south of Windy Point is in the Blitzen Voltage Subarea. They indicated that these wells had more in common with the wells in the Blitzen Voltage Subarea than they did with the Northeast-Crane Subarea.

- Groundwater users are confused by the significant reductions being proposed for the Blitzen Voltage Subarea. Earlier proposals from the Department showed that no reductions were being proposed in the Blitzen Voltage Subarea due to the lack of concerning data. The proposed rules are now showing that the Blitzen Voltage area is facing significant regulatory reductions despite the fact that groundwater levels are relatively stable. Some groundwater users who were tracking the process in the beginning have been taken by surprise by this new proposal, which emerged in the last few months of the RAC. They question how the Department arrived at these reductions given the earlier messages and proposals.
- Groundwater users wanted to better understand how the permissible total withdrawal was set and believed that it was set much too low. They offered to work with the Department to develop a reasonable permissible total withdrawal that accounts for all users once there is agreement on a problem and a goal for this area. They did not understand the basis for the proposed permissible total withdrawal.
- Groundwater users indicated that the initial allocation seemed arbitrary and had questions about how this initial allocation would affect their underlying right. While they generally believe they can grow a crop with 2.5 afy, they do not support reducing flexiblity for farmers.
- Groundwater users had questions about the Department's ability to track groundwater use and effectively regulate groundwater use given an inconsistent track record in the past with data collection and analysis and regulation.
- Groundwater users had questions about the contested case process and how they are expected to engage in that process and how they could advocate for themselves in that process.
- Groundwater users believe that groundwater in this area is already stable and they do not understand how the Department can justify any regulatory reductions. Numerous groundwater users noted that groundwater levels have shown minimal declines, have remained stable, or have actually increased. They noted that the basin had been in a long-term drought and wondered at the effect of the drought on groundwater level trends.
- Groundwater users question the underlying data and assumptions upon which the Department is basing its decisions. They characterize the Department's position as largely defensive and unwilling to account for local knowledge. It has been difficult to engage the Department on the scientific and legal basis for their decisions. Rather than being invited to work with the Department to identify and resolve problems, the groundwater users feel that they have been put in a reactive position whereby they are reacting to what the Department wants.
- Groundwater users do not agree with the determination that their groundwater use has an effect on groundwater level declines north of Malheur Lake in the Northeast-Crane area. They do not understand how the Department has determined hydraulic connection with this area.
- Groundwater users are concerned about transfers and how they will be handled in the future. There have recently been transfers into the Blitzen Voltage area from the Weaver Springs area that may "reprioritize" water rights to make some users more junior to the

transferred rights. There are questions about the Department's processes and ongoing concerns about fairness.

- Groundwater users expressed interest in and concern for springs, but also questioned whether the Department actually had an intent to monitor and manage for springs. Other than implementing regulatory reductions, there are questions about what the Department can or will do to actually understand the springs in this area and work with groundwater users on effective monitoring and management.
- Groundwater users are interested in exploring voluntary reductions to groundwater use and improving their operations over time.

Requests for Technical Information

Groundwater users requested the following information to aid in their development and implementation of a voluntary agreement:

- What data will the Department use to analyze groundwater level trends? How does it make a determination that a well is "representative"? What if we have additional data that tells a different story? What if we believe that some of the wells that have been chosen as representative are not actually representative?
- What can the Department share about the spring discharge at Sodhouse Springs and how it might be affected by historic groundwater use and recent transfers into this area?
- What are the legal and technical bases for including the Donner Und Blitzen Subarea in the critical groundwater area and enforcing significant reductions? Request for this in writing.
- Why did the Department say that things were fine in this area and were not proposing any reductions and now they are proposing 39% reductions? What happened? Where can the basis for this decision be found?
- Why did the Department change the boundaries? Why isn't Windy Point its own separate area or included in the Blitzen Voltage area? What is the rationale for separating the Upper Blitzen area from the Blitzen Voltage area?
- What does the Department know about the boundary between the Blitzen Voltage area and the Silver Creek area? What is happening on the west side of this area?
- What is known about the actual hydraulic connection between the Blitzen Voltage area and the Northeast-Crane area? What is the data and information the Department is using to support this conclusion? Request to talk with the Department about their data and parameters in the model.
- What is known about the hydraulic connection between the Blitzen Voltage area and the Weaver Springs area? What is the data and information the Department is using to support this conclusion? Request to talk with the Department about their data and parameters in the model.

Voluntary Agreement Process Overview

October-December 2024	Review OWRD guidance; collect contact information and begin outreach; research voluntary agreements and develop templates; develop materials to support development of voluntary agreements; review and summarize relevant information from RAC meetings;

	gauge landowner interest in voluntary agreements; identify 2-3 subareas for development of voluntary agreements.
January-June 2025	Conduct outreach and organize groundwater users, conduct a situation assessment for the Blitzen Voltage Subarea, including one-on-one interviews with groundwater users; host scoping meetings to begin drafting of voluntary agreements; develop initial draft of voluntary agreements.
June-September 2025	Review, revise, and refine voluntary agreements; continue outreach to groundwater users; connect groundwater users with resources to continue drafting a voluntary agreement; work with groundwater users to present intent to file a voluntary agreement to the Water Resources Commission at their September meeting.
September-December 2025	Initiate coordination with the Water Resources Department to review the voluntary agreement and proactively work through any issues; prepare for presentation to the Water Resources Commission at their December meeting.
December 2025-Onward	Assuming adoption at the December Commission meeting, support ongoing implementation and coordination of the Voluntary Agreement.