

DATE: September 25, 2023

VIA EMAIL: mindy.j.lane@water.oregon.gov



TO: Oregon Water Resources Commission

FROM: Oregon Water Partnership

RE: Comments on Agenda Item B, **Groundwater Allocation Rulemaking Update**



Chair Reeves and Members of the Commission,

Oregon Water Partnership supports the proposed science-based rules, which will benefit people and nature by limiting further unsustainable over-allocation of groundwater in Oregon.

Oregon Water Partnership is a diverse group of statewide conservation organizations with a common goal: to advocate for balanced water policies that ensure cold clean water to sustain healthy communities, livelihoods, and ecosystems. Our priorities are to build resilience for Oregon's water future, bring water data into the 21st century, support smart water management, and protect and restore our waters. We collectively have tens of thousands of members in Oregon communities across the state, and our organizations work collaboratively with cities, counties, Tribes, farmers, ranchers, and forest owners to restore habitat and improve watershed function.

Over-extraction of groundwater is a substantial threat to Oregon's aquifers and rivers, and the communities and economies reliant upon them. Declining groundwater levels threaten water accessibility and reliability for agricultural production, drinking water security for rural communities, and existence of important recreational and cultural resources. Unsustainable groundwater use due to over-allocation of groundwater rights is already happening in many parts of the state. Chronic well level declines have been identified in state agency reports¹, peer-reviewed literature², and a recent investigative report in The New York Times.³ Unsustainable groundwater use affects hydrologically connected surface water⁴, which can injure senior surface water rights supplied by streams and rivers. More than 36,000 miles of streams, nearly half of all wetlands, and almost two-thirds of all lakes in Oregon rely on groundwater to persist⁵. These are some of Oregon's most charismatic, biodiverse, and climate-resilient habitats, and they are threatened by the over-allocation of groundwater rights.

Oregon is facing a future with more frequent, intense, and widespread drought⁶;



¹ Scandella, B., & Iverson, J. 2021. Oregon groundwater resource concerns assessment. Oregon Water Resources Department, Salem, OR.

² Saito, L., Freed, Z., Byer, S., & Schindel, M. 2022. The vulnerability of springs and phreatophyte communities to groundwater level declines in Oregon and Nevada, 2002-2021. *Frontiers in Environmental Science* 10:1007114.

³ New York Times. 2023. Uncharted Waters: America is Using Up Its Groundwater Like There is No Tomorrow. Available at: <https://www.nytimes.com/interactive/2023/08/28/climate/groundwater-drying-climate-change.html>

⁴ Barlow, P.M., & Leake, S.A. 2012. Streamflow depletion by wells—Understanding and managing the effects of groundwater pumping on streamflow. U.S. Geological Survey Circular 1376, 84p.

⁵ Freed, Z., Schindel, M., Ruffing, C., & Scott, S. 2022. Oregon Atlas of Groundwater-Dependent Ecosystems. The Nature Conservancy, Portland, OR.

⁶ Ahmadalipour, A., Moradkhani, H., & Svoboda, M. 2016. Centennial drought outlook over CONUS using NASA-NEX downscaled climate ensemble. *International Journal of Climatology* 37:2477-2491.

increased evapotranspiration⁷; and a shift in winter precipitation from snow to rain⁸—all of which will affect groundwater supply and demand. These climate trends intensify the need for the Oregon Water Resources Department (OWRD) to follow a rigorous, science-based process when evaluating applications for new groundwater rights. Oregonians are already suffering the consequences of past allocation decisions⁹, and allocations made today will affect aquifer sustainability in future decades.

The existing groundwater allocation rules are not sufficiently protective of the resource, do not align with statutory directives governing groundwater allocation, and have resulted in unsustainable groundwater use—leading, for example, to the ongoing groundwater crisis in the Harney Basin. The existing rules also fail to fully account for reductions in surface water resulting from groundwater allocation decisions. Changes to the existing groundwater allocation policy are long overdue. Oregon Water Partnership appreciates the extensive public outreach and stakeholder engagement that OWRD staff have undertaken in working on this critical issue, from holding facilitated public meetings starting in September 2022 to convening a diverse and representative rules advisory committee through September 2023.

Oregon Water Partnership also appreciates the significant progress that OWRD has made in recent years in characterizing the state’s groundwater resources, such as cooperative studies in the Harney and Walla Walla basins, the installation of new observation wells to augment the existing statewide network of more than 1200 wells, and the 2021 Oregon Groundwater Resource Concerns Assessment. These efforts, combined with ongoing and future projects like the Statewide Recharge Project, continue to provide evidence indicating that groundwater has been overallocated throughout much of the state (Fig. 1).

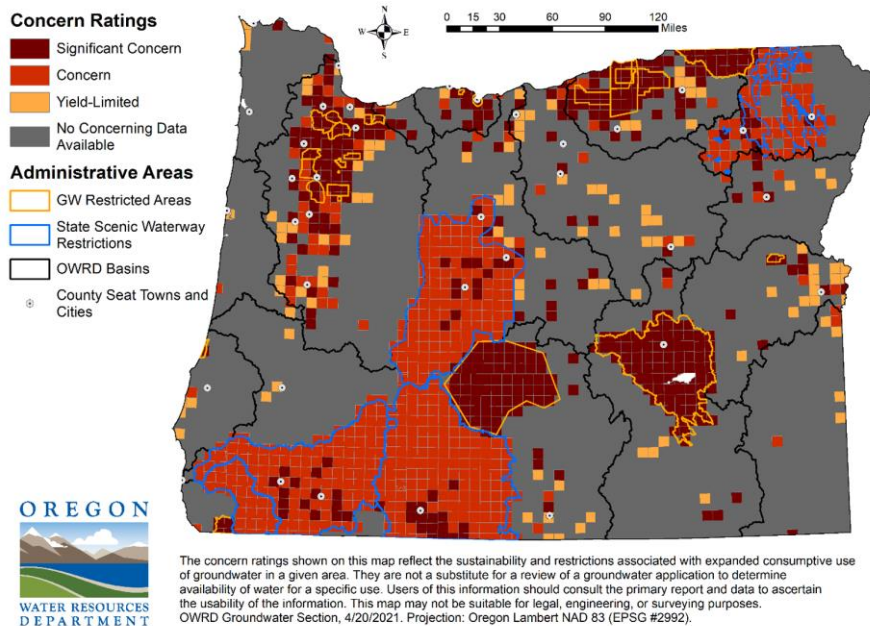


Figure 1: Map of concern ratings for groundwater in Oregon from the 2021 Oregon Groundwater Resource Concerns Assessment. The Assessment noted that concern ratings often underestimate likely long-term impacts on surface water from increased groundwater development.

In particular, the Groundwater Resources Concerns Assessment found that over 80% of applications for groundwater permits since 2010 are in areas of concern or significant concern, and about 80% of those applications were either approved or proposed for approval. This growing body of evidence compels more

⁷ Oregon Water Resources Department. 2015. Oregon Statewide Long-Term Water Demand Forecast. Salem, OR. 76p.

⁸ Nolin, A.W., & Daly, C. 2006. Mapping “at risk” snow in the Pacific Northwest. Journal of Hydrometeorology 7:1164-1171.

⁹ Oregon Public Broadcasting. 2022. Race to the Bottom: How Big Business Took Over Oregon’s First Protected Aquifer. Available at: <https://www.ijpr.org/environment-energy-and-transportation/2022-03-19/race-to-the-bottom-how-big-business-took-over-oregons-first-protected-aquifer>

sustainable and protective resource management.

Oregon Water Partnership supports the draft proposed rules because they meet the stated objective of the rulemaking: updating OWRD’s rules for evaluating and issuing new groundwater rights to protect existing water rights and manage Oregon's finite water resources sustainably. They are science-based and utilize the precautionary principle by only allocating new groundwater rights when sufficient evidence exists that the resource can sustainably support that use. We urge the Commission to adopt these draft rules in a timely manner to avoid further over-allocation of Oregon’s aquifers. The draft proposed rules align the state’s groundwater allocation policy with statute and will help the Oregon Water Resources Department achieve its mission to “**ensure the long-term sustainability** of Oregon’s ecosystems, economy, and quality of life¹⁰.”

Thank you for considering Oregon Water Partnership’s comments and please reach out to the organizational contacts below if you have any questions.

Oregon Water Partnership

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¹⁰ Oregon Water Resources Department. 2019. Strategic Plan 2019-2024. Salem, OR.