

Oregon's Updated Rules for Groundwater Allocation



Background

Water is a finite and critical resource. In some parts of the state, water pumped and used from underground aquifers is outpacing what nature replaces through precipitation. Scientific data shows that groundwater depletion is occurring at rapid and unsustainable rates in many parts of Oregon. As a result, some parts of the state are experiencing dry wells and water scarcity that impacts families, farmers, industry, and recreation. Additionally, groundwater depletion is expected to increase due to a warming climate. 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 affect existing water rights holders and 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 further depleting groundwater resources, OWRD took action to evaluate data and develop science-based rules for issuing new water rights. With a forward-looking approach that considers the needs of future generations, OWRD is committed to safeguarding existing surface water and groundwater users and the livelihoods they support, while managing groundwater resources more sustainably.

Updated rules

The updated rules detail how OWRD determines if water is available to support new groundwater rights. The rule changes are not intended to impact groundwater applications in the agency queue at the time the new rules become effective. The new rules also do not affect exempt groundwater uses, existing water rights, or water rights transfers.

The updated rules clarify, and update key terminology used for decision-making when issuing new groundwater rights. Under the updated rules, water is considered available if the groundwater levels are reasonably stable, the proposed groundwater pumping does not further deplete an already over-appropriated surface water source, 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 will be made that no water is available for the requested use and the application will be denied. In practice, this means overall fewer new water right applications will 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 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 updated rules to modify and update key terminology and add provisions to determine if water is available for new groundwater rights. This means many new groundwater use applications will be denied because they would result in unsustainable water use. Future water uses will likely require alternative pathways as identified above to meet future water demands.

The rules were updated with the goal of better ensuring existing water users receive consistent water supply while also slowing groundwater depletion. Consistent water supplies benefit all Oregonians now and in the future.