



# Oregon

Tina Kotek, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

**To:** All Parties Interested in Groundwater Management in the Harney Basin

**From:** Director Ivan Gall

**Date:** July 1, 2024

**Subject:** Opportunity to Comment on the Groundwater Report for the Proposed Harney Basin Critical Groundwater Area for Rulemaking

Attached is the Groundwater Report for the Harney Basin Critical Groundwater Area Rulemaking. Prepared in accordance with Oregon Administrative Rule 690-010, the report provides the scientific basis and justification for designating a critical groundwater area within the Harney Basin. The report will also aid in coordinating with affected local governments and engaging with sovereign federally recognized Indian tribes.

The report covers three key areas:

- 1. Identification and characterization of the groundwater reservoir.** This section presents the scientific and technical information used to delineate the groundwater reservoir to be included in the proposed critical groundwater area designation.
- 2. Identification of the criteria which authorizes the designation of a critical groundwater area.** This section compares the statutory criteria for designation of a critical groundwater area with the observed data and identifies which statutory criteria have been met within the identified groundwater reservoir.
- 3. Identification of corrective control measures likely to resolve the problems that resulted in the recommendation to designate a critical groundwater area.** This section lists the authorized corrective control provisions in statute that are likely to resolve the problems which resulted in the criteria in section 2 being met.

### Summary

As documented in the report, groundwater use in excess of recharge is resulting in groundwater declines which indicate an urgent need to reduce groundwater use in the lowlands of the Harney Basin. Groundwater use reductions can be voluntary or regulatory. Regulatory actions include regulation of existing permit conditions and a critical groundwater area designation combined with implementation of corrective control provisions (for example, setting the total withdrawal of groundwater allowed in an identified area through a regulatory order).

Voluntary actions which can reduce groundwater use include increased water use efficiency, approved voluntary agreements designed to reduce water use, and the retirement/cancellation of water rights with prior demonstrated use. Further measures to reduce long-term water use can include the cancellation or forfeiture of unused water rights (or the unused portion of existing rights) and restricting new authorized uses. Voluntary actions to reduce water use can be taken without being specified in rule as a corrective control provision. The extent to which any one tool serves as the means to reduce

groundwater use depends on a variety of factors. In the absence of successful voluntary efforts that reduce groundwater use, OWRD will need to pursue regulatory actions to reduce groundwater use.

The designation of a critical groundwater area and the identification of corrective control provisions in the Harney Basin is important because it 1) signals a problem and risk to economies, environments, communities, and cultures that depend on the water resource, 2) creates a call to action to address the problem, 3) identifies the amount of groundwater pumping the basin can support, and 4) sets up OWRD and others to pursue actions to reduce groundwater pumping. Given the magnitude of groundwater level declines, OWRD is supportive of using all the tools available to reduce groundwater use

As required by rule, this report will be posted on the OWRD website and public comment will be accepted until the end of the public comment period for the Harney Basin Critical Groundwater Area Rulemaking. Public comment should be submitted by email to the Department at [wrd\\_dl\\_harneyreportcomments@water.oregon.gov](mailto:wrd_dl_harneyreportcomments@water.oregon.gov).

For more information about the rulemaking process visit the OWRD webpage at <https://www.oregon.gov/owrd/> and select "Harney (Division 512) Rulemaking" or contact Kelly Mainz directly at [kelly.a.meinz@water.oregon.gov](mailto:kelly.a.meinz@water.oregon.gov).

Thank you,



Ivan Gall

Director