



Harney Groundwater Rules Advisory Committee: Discussion Groups

Meeting via Zoom

Monday, November 18, 2024 from 10-11:30 AM (PT)

Meeting Summary

Meeting Zoom Recording Link: https://media.pdx.edu/media/t/1_ha0d1j4n

Attendees:

Bobby Cochran (Oregon Consensus), Brenda Smith (High Desert Partnership), Chad Karges (HDP), Christopher Hall (Water League), Curt Blackburn (Real Estate Broker), Darrick Boschmann (OWRD), Debbie Gouveia, Harmony Burrignt (High Desert Partnership), Holly Mondo, Jason Spriet (OWRD), Karen Moon (Harney County Watershed Council), Kelly Meinz (OWRD), Ken Bierly, Lorissa Singhose, Sheena Miltenberger (DSL), Tim Seymour (OWRD), Mark Owens

Action items

- Distribute meeting summary, slides, and meeting recording (Oregon Consensus)
- Follow-up with OWRD on RAC and Discussion Group requests

Summary

Introductions

Bobby Cochran from Oregon Consensus and Harmony Burrignt from High Desert Partnership opened the meeting and asked participants to introduce themselves.

Recap and Follow-Up from November 13 RAC Meeting

Harmony briefly described the high level purpose of the last RAC meeting, to review the results of the five model scenarios and the results of the “optimization” from the Department.

Participants were invited to share their high-level reflections and reactions to the meeting:

- Overall participants felt it was a good meeting and it was helpful to begin to see the model results. There was a lot of information shared and people are still processing what was shared. Participants indicated the need to sit with the information a bit more (slides will be shared online today).
- The figures and graphics each show a different way to look at the results. Different ways of looking at the information may resonate differently with different people. It was noted that it’s important to look at it all together to get a full picture. For instance, when looking at the results for individual hydrographs it’s important to look at the other graphics.

- Kudos were given and appreciation was expressed for the work of the OWRD team that developed the presentation materials. They put a lot of effort into sharing the results and did a great job explaining a complex topic.
- Department staff acknowledged that there was a lot of new information shared alongside new types of analysis and ways of presenting information. They appreciated that while it may have been overwhelming at times it seemed that everyone was really engaged and they were grateful to see good questions and conversations.
- Some participants were not present for the November 13 RAC meeting and different people may have a different level of exposure and familiarity with the information shared. This should be acknowledged in future conversations and effort should be made to bridge the gap in understanding.
- A request for a narrative description to accompany the graphics and figures in the slides was made. The Department is preparing a staff report to share the model results with the Commission, which will be publicly available. The Commission meeting is on December 12-13. There was a request for additional written materials to help people make sense of what was shared.
- The timeline to generate and discuss materials is rapid, but there remains a desire to invite curiosity and make sure that people have time to come up to speed enough to engage effectively.

Observations and Reflections from Model Scenarios

Participants were asked to reflect on the following questions: What was consistent with your expectations? What was different? What information were you expecting or hoping for? What outstanding questions do you have?

Individual Observations *(these do not represent the group)*

- Was not quite sure what to expect.
- Optimized results for the Donner Und Blitzen and the Silver Creek subareas were higher than expected (~30% pumpage reduction). The rate and magnitude of decline in these areas is not significant and it seems like it would be a steep cut.
- Desire to take into account the rate of decline in determining management actions. If the rate of decline is minimal it doesn't need as much reduction, if any.
- When looking at thresholds for success (50% vs 80% of wells) a preference was expressed for 50% since other thresholds seemed to be too much/too aggressive.
- The difference between 15 and 6 subareas didn't seem to be that significant. Using 6 subareas may allow for the Department to better follow prior appropriation.
- Interest in looking at other models to reduce use that rely less on a strict interpretation of prior appropriation (see NV Supreme Court ruling).
- Profit margins are thin...if you have to dial back 30% then you'll likely just go out of business. If there is a more broadly shared effort to reduce water use, may maximize ability for folks to stay in business.
- When we talk about impacts to farmers there are so many different factors to consider, the impacts are non-linear and cascading. Many farmers also have a mix of senior and

junior water rights. The impacts to irrigators likely vary individual to individual and will be difficult to accurately assess at scale.

Individual Questions *(these do not represent all of the Nov 18 discussion group participants)*

- What are the Department's authorities to reduce groundwater use to historical beneficial use? How will this be determined/calculated (e.g., look at past five years, look at max use during drought years, etc)? How will this affect implementation? See ORS 537.742.
- What is the resultant groundwater level when stable (0ft/yr decline) is reached?
- What is the carrying capacity of the region? It is the responsibility of the Department to understand and manage to the carrying capacity of the resource.
- Under each scenario what are the expected reductions in irrigated acres? What will likely come out of production? What amount of reductions are "survivable" for irrigators? Would like to get perspectives from irrigators.
- What is the concentration of junior/senior water rights holders in each subarea? What year would be regulated back to in each subarea?
- What does adaptive management really mean? What is a goal or set of goals that would allow the Department to do adaptive management? It's hard to be adaptive with one fixed permissible towel withdrawal number in rule. Can we set out goals for each decade to see if we're on target? Once we turn water off it's not likely we'll be able to turn it back on. We've got to figure out how to phase this in in a way that the community and the Commission can support.

Next Steps

For the November 25 and December 2 discussion group meetings we will be taking a deeper dive into the model results, including a look at impacts and the results by subarea.

- Examine different impacts of each scenario
 - What are the estimated impacts to springs/surface water discharge?
 - Further discuss what is known about relationship between groundwater levels and spring discharge
 - What are the estimated impacts to exempt wells?
 - What are the estimated reductions in irrigated acres?
 - Other impacts to examine?
- Examine different scenarios for each subarea
 - What happens in each subarea under each scenario?
 - What are the impacts in each subarea under each scenario?
- Better understand connectivity between subareas
 - How do reductions in one area affect what occurs or needs to occur in another area? What is the sensitivity between subareas?
- When the water stabilizes, what is the new groundwater level for each scenario in each subarea?
- Clarify starting point for all scenarios and how this will be calculated and implemented (practical considerations)
- Continued interest in looking at water use in 2023 compared to 2018.

As time and capacity allows the Department could help to fill out a table like the one below, for each subarea, to help examine and compare scenarios for each of the subareas.

Scenario/ Result	A	B	C	D	E
Allowable Use (amount [af/yr]) and Reductions in use (from 2018 levels/permitted amounts)					
Priority Date for Regulation (from 2018 levels or certificated amount)					
Stability or Recovery Achieved and Timing (year achieved)					
Overall Change in GW Level - Magnitude (once stable is reached)					
Number of Exempt Wells Impacted (wells unable to access water at new stable depth without deepening)					
Change in Natural Discharge (how would this be expressed?)					
Change in Irrigated Acres					

Appendix A: Proposed Framework for Discussion Group Topics

The seven “discussion areas” in the table below will be the subject of discussion groups between RAC meetings. The focus and structure of each meeting will be determined in consultation with OWRD to support RAC deliberations. This is a conceptual representation of the potential scope and organization of discussion topics. The discussion groups will generate options and considerations to support RAC deliberations.

Note: These are not prioritized in any way and the organization of the framework should not be taken to mean that any single topic is more important or significant than another topic.

Crosscutting Discussions: A) Modeled management scenarios, B) Fiscal impacts of potential management scenarios, H) Adaptive management <i>Cross-cutting topics require substantive discussion across the topics represented below</i>				
C) Understanding Current Conditions	D) Defining Success: Setting and Measuring Goals for Groundwater Management	E) Achieving Success: Management Actions	F) Achieving Success: Voluntary Approaches	G) Achieving Success: Regulatory Approaches
<ul style="list-style-type: none"> ● Subarea boundaries ● Basin-wide and subarea problem definitions (groundwater level trends and known or potential impacts) ● Prioritization of subareas 	<ul style="list-style-type: none"> ● Indicators of success (quantification where possible) ● Groundwater level goals (rate, magnitude, timing) for sub-areas ● Sustainable groundwater pumping/use for subareas ● Measuring and monitoring success for key indicators – identifying representative monitoring sites/data sets to know when goals have been achieved and problems have been avoided 	<ul style="list-style-type: none"> ● Proposed reductions in groundwater use for sub-areas to achieve goals and avoid problems (“allocation,” timing, etc) ● Review of potential management actions to achieve reductions in groundwater use ● Adaptive management considerations <p>Other management actions:</p> <ul style="list-style-type: none"> ● Classification/allowed future uses of groundwater ● Water use measurement and reporting ● Well construction ● Water rights transfers 	<ul style="list-style-type: none"> ● Voluntary agreements <ul style="list-style-type: none"> ○ Boundaries ○ Goals/objectives ○ Proposed reductions/approach ○ Management tools? ○ Governance ○ Interim milestones ○ Triggers for regulatory action ● Voluntary forfeiture of groundwater rights (CREP) ● Adaptive management considerations 	<ul style="list-style-type: none"> ● Critical groundwater management area designation ● Corrective controls under a CGWMA <ul style="list-style-type: none"> ○ Basin closed to further appropriation ○ Disposition of undeveloped rights ○ Establishment of permissible total withdrawal (PTW) ○ Other measures to protect public welfare, health and safety ○ Protections for thermal characteristics (not in scope) ● Adaptive management considerations ● Enforcement of decline conditions in permits

		•Others?		•Forfeiture of unused groundwater rights
--	--	----------	--	------------------------------------------