

Harney Groundwater Rules Advisory Committee: Discussion Groups
Meeting #4 Hybrid in person & Zoom
Monday, October 7, 2024 from 10-11:30 AM (PT)



Oct 7 Meeting Summary and Slide Deck

Oct 7 attendees

Barbara Howard, Breanna O'Connor, Bobby Cochran (Oregon Consensus), Brenda Smith (High Desert Partnership), Christopher Hall, Debbie Guevea, Harmony Burrigh (High Desert Partnership), Jacob Davis, Jake?, Jerry Grondin, Karen Moon (Harney County Watershed Council), Kelly Meinz (OWRD), Ken Bierly, Kristen Shelman (Harney County Court), Lorissa Singhose, Mark Owens, Melissa Petschauer (High Desert Partnership), Shelly ?, Steve Rickman, Tim Seymour (OWRD), Travis Singhose

Any reflections & clarifications from the Oct 2 RAC?

The discussion group share two reflections on the Oct 2 RAC:

- At the Oct 2, RAC, Malheur Lake was drawn with the Silvies subarea. OK?
 - Malheur Lake could be connected to Blitzen, Northeast, or Malheur; But yeah, it makes sense that the RAC recommended to include Malheur Lake with Silvies for the purpose of model runs
- It's fine to think about recovery as a metric of success for the purposes of some of the model runs; So long as it's clear that the models runs are not the same thing as discussing management options
- The discussion group emphasized the importance of running an interaction of Scenario C with both 1) reduction by priority date, and 2) proportional reductions (all users in a subarea reduce use by the same %)--in order to really understand the possible impact of Voluntary Agreements

What to focus on next?

RAC Topics & Timeline



Discussion Group Topics & Timeline

Monitoring and Measuring Success

(The group discussion topics important to Monitoring and Success)

- Monitoring groundwater use (serious water management problem area)
 - Who will collect the data? Who will use the data? How will data be used?
 - Prioritization of data collection?
 - Methods for monitoring groundwater use? Pros and cons?
 - Review implementation in Walla Walla - best practices? lessons learned?
- Monitoring groundwater levels
 - Who will collect the data? Who will use the data? How will data be used?
 - Prioritization
 - What is the extent of the existing monitoring network?
 - What are gaps that would be good to fill?
- Measuring success
 - Defining indicators and metrics of success - for these indicators how will we measure success?

Monitoring and Measuring Success

- How can we best frame up the discussion about monitoring and measuring success? What information or resources should we bring to the table? What questions or ideas do you have?
 - Are we using wells that we're already monitoring or use of "sentinel" wells - how many per area? location? are there gaps in the existing network? how can we make sure that the network is robust and "representative" of the subarea?
 - Will wells be dropped from the monitoring network? Under what conditions? How might that affect localized groundwater conditions? How might that affect ongoing analysis?
 - How can we adapt the monitoring network over time to effectively manage the system based on what we're learning? You need to build in adaptability with monitoring.

Discussion group ideas to add for Monitoring and Success

- Are we going to have a person out here to manage the subareas? Will OWRD have a water manager? How is this managed in other states? What's the capacity at the local level?
- Would like to consider an alternative to flow meters - we can't keep a flow meter working...could power/energy be a proxy? are there other proxies for water use measurement that would be acceptable?
- How do you select monitoring/sentinel wells? Are they only selected for their location and what's around them? What are the criteria the Department uses for selecting monitoring wells?
- Who will check to make sure that measurements are correct? What are the quality assurance/quality control measures?

Discussion group ideas to add for Monitoring and Success

- Sentinel wells - a well or set of wells chosen to be representative of a subarea - allows for monitoring a limited number of wells vs all available data for a subarea
- Number of wells used/amount of data used will affect capacity - more wells and more data = more capacity needed
- We know that there are gaps in the monitoring network - the Watershed Council was monitoring an additional 50-70 wells quarterly at one point
- How do we ensure quality data?
- Expand measuring requirements to stockwater wells and domestic wells
- Place-based plan has a big section on monitoring - it's a good idea to look at that section - what can we support/implement?

Discussion group ideas to add for Monitoring and Success

- Limitations of monitoring networks:
 - Difficult to get an even geographic distribution due to where wells are drilled
 - Ease of measurement varies by well - some wells are completed in fine grained materials and you may have to wait a few hours to get a static measurement
 - Some people are amenable to having wells shut off for a period of time to get a measurement, some are not
 - Oil in wells can be a factor
 - Obstacles in wells can make it difficult to get a good measurement
 - Depending on how you set this up it could become a huge amount of time for staff capacity that they might not be available to support other work in the Basin or in other basins - need consider overall capacity (basin-specific and statewide)
- Being precise with language will be helpful - be clear what we're trying to measure for

Discussion group ideas to add for Monitoring and Success

- Monitoring for general conditions vs for specific measures/goals - make sure to consider the differences
- When you pick your sentinel wells, you're going to weed out a whole bunch of the well-specific problems/challenges - don't use wells that pose problems with getting a good static level measurement
- Water meters - mag meters are pretty reliable
- Lots to consider regarding relationship between power consumption and water pumping/using
- Many factors affecting accuracy
- What is realistic? How does it work on the ground? Having detailed discussions about implementation is helpful - appreciate the expertise of those in the room

Discussion group ideas to add for Monitoring and Success

- Important to distinguish between pumping at a single well and measuring water use across the basin - consider outcomes and scale
- In terms of water use the question that needs to be sorted out - what is the use you want to monitor? May need to get specific about different wells - what depth are they pumping from? Well specific pumpage can be important because wells may be drawing from different layers?
- I just think the ambiguity ought to be cleared up for whichever discussion people want to have. The term “measuring success” has been used for other topics; however, in this specific topic, monitoring and measuring both need to be successful.

Adaptive Management

- What are the uncertainties/risks that we need to be aware of and potentially manage for?
- What if things don't work out the way we expect them too? What are the "triggers" or off ramps?
- What ability does the Department have to support adaptive management? What are the Department's limitations?

Adaptive Management

- How can we best frame up the discussion about adaptive management? What information or resources should we bring to the table? What questions or ideas do you have?
 - How would the department use adaptive management in rulemaking? How can the department take into account basin-specific considerations and ideas?
 - How do you work adaptive management into a rule?
 - In rule have a strict schedule for when information will be available/reviewed/used for decision-making?
 - Timing - there needs to be a schedule to review things as they change over time. Scheduled check-ins and the ability to make changes over time. This needs to be included in the rules (accountability to a set timeline for reviews).
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Discussion group ideas to add for Adaptive

Management

- What's going to happen after these big fires? How will the surface water and groundwater respond? there are things we don't know
- Division 10 review period - no less than every 10 years - are we making faster or slower progress to our goal? How will we factor in social and economic impacts at these checkpoints?
- Need a commitment from the Department to involve community in these check-ins - what will we look at? when? what does it mean?
- Folks signing on to a voluntary agreement need some reassurances - how can they stay on that trajectory for a set period of time to show success?
- Current requirements - No less than every 10 years - review conditions to determine if CGWA is still necessary. At least once every 3 years review rules that restrict groundwater use - agenda item at Commission meetings. "ORS 537.780(3) At least once every three years, the commission shall review any rule adopted under subsection (2) of this section that restricts ground water use in an area. The review process shall include public notice and an opportunity to comment on the rule."

Discussion group ideas to add for Adaptive

Management

- Difference between meeting reporting requirements and actually using information for adaptive management - looking for something more than what is required in statute/rule
- What reviews at what timesteps? What information? Who's involved? What can/can't happen at timesteps?
- Flexibility in the management procedures depending on changing local conditions/considerations
- Difficult for OWRD to take ag industry into consideration - if we have major changes to ag industry (e.g., CREP), how might that affect management? How are we accounting for transition to new sustainable land use and its effects on local economy? There are lots of factors/considerations to take into account - should be holistic. This approach isn't holistic. It's not just about water. Land, people, economy, power grid - they're all connected.

Discussion group ideas to add for Adaptive Management

- Holistic to feature the future water users/ ecosystem as well — their needs.
- Would adaptive management in the context of voluntary agreements potentially be settled by tort actions?

Next Steps

The group recommended to cancel Oct 14 gathering, keep Oct 21 as a virtual session, and meet for a full day in person on Oct 28