



725 Summer Street NE, Suite A
 Salem, OR 97301
 503-986-0900
oregon.gov/owrd

Division 512 Rules Advisory Committee

Meeting 9 (Aug. 13, 3-6 pm)

This document summarizes the Division 512 Rules Advisory Committee (RAC) virtual meeting number nine held online on Aug 13, 2024, from 3:00 pm-6:00 pm. For more information, see the Meeting Agenda, Meeting Presentation, Draft Rules, and other Meeting Materials, available on our [rulemaking website](#) under the RAC number 9 ribbon.

This summary is intended to capture key questions and discussion items however it is not an official transcript or includes “minutes” of the meeting. [The recording of the meeting is available online.](#) This summary captures key takeaways as identified by the third-party facilitation support and should not be interpreted as the confirmed thoughts and opinions of the OWRD, the RAC, or members of the public.

RAC Members in attendance:

Barbra Howard	Kristen Shelman
Ben McCanna	Lisa Brown
Breanna O'Connor	Mark Owens
Brenda Smith	Roger Sheley
John Short	Zach Freed
Julie Weikel	John Rowell
Karen Moon	Jess Wenick

Oregon Water Resources Department (OWRD) staff in attendance were:

Tim Seymour	Alexandria Scott
Kelly Meinz	Jason Spriet
Laura Hart	Dally Swindlehurst

Bryant Kuechle with The Langdon Group contracted with Oregon Consensus (OC) at the National Policy Consensus Center at Portland State University to provide third-party, neutral facilitation services.

Welcome and Introductions

Bryant Kuechle introduced himself, shared the ground rules, reviewed the operating guidelines, reviewed the agenda, reviewed the upcoming schedule, and facilitated self-introductions by OWRD staff and RAC members. The following ground rules were shared:

- You are here to express your viewpoint.
- Treat others respectfully.
- If online, remain muted when not speaking.
- If online, use the “raise hand” feature to indicate that you would like to speak.
- If in person, raise your hand to indicate that you would like to speak.
- RAC only participates in RAC meetings and the Public only participates during the comment period.

Bryant Kuechle shared the following goals for the meeting:

- Clarifying the goal of stabilizing groundwater levels to help:
 - Guide development of management scenarios.
 - Evaluate modeled outcomes of the management scenarios.

Presentation – Discussion Groups

Bobby Cochran from OC led a presentation of the Discussion Group operations, and sequence of topics and answered questions from the RAC. The following captures some of the key themes and questions that emerged from that discussion. Names are not attributed to their respective question or comment:

- Clarification was requested regarding the structure and roles of OC and the High Desert Partnership (HDP). Bobby explained, OC is responsible for ensuring third-party neutrality. HDP has experience locally to help with packaging information and bringing the community along. HDP will also assist with local logistics. Harmony Burrig is on contract with HDP is helping to frame the agenda and topics to help prepare.
- Bobby went on to explain that the discussion groups really are about brainstorming. They won't narrow the funnel to a "preferred option." The RAC will narrow information into a recommendation.

Public Comment

Bryant Kuechle requested a show of hands by members of the public interested in providing public comment in session #1. The following provided verbal comment. [Comments begin at 0:20 on the meeting recording.](#)

- Christopher Hall
Additionally provided in the chat:
The science on how to assess the rate of groundwater decline does not vary from one basin to the next. What varies from place to place is the rate of groundwater decline, not the methods hydrogeologists use to measure the decline. If OWRD targets a groundwater level trend with a goal of no decline over a multi-year average then regardless of the geographic location on the rate of decline, the policy standard should remain the same for everyone and applied equally without privilege.
- Chad Karges

Presentation – Goals for Groundwater Levels

Tim Seymour from OWRD led a presentation on the Goals for Groundwater Levels: considerations; goals in other Critical Groundwater Areas (CGWA); statutory policy: reasonably stable and why the Department is choosing not to define reasonably stable; stabilizing water levels by achieving a target water level trend of zero decline; and designing alternative management scenarios. The following captures some of the key comments and questions that emerged from that discussion. Names are not attributed to their respective question or comment:

Comments on the Goals for Groundwater Levels

- When the rate and magnitude of decline have been tripped, how can a CGWA be determined as reasonably stable? Instead, focus on a target water level so that "reasonably stable" is not modified in a way that doesn't allow for flexibility.
- OWRD is proposing focusing on a decline rate-based threshold.

- Keep focus on the goal of no further decline.
- Statute is defined as reasonably stable not “stabilizing groundwater levels,” and this should be the basis by which goals are set.
- Consider different goals for different areas. The goal should be to recover water levels so CGWA can be removed. What is the intent of a CGWA for the entire basin? Exploring the option for subarea specific CGWAs was suggested as a discussion group topic.
- Support for framing to target level trends. Framing success in this way maintains the ability to have different management activities for each subarea.
- Predictions of warmer summers make reaching goals harder to achieve. Consider climate change and a shifting baseline.
- Different factors in meeting the goal need to be considered outside of the rate of decline. The capacity of the resource and human consumption needs are important.
- Consider other drivers of the water table beyond allocation and usage, specifically how the uplands are being managed. The forest management has been allowing the forests to become overgrown with the expansion and density of junipers, as well as evapotranspiration. Monitor the influence of the uplands on the water table after the recent fires to help identify the level of impact.
- Don’t look at historical levels when defining the rate or magnitude of an individual well. Have conversations about where it is appropriate to start.
- Look at a phased adaptive management approach to reduce the rate of decline instead of Permissible Total Withdrawal (PTW).
- Designate multiple critical areas. The hydrology supports this: different goals in different areas and in areas where recovery can occur the CGWA designation can be removed.

Comments Regarding Measuring Success for Achieving the Goal

- A RAC member requested to discuss if goals are based on mean or median and if measurements are taken by the most declined or least. OWRD stated that this is part of a longer conversation around measuring success that will occur at RAC 10, October 2, 2024, from 8 am to 3 pm at the Harney County Community Center and online.
- We are going to have to understand what it means to be reasonably stable and its impacts on the system. We can’t just say something like “It’s better to have higher water level tables.” We need to understand the qualitative impact on the system. OWRD responded that rules must be based on substantial evidence and will provide the necessary science and information to support any actions taken in rule.
- Local knowledge will help show that a CGWA for the entire basin won’t work.
 - Extremes in geology need to be taken into consideration.
 - What is the mechanism for looking at geological anomalies in Weaver Springs? Recovery is an unknown timeframe making a broad-brush approach challenging.
 - There can be significant variance in adjacent domestic well depths.
- Can OWRD declare CGWA across the whole basin when 2-3 wells trip but 7 don’t?
- Support for no individual well defining anything.
- OWRD stated that flexibility exists when defining subarea boundaries, how quickly curtailment is implemented, how groundwater level trends are calculated and what variance in groundwater level trends is considered acceptable.

Comments Around Development of Management Scenarios

- Separate management scenarios might be a lofty goal. Request to see an initial run on the model so the discussion groups can develop more scenarios. OWRD answered more information will be provided at the October RAC meeting. The discussion will include objectives of the management scenarios and the process for modifying scenarios and reviewing results.
- A RAC member asked if paper water rights or actual water use is being used in the OWRD proposed management scenario which is being tested with the model? OWRD responded that the proposed management scenario is using the lesser of modeled pumpage from 2018 or paper water right and applies curtailment based on priority date of each water right. Work is still being done to address some challenges, but the intent is to allocate the PTW by priority date taking into account actual (or beneficial) use.
- A RAC member asked if the Department has worked through how to model permit conditions? OWRD responded that they have not yet worked through the necessary information to model permits with decline conditions and evaluate which ones would be regulated off for having tripped a decline condition.
- A RAC member asked how 2018 actual water use compared with 2024 actual water use? OWRD responded that they are using similar a process as the Beamer Hoskins report to update water use numbers from 2018 – 2023 and should provide the information necessary to compare 2023 pumpage with 2018 pumpage. The model is constructed with 2018 data; we believe it is well-calibrated. The last 6 years of water use data are not needed to add accuracy to the model, but can be used to influence the inputs into the model
- A RAC member asked what happens if 2024 is less pumpage than 2018? OWRD responded that this is a management question to consider. Should 2018 pumpage be used as the baseline for management or should 2023 pumpage be the baseline?
- The comment was made that a model that does not have an accuracy assessment is not scientifically acceptable. Another RAC member shared that the calibration and accuracy assessment (including estimates of error) can be found on pages 38 to 80 in the USGS report - <https://pubs.usgs.gov/publication/sir20245017>.

General Comments

- A RAC member asked if the state of Oregon had any elevation drops (land subsidence) because of water being taken out of aquifers leading to aquifer collapse? – OWRD responded that they do not have any readily available examples of land subsidence in Oregon, but it has happened in California.
- A RAC member asked if the geology of Butter Creek and Stage Gulch are similar to the Harney Basin? OWRD answered that these are basalt systems but include alluvial systems. There were areas designated as a critical groundwater area that only included the groundwater reservoir at a certain depth (in the basalt groundwater reservoir), so users with groundwater rights in the same area, but a different groundwater reservoir (the alluvial system) were not affected by the critical area designation.

Next Steps/Wrap Up

Bryant Kuechle closed the meeting with a review of the upcoming documents RAC members can expect to see, a detailed review of the September discussion group schedule, and the date for the next RAC meeting (Oct 2, 2024).

Future RAC Schedule:

1. RAC Number 11: November 13, 2024 – 8:00 a.m. to 3:00 p.m.
 2. RAC Number 12: December 18, 2024 - 8:00 a.m. to 3:00 p.m.
 3. RAC Number 13: January 22, 2025 – 8:00 a.m. to 3:00 p.m.
- 