

# **Serious Water Management Problem Area (SWMPA) Input and Decision**

Oregon Revised Statute (ORS) 540.435 and Oregon Administrative Rules (OAR) 690-085 authorize the Oregon Water Resources Commission to require water use measurement and reporting. To do so, the Oregon Water Resources Department (OWRD) must conduct a rulemaking process to designate the geographical area of concern as a serious water management problem area (SWMPA).

OWRD intends to implement a SWMPA with the Division 512 rules update for the Harney Basin. OWRD has discussed this topic several times with the Rules Advisory Committee (RAC) and during a discussion group. The SWMPA boundary was discussed during:

## **RAC Meeting**

1. RAC meeting number 7 – May 30, 2024
2. RAC meeting number 8 – June 27, 2024
3. RAC meeting number 11 – November 13, 2024

## **Discussion Group**

1. Discussion Group – October 28, 2024

This document captures key input from the RAC and Discussion Group and OWRD's response regarding SWMPA questions that OWRD wanted to gather input on.

Question	RAC input/options	Discussion Group input/ options	Decision
<p>What should the SWMPA boundary be?</p>	<p style="text-align: center;"><b><u>Input from the RAC</u></b></p> <ul style="list-style-type: none"> <li>• Set the boundary as the Greater Harney Valley Area of Concern (GHVGAC).</li> <li>• Set the boundary as the RAC-recommended Classification boundary. The boundary can be found in <a href="#">the map packet</a>.</li> <li>• Set the boundary as the Harney Basin Groundwater Study Area boundary.</li> </ul>	<p>No input was gathered from the discussion groups. The SWMPA boundary was not discussed during discussion groups.</p>	<p>Set the boundary as the RAC-recommended Classification boundary. The boundary can be found in <a href="#">the map packet</a>.</p>
<p>What should OWRD consider for measurement devices?</p>	<ul style="list-style-type: none"> <li>• If the Department does have a list of specific meters, they should not require people to replace working meters.</li> <li>• There are concerns about installing flow meters. We still need confidence in their ability to operate; maintenance and operation can be difficult.</li> </ul>	<ul style="list-style-type: none"> <li>• Is it possible to incentivize the use of uniform meters? (same meters for all users)</li> <li>• Pulse meters generally perform better than other measurement devices and should be encouraged/incentivized.</li> <li>• If non-intrusive flow meters are required, then the need to regularly calibrate them must be considered.</li> <li>• Flow meters can pose challenges, especially with the sand in some areas of the Harney Basin.</li> <li>• Installing flow meters often requires larger system changes to incorporate a flow meter. It is tough to justify that expense in the face of uncertainty.</li> </ul>	<p>There is no preference for the meter brand, but the meters need to be totalizing flow meters that meet the specifications that will be defined with the SWMPA rule language.</p>

Question	RAC Input	Discussion group input/ options	Decision
<p>Where geographically should the flow meters be required to be installed? Should only a geographic portion of the basin be required to be installed and reported?</p>	<ul style="list-style-type: none"> <li>• Group support for already agreed upon SWMPA boundary</li> <li>• Some RAC members would not support eliminating any subarea from the requirement of measuring and reporting water use. It is more accurate to have basic measurements of that use. Support keeping the larger SWMPA boundary.</li> </ul>	<p><b>Option 1.</b> All subareas are required to measure and report groundwater pumping.</p> <p><b>Option 2.</b> Only some subareas should be required to measure and report groundwater pumping.</p> <p><b>Option 3.</b> Other options?</p>	<p><b>Option 1:</b> Any permitted groundwater right within the SWMPA boundary must install a flow meter.</p>
<p>When should the measurement devices be required? Should there be a rollout for requiring the installation of flow meters?</p>	<ul style="list-style-type: none"> <li>• Some preference is to have the measurement as soon as possible (within one year).</li> <li>• Most of the RAC preferred option 4 (timeline varies by subarea).</li> </ul>	<p><b>Option 1.</b> Users required to measure and report groundwater use have one year to implement the requirement.</p> <p><b>Option 2.</b> All users must measure and report groundwater pumping by a set date in each subarea (the implementation timeline varies by subarea).</p> <p><b>Option 3.</b> Measurement and reporting of groundwater pumping varies by subarea and may be required depending on the value and necessity of data compared to other currently available data (date not set in rule and determination made at set intervals after making the best use of available data).</p> <p><b>Option 4.</b> Some variation of 2 and 3.</p>	<p>All points appropriation on every groundwater right is required to install a flow meter within two years of the adoption of the final rule.</p>

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<p>What groundwater users should be included in the SWMPA requirement?</p>	<ul style="list-style-type: none"> <li>Regardless of use, any groundwater right should be required to be reported. Most of the group agrees.</li> </ul>	<p><b>Option 1.</b> All groundwater users must measure and report groundwater use, including exempt groundwater users.</p> <p><b>Option 2.</b> All permitted groundwater users must measure and report groundwater use, excluding exempt groundwater users.</p> <p><b>Option 3.</b> The user required to measure and report groundwater use varies by subarea, depending on the severity of declines.</p> <p><b>Option 4.</b> Other options?</p>	<p><b>Option 2:</b> All permitted groundwater users must measure and report groundwater use, excluding exempt groundwater users. The SWMPA statutes only require permitted water rights to install a totalizing flow meter.</p>
<p>How should water use be tracked?</p>	<ul style="list-style-type: none"> <li>There will be ongoing expenses for reading the flow meter each month.</li> <li>Power consumption is not an accurate measure of water use.</li> <li>OpenET has inaccuracies.</li> </ul>	<p><b>Option 1.</b> Groundwater use is measured by a flow meter only.</p> <p><b>Option 2.</b> Groundwater use is estimated by OpenET only.</p> <p><b>Option 3.</b> Groundwater use is estimated by power consumption.</p> <p><b>Option 4.</b> Some combination of ET and flow measurement devices.</p> <p><b>Option 5.</b> Other options?</p>	<p>Groundwater use is measured by a totalizing flow meter only. If a meter is broken, other authorized methods shall be used until the meter is repaired or replaced.</p>

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<p>Does every well need a flow measurement device, or should it be per field? What type of reporting should be required?</p>	<ul style="list-style-type: none"> <li>Monitoring should be done at the point of appropriation or each well.</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring at the well can help identify what is being extracted from different depths, whereas monitoring at the field determines what water is being applied. There is a preference for understanding what is being extracted, especially if it can be correlated to different depths.</li> <li>Reporting groundwater use can be inconsistent, with a high likelihood of user error.</li> <li>The same well/same meter may simultaneously serve junior and senior water rights. These complications need to be taken into consideration. For some wells, there may be fractional reductions in use.</li> </ul>	<p>Each Well (POA) needs to have a functioning measuring device installed.</p>
<p>How often should reporting be required?</p>	<ul style="list-style-type: none"> <li>Lack of reporting exists today. Can OWRD require more frequent reporting other than annual reporting?</li> <li>Can we make the reporting methods easier?</li> </ul>	<p>No input was gathered from the discussion group. Annual reporting was not discussed in a discussion group.</p>	<p>Annual reporting with monthly measurements.</p>