

Serious Water Management Problem Area Rules (SWMPA) Language Explainer

This document is a supporting document to the proposed SWMPA rule language. Its purpose is to outline the rule language into different sections, explain what the rule language means, and highlight how it addresses the questions discussed during the **November 13, 2024, RAC meeting**. The questions can be found [starting on slide 86](#).

The proposed rule language is outlined in the following sections:

- (1) SWMPA boundary and the nature of the problem
- (2) Timeline for implementation, who is required to install measuring devices, and the type of device required
- (3) Approval of the totalizing flow meter
- (4) Specifications for the annual report
- (5) Specification for the totalizing flow meter
- (6) Reporting requirements if the totalizing flow meter is broken
- (7) Measuring and reporting requirements while the totalizing flow meter is broken
- (8) Regulation for failure to install a totalizing flow meter
- (9) Authority to assess civil penalties on users who do not install a totalizing flow meter

Section	Rule Language	Rule language Explainer
<p>(1) SWMPA Boundary and the nature of the problem</p>	<p>(1) The SWMPA boundary is defined in 690-512-#### and meets the groundwater conditions defined in 690-085-0020(1)(a) and 690-085-0020(1)(f).</p>	<p><u>Defining the boundary:</u></p> <ul style="list-style-type: none"> The SWMPA boundary includes the Harney Basin Groundwater Study Area boundary and portions of Grant County, mainly around Seneca. The administrative boundaries section in the Division 512 rules will define the boundary. The reference 690-512-#### will be the administrative boundary section. <p><u>Defining the nature of the problem:</u></p> <ul style="list-style-type: none"> OAR 690-085-0020(1)(a): Groundwater decline in the area is of such a magnitude that the aquifer does not recover annually. OAR 690-085-0020(1)(f): There are frequent occurrences of surface or groundwater shortages caused by using water from streams or wells. Shortages may be evidenced by complaints from water rights holders, requests to regulate water use, degraded water quality, or failure to meet administrative restrictions or minimum stream flows.

Question(s) Being Addressed With this Rule Language	Decision
<ul style="list-style-type: none"> (A) What should the SWMPA boundary be? (B) 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? 	<ul style="list-style-type: none"> (A) Set the boundary as the RAC-recommended Classification boundary. The boundary can be found in the map packet. (B) Any permitted groundwater right within the SWMPA boundary must install a flow meter.

Section	Rule Language	Rule language Explainer
<p>(2) Timeline for implementation, who is required to install measuring devices, and the type of device required</p>	<p>(2) By no later than March 1, 2028, each groundwater right holder, well owner, or well operator shall properly install and thereafter properly maintain a totalizing flow meter on each well within the Harney SWMPA boundary as defined in 690-512-#### listed as a point of appropriation on a valid water right. Totalizing flow meters shall be properly installed according to manufacturer’s specifications and must meet the specifications in subsection 5.</p>	<p><u>Timeline for implementation:</u></p> <ul style="list-style-type: none"> Flow meters must be installed by March 1, 2028. <p><u>Users required to install a flow meter:</u></p> <ul style="list-style-type: none"> Each groundwater right holder, well owner, or well operator. <p><u>Where to install a flow meter:</u></p> <ul style="list-style-type: none"> A totalizing flow meter must be installed at each well (POA). <p><u>Type of device required:</u></p> <ul style="list-style-type: none"> A totalizing flow meter shall be installed following the manufacturer’s specifications and must meet the specifications defined in subsection 5.

Question(s) Being Addressed With this Rule Language	Decision
<ul style="list-style-type: none"> (A) When should the measurement devices be required? Should there be a rollout for requiring the installation of flow meters? (B) What groundwater users should be included in the SWMPA requirement? (C) What should OWRD consider for measurement devices? (D) How should water use be tracked? (E) Does every well need a flow measurement device, or should it be per field? What type of reporting should be required? 	<ul style="list-style-type: none"> (A) All points appropriation on every groundwater right is required to install a flow meter within two years of the adoption of the final rule. (B) All permitted groundwater users must measure and report groundwater use, excluding exempt groundwater users. (C) 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. (D) Groundwater use is only measured by a totalizing flow meter. If a meter is broken, other authorized methods shall be used until the meter is repaired or replaced. (E) Each Well (POA) needs to have a functioning measuring device installed.

Section	Rule Language	Rule language Explainer
<p>(3) Approval of the totalizing Flow meter</p>	<p>(3) Totalizing flow meters and the method of flow meter installation may be subject to approval by Department Staff. Once installed, totalizing flow meters must be maintained in good working order. Department staff shall have reasonable access to the totalizing flow meters upon request pursuant to ORS 537.780(1)(e).</p>	<p><u>Approval for the totalizing flow meter:</u></p> <ul style="list-style-type: none"> Any totalizing flow meter and installation methods may be subject to approval by department staff. <p><u>Maintenance of the flow meter:</u></p> <ul style="list-style-type: none"> Flow meters must be maintained in good working order after installation. <p><u>Reasonable access to the flow meter:</u></p> <ul style="list-style-type: none"> Department staff shall have reasonable access to the flow meter. ORS 537.780(1)(e) – With authority from the Water Resources Commission, Department staff can “Enter upon any lands to inspect wells, including wells exempt under ORS 537.545, casing, fittings, valves, pipes, pumps, measuring devices, and back siphoning prevention devices.”

Question(s) Being Addressed With this Rule Language	Decision
<ul style="list-style-type: none"> (A) How should water use be tracked? (B) What should OWRD consider for measurement devices? 	<ul style="list-style-type: none"> (A) 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. (B) 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.

Section	Rule Language	Rule language Explainer
(4) Specifications for the annual report	(4) The groundwater right holder, well owner, or well operator shall keep a complete record of the volume of water appropriated each month. The groundwater right holder, well owner, or well operator shall submit a report that includes water use measurements to the Department on an annual basis by December 31 of each calendar year for the preceding water year (October 1 to September 30). Reports shall be submitted on a form developed and maintained by the Department.	<p><u>Annual report requirements:</u></p> <ul style="list-style-type: none"> • Groundwater right holders, well owner, or well operators shall record their use each month • Groundwater right holders, well owner, or well operators must report their use on December 31 each year for the previous water year. <p><u>Submittal of the reports:</u></p> <ul style="list-style-type: none"> • The report will be submitted online in the water use reporting database.

Question(s) Being Addressed With this Rule Language	Decision
<ul style="list-style-type: none"> • (A) How often should reporting be required? 	<ul style="list-style-type: none"> • (A) Annual reporting with monthly measurements.

Section	Rule Language	Rule Language Explainer
(5) Specification for the totalizing flow meter	<p>(5) A totalizing flow meter shall meet the following specifications:</p> <p>a. A totalizing flow meter shall have a rated accuracy of plus or minus 2 percent of actual flow for all flow rates for which the meter is expected to measure.</p> <p>b. A totalizing flow meter shall measure the entire discharge from the well.</p> <p>c. A totalizing flow meter shall have a sweep hand or digital readout so that instantaneous flow rate can be read.</p>	<p>Specifications:</p> <ul style="list-style-type: none"> This rule describes the required specifications for the installed totalizing flow meter measurement device.
(5) Specification for the totalizing flow meter	<p>d. The totalizing part of the flow meter shall have sufficient capacity to record the quantity of water authorized to be pumped over a period of 2 years. Units of water measurement shall be in acre-feet, cubic feet, or gallons and the totalizer shall read directly in one of these units. Flow meters recording in acre-feet shall, at a minimum, read to the nearest 1/10th acre foot, and the decimal multiplier shall be indicated on the face of the register head.</p> <p>e. Totalizers on each meter shall not be field reset without notice to and written permission from the local watermaster. Prior to resetting the totalizers, the final reading must be recorded and reported.</p>	<p>Specifications:</p> <ul style="list-style-type: none"> This rule describes the required specifications for the installed totalizing flow meter measurement device.

Question(s) Being Addressed With this Rule Language	Decision
<ul style="list-style-type: none"> (A) What should OWRD consider for measurement devices? 	<ul style="list-style-type: none"> (A) 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.

Section	Rule Language	Rule Language Explainer
<p>(5) Specification for the totalizing flow meter</p>	<p>f. The totalizing flow meter shall be installed in accordance with all manufacturer specifications. There shall be no turnouts or diversions between the well and the flow meter. The flow meter shall be installed not less than five pipe diameters downstream from any valve, elbow, or other obstruction which might create turbulent flow, or other provisions shall be made that meet the manufacturer’s specifications to control or eliminate turbulent flow.</p> <p>g. The totalizing flow meter shall be installed no more than 100 feet away from the well head.</p>	<p><u>Specifications:</u></p> <ul style="list-style-type: none"> • This rule describes the required specifications for the installed totalizing flow meter measurement device.

Question(s) Being Addressed With this Rule Language	Decision
<ul style="list-style-type: none"> • (A) What should OWRD consider for measurement devices? 	<ul style="list-style-type: none"> • (A) 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.

Section	Rule Language	Rule Language Explainer
(6) Reporting requirements if the totalizing flow meter is broken	(6) A water user shall report broken flow meters to the local watermaster's office within 48 hours after determining that the flow meter is broken. A water user shall not appropriate for more than 60 days without an operating flow meter.	<p><u>Reporting of a broken flow meter:</u></p> <ul style="list-style-type: none"> If a flow meter is broken, the water user must report it to the local water master within 48 hours. <p><u>Appropriating water when the flow meter is broken:</u></p> <ul style="list-style-type: none"> The maximum amount of days water can be appropriated while the flow meter is broken is 60 days.

Question(s) Being Addressed With this Rule Language	Decision
No related questions	N/A

Section	Rule Language	Rule Language Explainer
<p>(7) Measuring and reporting requirements while the totalizing flow meter is broken</p>	<p>(7) While the flow meter is broken, the water user shall use other methods of measurement defined under OAR 690-085-0015(5)(a) –(c) until the flow meter is replaced or repaired. The water user shall keep the monthly data and mail the data to the Department in Salem upon request of the Department. The data shall include a statement of the initial reading on the newly installed flow meter, the current power meter reading, and the time of operation. The water user shall notify the watermaster within 48 hours of installing the repaired or replacement flow meter.</p>	<p><u>Other methods of measurement allowed while the flow meter is broken:</u></p> <ul style="list-style-type: none"> • OAR 690-085-0015(5)(b) – Power consumption method • OAR 690-085-0015(5)(c) – The time of operation method <p><u>Reporting of data while the flow meter is broken:</u></p> <ul style="list-style-type: none"> • The water user shall keep the monthly data and may need to report it upon request. • The data reported shall include the initial reading on the newly installed flow meter, the power meter reading, and the time of operation. <p><u>Reporting the installed flow meter:</u></p> <ul style="list-style-type: none"> • Within 48 hours of installment of the flow meter the water user shall report to the local watermaster.

Question(s) Being Addressed With this Rule Language	Decision
<ul style="list-style-type: none"> • (A) How should water use be tracked? 	<ul style="list-style-type: none"> • (A) 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.

Section	Rule Language	Rule Language Explainer
(8) Regulation for failure to install a totalizing flow meter	(8) Failure to have and maintain a properly installed, functioning totalizing flow meter by March 1, 2028, will result in the local watermaster regulating and controlling an unmetered well such that no groundwater may be pumped or appropriated until a flow meter is obtained and installed consistent with these rules.	<p><u>Penalty for not installing a flow meter:</u></p> <ul style="list-style-type: none"> • If a groundwater user does not install by March 1, 2028, the water master will regulate and control an unmetered well until a flow meter is obtained and installed.

Question(s) Being Addressed With this Rule Language	Decision
No related questions	N/A

Section	Rule Language	Rule Language Explainer
(9) Authority to assess civil penalties on users who do not install a totalizing flow meter	(9) Consistent with ORS 536.900, ORS 183.745, and OAR Chapter 690 division 260, the Department may assess civil penalties for violation of these rules.	<p><u>Authority to assess civil penalty:</u></p> <ul style="list-style-type: none"> • This section describes the authority of the department to assess civil penalties if these rules are violated.

Question(s) Being Addressed With this Rule Language	Decision
No related questions	N/A