



Stabilizing Groundwater Levels in the Harney Basin

Groundwater is overallocated in the Harney Basin. This means the current volume of groundwater pumping is not sustainable. Action needs to be taken to reduce groundwater use in key areas to stabilize groundwater levels.

Actions already taken to address groundwater overallocation

Stopped Issuing New Permits: In 2016, the Oregon Water Resources Department (OWRD) stopped issuing new groundwater permits in the area that do not align with OAR 690-512 rules. Six permits for 2,286.65 acres have been issued since 2016 that align with the OAR 690-512 rules.

Collected Data to Understand Groundwater Resources in the Basin: In 2016, OWRD and the United States Geological Survey (USGS) began a comprehensive study of the area's groundwater resources. In April 2022, the USGS in cooperation with OWRD released two comprehensive peer-reviewed [Harney Basin Study reports](#), which represent the best available science of what is occurring with the basin's groundwater. The study showed that more groundwater is being used than is being replenished.

Partnered on Local Water Planning Research to Identify Solutions: In 2016, OWRD partnered with Harney County and the Watershed Council to convene the Harney Basin Community-Based Water Planning Collaborative (Collaborative). In July 2022, the Collaborative reached a final consensus on 33 recommendations in the groundwater portion of their plan. The recommendations will inform OWRD's work in the basin.

Stopped Extending Undeveloped Permits: In 2016, OWRD notified individuals with existing water right permits that it would not allow further development beyond existing authorized completion dates. Since then, OWRD has approved extensions of time to comply with some permit conditions but has not granted extensions for additional groundwater development.

Addressing Illegal Uses of Water: OWRD continues to look for use of water without a water right. This will be an ongoing task for watermaster staff in the basin.

Future actions in the basin

Develop Additional Tools to Understand Groundwater Resources: The USGS is currently developing a numerical groundwater flow model that will provide insight on the timing of groundwater flow and interactions in the basin and will allow OWRD and others to explore the likely results of potential future management practices. A report is expected in late 2023 or early 2024.

Implement Place-Based Plans: OWRD will continue to work with the Collaborative to implement the groundwater plan and develop a surface water plan.

Document and Report Illegal Water Use: OWRD will produce an annual report of any documented illegal groundwater use starting in 2023. These reports will be provided to the Collaborative and Commission and will be made public.

Enroll Lands into Conservation Reserve Enhancement Program (CREP) to Voluntarily Reduce Groundwater Use: OWRD, in partnership with the U.S. Department of Agriculture's Farm Service Agency and the Natural Resource Conservation Service aim to reduce groundwater use by providing payments to incentivize the voluntary retirement of groundwater rights, returning irrigated croplands to native vegetation in the GHVGAC. This program is expected to be launched in 2023.

Reduce Groundwater Use by Enforcing Decline Conditions: Some groundwater rights contain conditions that require water use to cease if groundwater levels decline below a reference level, usually 25 feet. OWRD will assess groundwater rights with permit decline conditions and require water use to cease or decrease in accordance with conditions starting in 2024.

See additional future actions (rulemaking and voluntary agreements) on next page...

Future actions in the basin continued...

Conduct Rulemaking to Address Groundwater Challenges: OWRD will convene a rules advisory committee by April 2023. The committee will likely meet through at least the end of the year to:

- Review the groundwater study results.
- Review the OAR 690, Division 512 rules to determine which changes need to be made.
- Discuss the establishment of a Critical Groundwater Area (ORS 537.730 to 537.742) via rulemaking. Learn more about CGWA's below.
- Discuss the potential establishment of a Serious Water Management Problem Area (SWMPA). A SWMPA requires water users to install measuring devices and report water use.

Draft a Voluntary Agreement for Reducing Groundwater Use: OWRD will work with the community to develop one or more voluntary agreements, which if adopted by users of a groundwater reservoir and approved by the Water Resources Commission, could control water management to stabilize groundwater levels in lieu of critical groundwater area regulations or curtailment of existing groundwater right holders by priority date.

What is a Critical Groundwater Area and when would it go into effect?

A Critical Groundwater Area may be designated to address groundwater supply, quality, or thermal issues. A designation under ORS 537.730-740 allows the Oregon Water Resources Commission to take corrective actions necessary to address groundwater issues, which may include reducing groundwater pumping under existing permitted or certificated rights.

OWRD is currently in the process of revising its Division 10 rules that define the procedures and processes for establishing a Critical Groundwater Area. According to statutes, in order to designate a Critical Groundwater Area in the Harney Basin, OWRD must first adopt rules by consulting with a Rules Advisory Committee. A proposed draft of the rules will then be published for public comment and a public hearing. Draft rules may be revised based on comments before being presented to the Oregon Water Resources Commission. The Commission is responsible for adopting these rules. After, if there is a need to limit any existing groundwater uses, OWRD will conduct a contested case proceeding, which will likely take several years. OWRD supports the development of a community-adopted voluntary agreement, which could serve in place of a priority-based curtailment via a Critical Groundwater Area designation and subsequent order following a contested case hearing.

What other financial assistance is available?

- The **Statewide Water Well Repair, Replacement and Abandonment Fund (WAARF)** is currently offering grants of up to \$40,000 to low to moderate income well owners whose household wells have been affected by drought or wildfire.
- The **Harney Well Remediation Fund: House Bill 3092** (2021) authorizes OWRD to pay for up to 75% of the total cost of replacing, repairing, or deepening a personal domestic well affected by groundwater declines in the Greater Harney Valley Groundwater Area of Concern, not to exceed \$10,000. This fund allows OWRD to pay up to \$3,500 for the cost of abandoning the replaced well. This program is currently under development, sign up for our listserv to receive updates.
- **Cost Share Water Measurement Program:** Water measurement can be used to understand how much water is being used and gauge the effectiveness of conservation measures. OWRD may pay up to 75% of the cost of voluntary purchases and installation of a measuring device.

How can I stay informed about OWRD actions moving forward?

Learn more and sign up for MailChimp updates at <http://eepurl.com/b90Y5n>.