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## **Division 512 Rules Advisory Committee**

### **Meeting 6 (March 6, 2024, 1-5 PM)**

This document is a summary of Division 512 Rules Advisory Committee (RAC) hybrid meeting number six held at the Harney County Community Center on March 6, 2024, from 1-5 PM. For more information, see the Meeting Agenda, Meeting Presentation, Draft Rules, and other Meeting Materials, available on our [rulemaking website](#).

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 take-aways 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:

- Barbara Howard
- Ben McCanna
- Brandon Haslick
- Brenda Smith
- Julie Weikel
- Karen Moon
- Ken Bentz
- Kristen Shelman
- Lisa Brown
- Lorissa Singhose
- Louie Molt
- Mark Owens
- Roger Sheley
- Fred Otley
- Andy Root
- [Lesley Richman](#)
- Angie Ketschcer
- Breanna O’Conner
- John Rowell
- John Short

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

- Ivan Gall
- Tim Seymour
- Darrick Boschman
- Kelly Meinz
- Laura Hart
- Alexandria Scott
- Justin

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

### **Welcome and Introductions**

Bryant Kuechle introduced himself, shared ground rules, reviewed the agenda and facilitated self-introductions but OWRD staff, RAC members and the public. The following ground rules were shared:

1. RAC members please sit at the horseshoe. All non-RAC-member attendees please sit in the seating area, except during the public comment period.
2. All attendees will show mutual respect for each other, OWRD staff, and RAC members. This includes refraining from using cell phones or talking while the meeting is in session.
3. For those wishing to provide public comment, 30-minutes is set-aside at the conclusion of the meeting and time will be extended if necessary. This is the public's opportunity to share their input. The RAC will not participate in this session.
4. Generally, commentors have about 2-5 minutes each and are asked to finish in a reasonable amount of time to allow for the maximum number of individuals to express their viewpoints.
5. The public will have the opportunity to provide public comment either virtually or in-person.
6. Commenters must show mutual respect for everyone participating in the meeting. Do not use unprofessional conduct or inappropriate language (yelling, profanity, etc.).

### **Process Discussion**

In response to RAC member interest in sharing feedback to OWRD about the process to-date, Bryant Kuechle facilitated an open-ended conversation with the goal of identifying RAC member concerns with the process and capturing their questions and feedback so they can be folded into a future RAC meeting discussion/learning session. RAC members provided the following for consideration:

- Why is the entire basin designated a CGWA and not just the subareas that have triggered the thresholds for designation?
- Recap all past work and discuss what occurred at the last meeting, at the beginning of each future meeting
- Critical Groundwater Designations: How do they fit and how are they defined? Why are some areas included when they do not meet CDDWA conditions?
- How does the input of the RAC get incorporated into the rulemaking process?
- How will success be measured after full PTW? What will be the groundwater levels in 5, 10, 15 years?
- How do we engage the RAC to educate the public?
- How has the process gone in Umatilla? Lessons learned? (reduced pumpage has shown reduced decline)
- Explain PTW
- How do we define reasonably stable?
- Can Dog Mountain and Weaver Springs be separated?
- Make searching for information easy and send specific links to past information shared/presented
- Send past information to water rights users in the mail (internet not always reliable in Harney County)
- Clearly define the data that has been used and how it was verified
- Share the quality of the data
- Identify the areas that are negotiable
- Discuss the policy decision of subareas and how this influences PTW
- Why does the subbasin approach as presented assume the worst area's PTW? What would this look like if the areas were averaged and why is this not the right approach?

- What are the projected timeframes of hydrological water levels?
- How were the years selected and how does that differ from the basin approach?
- How does a water level decline in one area impact other areas in the basin?
  - o Manage for one area and determine the effect on surrounding areas and the overall decline in the basin
- Look at the well data anomalies to help manage the system
- Timeline is aggressive, community needs flexibility
- Share link to USGS data that is available
- At next RAC have an information session that addresses questions and visually shares the data and calculations
- Identify areas of agreement and opportunities for discussion by separating the science and policy decisions. Where do we agree on policy?
- Add triggers/actions for the subareas that are not high priority so we don't fail to achieve those goals
- Could there be subareas in Weaver Springs? Wells are showing different levels of decline
- Received information about severity of the cuts only in the past few weeks, which has caused panic. The chart needs explanation.
- Education has been going on for years, confusion as to why people are saying this is all new information.
- There are 100s of domestic wells in the basin and they are not subject to regulation. Domestic wells are being impacted. We need to live with the desert.
- Reasonably stable is not a policy decision is a statutory requirement. For the other 9 subareas it will be important to set some sort of trigger for curtailment.
- Lower Blitzen should not be a CGWA.

The following comments were provided by RAC members online via the Zoom Chat:

- The meeting in August/September needs to be as long as a day. Not only to ensure collaboration and essentially respect and trust between Oregon's Agricultural Communities and the State of Oregon. For a realistic timeline the community needs at least two more opportunities for public comment and the revision in language as described. So, schedule two more meetings with time for the people in the room today (set 80 people and 21 online, RAC members) and 3 mins for Oregonians who register after today.
- The department needs make available materials at all future meetings. Or mail proposed rules to current address on file for all the water rights domestic included and applications and permits. At best make materials available if requested. These materials need to include USGS studies and the science the department is basing its proposed rules on.

### **Sub-Basin Approach**

Darrick Boschmann led a presentation and discussion comparing the sub areas and sub basin approaches to PTW. RAC member discussion and questions included:

- What happens if 90% of the subarea hits zero decline but crane still keeps going down? Is it possible to reduce pumpage so that we get to 4" of decline and then manage that for 30 years which then results in an additional decline of 10 feet over that 30 years and then the Crane users figure out how to mitigate the impacts to the domestic and GDEs. Can we do that technically? Can we do that from a policy standpoint? For our data set to determine the PTW I think should be 7 – 12 years. How long does it take to implement curtailment?
- What assumptions related to timeframe were included in the analysis of the subbasin approach vs 15 subarea approach? Focusing on how we decided what was stable vs what wasn't.

- Can we incentivize static water level measurements to report better data and more data?

The following comments/questions were provided by RAC members online via the Zoom chat:

- Isn't 2018 pumpage based on 23 measured wells correlated with remote sensed ET and an estimate of supplemental water use at 50% of ET based on one 80 acre field use for three years evaluation?
- It appears that if the PTW were averaged across the area, it would be something like ideal year 2000.
- If the decision is made to include a bunch of low priority sub-areas with high-priority sub-areas, then to stop declines in the entire sub-basin area will require applying the lowest common denominator, which is Crane in 1987, to achieve the goal of no further declines.
- The issue of larger areas having a lagged effect which is different from an immediate effect. Is it not true that reducing by a given volume will have the ultimate effect regardless of time? The calculations being proposed is to treat the acute areas regardless of the area of the subarea.
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### **Public Comment Session #1**

Bryant Kuechle requested a show of hands (in-person and online) by members of the public interested in providing public comment in session #1. The following provided verbal comment. [Comments begin at 2:23 on the meeting recording.](#)

- Kurt Blackburn
- Ben Curd
- Chris Hall

### **Community Efforts for Groundwater**

Holly Mondo, Project Manager for the Harney Community-Based Water Planning Collaborative (CBWP) led a presentation and discussion about the community led efforts to reduced groundwater levels, specifically:

- Place based Planning
- The CBWP
- CBWP Groundwater Plan
- Options for reduction rate of decline
- Voluntary agreements

### **Fiscal Impacts Statement**

Kelly Mainz led a presentation and discussion about the Fiscal Impacts Statement and requested feedback from the RAC about other sources of information that will help inform this process. RAC members provided the following:

- Cost of not acting (consider domestic well fund, WAARF program, CREP)
- Hay production trickledown: effect from loss of revenue
- See multiplier from Oregon Economics Department regarding trickledown effect of job loss
- Hey reduction impacts cow stocking rates and trickles down to small business
- Students in Harney County all qualify for free lunch (indicator of economy)
- Investment loss (pumps, wells) - \$3,500 per acre + depreciation
- Property value declines
- Property tax goes down
- University Extension Economist

- Loss of Schools (ESD source)
- Impacts to non “Business” farms
- True value is what would value have been if it was removed from production, for multiple generations
- The Harney Basin Groundwater CREP Programmatic Impact Statement has information on the potential effects of drying 20,000 acres. The Harney Basin groundwater market study has an economic analysis completed by ECNorthwest.
- Land value losses vs land value gains
- Where do we go to write grants and try to get money to support them in these regulatory changes?

## **Public Comment Session #2**

Bryant Kuechle requested a show of hands (in-person and online) by members of the public interested in providing public comment in session #2. The following provided verbal comment. [Comments begin at 3:31 on the meeting recording.](#)

- Scott Montgomery
- Fred Flippans, Harney Electric CoOp
- Chris Hall

