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Division 512 Rules Advisory Committee Meeting 4 (Nov. 29, 2023, 1-4 PM)

This document is a summary of Division 512 Rules Advisory Committee (RAC) hybrid meeting number four held at the Harney County Community Center on Nov. 29, 2023, 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:

1. Andy Root
2. Barbara Howard
3. Ben McCanna
4. Bradon Haslick
5. Breanna O’Connor
6. Brenda Smith
7. Fred Otley
8. John Short
9. Julie Weikel
10. Karen Moon
11. Ken Bentz
12. Kristen Shelman
13. Lorrissa Singhose
14. Mark Owens
15. Steve Rickman
16. Travis Singhose
17. Zach Freed

Oregon Water Resources Department (OWRD) staff in attendance were Kelly Meinz, Ivan Gall, Tim Seymour, Alexandria Scott, Jason Spriet, Dally Swindlehurst, Graham Thomas, Darrick Boschmann, Gabe Tiller, Gerald Grondin, and Laura Hartt.

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 (1-1:20 PM)

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.).

GIS Map Review and Subarea Discussion (1:20-2:10 PM)

Tim Seymour led a presentation and discussion of the draft subareas and online GIS mapping tool with other OWRD staff providing additional information and insight. The follow captures some of the key themes and questions that emerged from that discussion:

- Interest in lines following hydrological not administrative lines, concern the subareas limit options for sustainable solutions and may create conflict between landowners on either side of a border, where one is being curtailed and the other is not in the same sub-basin
- Would less subareas create less administrative work and less flexibility for OWRD?
- OWRD resources should not be driving subareas
- Water markets need larger groups of buyers. Small subareas limit that market.
- Smaller subareas limit transfers. That prevents getting water to the best land.
- Smaller subareas increase the amount of lines that people have to look at and argue over. Smaller subareas = more conflict.
- Smaller subareas means that a disproportionate share of reduction will be borne by a smaller number of users.
- Should curtailment be tied to recharge areas? If you have property in an area with very limited recharge you would have steeper cuts and in areas with more recharge have smaller cuts.
- Subareas should be designed to get us to solutions and make solutions possible.
- Weaver Springs is an outlier (don't include)
- Does Dog Mountain and Weaver Springs need to be combined?

NEXT STEP: OWRD will look into potentially redrawing some subregion lines that enlarge areas based on subbasins (there are 4 hydrological sub-basins) to allow for broader coordination and transfers amongst water rights holders that share a subregion. This discussion will be continued at RAC Meeting 5.

Data Discussion (2:20-3:00 PM)

Darrick Boschmann led a presentation of the available data and how it is interpreted with other OWRD staff providing additional information and insight.

Subarea Rankings (3-3:30 PM)

Tim Seymour led a presentation of the draft subareas rankings with other OWRD staff providing additional information and insight. RAC members shared the following questions, concerns and requests:

- Add mid bucket: There are 2 available measurements (50+ feet of decline and 3+ feet of decline per year). Restructure groups:
 - o High (excessive decline): Areas that have met a measurement
 - o Medium: Nearing a measurement
 - o Low: No excessive decline

NEXT STEP: OWRD will re-evaluate number of buckets and criteria

Goals for Curtailment (3:30-4:30 PM)

Tim Seymour led a presentation and discussion on curtailment goals with other OWRD staff providing additional information and insight. RAC members shared the following questions, concerns, and requests:

- If you want to halt decline you are going to kill the community.
- Irrigation subsidizes the power company and the utility infrastructure.
- OSU developing an economic study tool that can provide some insight
- 110 of 135 feet of reduction is OWRD's aspirational target
- Curtailment model will tell us the extremes: If you shut off all the wells and if you don't stop pumping
- Time cuts both ways: Faster will have less impact on subarea neighbors but will come at significant economic cost

Public Comment

Bryant Kuechle requested a show of hands (in-person and online) by members of the public interested in providing public comment. The following provided verbal comment. [Comments begin at 3:30 on the meeting recording.](#)

- Christopher Hall
- Ken Beardley
- John Short

RAC questions/comments for further discussion/consideration

- Transfers live within their own statutory rules. There will not be transfer rules written into this.
- When/where does the RAC intersect with the groundwater committee work?
- Does the RAC NEED all of the data to begin planning for change?
- Will there be credit for those people that have already made changes to their equipment and practice for less water usage?
- Need a rule and process that can adapt and be flexible w/ benchmarks where community needs can be addressed and discussed
- Agriculture subsidizes the power. With agriculture, the town goes away
- Structure rules to adapt to USGS Study when report becomes available. This will help identify what happens if and when... but we got here because we didn't have the data so we need to be sure we have the data to make future decisions.

NEXT STEP: Bryant Kuechle closed out the meeting and requested that RAC members connect prior Meeting 5 so Bryant can better understand their questions and concerns and bring their issues to the conversation. Bryant can be contacted at: 208-739-3048 or bk@langdongroupinc.com.