

TO: Oregon Water Resources Department (OWRD)

FROM: Eric Dittmer

SUBJECT: CommentsOWRD Groundwater Allocation Rulemaking process

DATE: May 22, 2024

I'd like to compliment the staff of the Oregon Water Resource Department (OWRD) and the Oregon Water Resources Commission (OWRC) for their work in addressing increasingly complex water resource and management issues. Oregon's water is clearly a limited resource facing increasing demands and should be managed accordingly.

I have been involved in water resource issues in Jackson County in the past and have some familiarity with the subject. The efforts in drafting the Integrated Water Resources Strategy and the proposed Groundwater Allocation rulemaking are examples of a positive, proactive approach in improving equitable water use in Oregon.

I support the work OWRD is doing in revising groundwater regulations.

In a recent comment letter to OWRD, WaterWatch of Oregon noted:

"There are several important ways the state's proposed rules will align with existing statute, and put Oregon on a better, more responsible [path to groundwater sustainability](#). The new rules will:

- Define "reasonably stable" groundwater levels and prevent new groundwater permits from being issued when groundwater levels are not reasonably stable.
- Establish the amount and type of data needed to determine whether groundwater levels are reasonably stable – and require denial of a permit application if that data is not available.
- Protect senior surface water rights – including instream water rights – by requiring a full accounting of the impacts of proposed pumping on hydraulically connected rivers and streams. This marks an important improvement, as the state's practice over the last several decades has resulted in an issuance of groundwater permits that has injured senior surface water rights."

The proposed rules will begin to address the problems I encountered when preparing a groundwater reconnaissance study for Jackson County in the 1990's:

- Inadequate groundwater information with incorrect and misleading well log data (too many 5 gals per minute flow test results as needed for getting bank loans)
- Challenges in determining long term yields in fracture-controlled storage and recharge.

- Inadequate data on surface/groundwater interconnections
- The burden of proof on well interference issues was with the owners of existing wells with earlier water rights.

These problems have been largely addressed since then but increasing demand and climate change put additional stress on our limited groundwater resources.

I support the OWRD's proposed groundwater allocation rule revisions because they include:

- goals for managing groundwater more sustainability.
- addressing interconnections between surface and groundwater
- recognizing the impacts of climate change and increasing demands from a growing population
- current inequities in groundwater management are addressed.

For example:

I support deleting the term "commercial" from ORS 537.545 (1)(b). The ongoing OWRD Groundwater Allocation Rulemaking process can be the appropriate mechanism to make this logical revision.

Commercial crop sales by farmers that sell their crops to farmers markets should be allowed, if not encouraged. There are several reasons:

- The amount of water involved is miniscule compared with large scale commercial operations with much of their produce shipped out of state.
- Policing owners of small farms selling to local farmers markets based on this ORS statute is a waste of time compared to the overwhelming need to address excessive water usage by both large commercial farms and the water accessed illegally by cannabis growers. The latter uses deserve more active regulation.
- In the past water enforcement of existing regulations was largely on a complaint basis. Sending letters of warning to target those selling crops to farmer's markets seems awkwardly punitive.
- Growing, selling, and consuming crops through farmers markets saves on transportation costs and reduces our carbon footprint.

Proactive approaches to address known groundwater problems are needed now more than ever. Thank you for this opportunity to comment!

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