

14 June 2024

Laura Hartt  
Groundwater Allocation Rules Coordinator  
OWRD  
By email: [Laura.A.HARTT@water.oregon.gov](mailto:Laura.A.HARTT@water.oregon.gov)

Re: Final written comments on proposed Groundwater Allocation Rules

Oregon Environmental Council has appreciated the opportunity to participate in OWRD's Groundwater Allocation RAC. We also appreciate the extensive, inclusive rulemaking process the Department has managed over the past two years.

Things we really like about the proposed rules:

- These rules do not establish a moratorium per se, but rely on science and data to determine whether new groundwater pumping permits should be issued.
- Contrary to what many critics are saying, these rules are not one-size-fits-all, and the sideboards proposed to ensure basin planning efforts comply with statewide priorities and goals while customizing groundwater use to their specific basin.
- Again, contrary to what some cities and counties are maintaining, these rules will not leave most communities unable to meet municipal water needs. No data has been provided by the cities to indicate any deficits in water rights. While some cities, like Bend, have prioritized conservation efforts, most have not. Conservation efforts (including water reuse) must be the first choice in meeting municipal, industrial and agricultural needs.
- These rules squarely address IWRS recommended action 11.E.
- These rules take into account groundwater/surface water relationships, including those supporting groundwater dependent ecosystems.
- These rules have been vetted to ensure that there is no conflict with other state-level priorities as established by the Governor's office or by other state agencies.


Two points the rules do not address but that we feel are very important are:

1. OAR 690-009-0040(5) needs to be modified to clearly state (consistent with the agency's intent) that when certain conditions are met, there **will** be a finding that water is not available for the proposed use, rather than there **may** be a finding that water is not available for the proposed use.
2. Where a permit is issued in an area lacking data and lacking other groundwater appropriations, an appropriation ceiling (size limit) should be established in the rules (150 acre-feet has been suggested). Setting an appropriation ceiling in such circumstances allows the first permit to be issued while offering the opportunity to

collect groundwater level data and protecting the resource from inadvertent overallocation in areas where there is no data at the time the permit is issued.

We look forward to seeing these rules put in place and on their way to implementation in the near future.

Sincerely,

A handwritten signature in black ink that reads "Karen Lewotsky". The signature is written in a cursive, somewhat stylized font. The first name "Karen" is written in a larger, more prominent script, while "Lewotsky" is written in a smaller, more compact script. The signature is positioned centrally below the text "Sincerely,".

Karen Lewotsky, PhD, JD  
Water Program Director  
Rural Partnerships Lead