



June 14, 2024

Oregon Water Resources Commission
c/o: Laura Hartt
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Proposal to amend, repeal, and adopt rules pertaining to allocation of new groundwater rights

Chair Quaempts, Vice-Chair Smitherman and Members of the Commission:

Thank you for the opportunity to provide comments in response to the Water Resources Departments (OWRD) proposed changes to the Groundwater Allocation rules. The Oregon Farm Bureau Federation (“OFB”) is the state’s largest general agriculture association, representing nearly 6,600 families engaged in farming and ranching. Our mission is to promote educational improvement, economic opportunity, and social advancement for our members and the farming, ranching, and natural resources industry as a whole.

Water is the lifeblood for Oregon’s farmers and ranchers; it is essential for the Oregon’s agricultural economy. Agriculture contributes an estimated \$50 billion dollars to the state’s economy, making it one of Oregon’s largest economic drivers. Given the importance of water to all of Oregon’s 220+ commodities, we have a strong interest in ensuring that the OWRD proposes administrative rules that will not only protect our water resource, but also make it available to the public through a fair, transparent equitably accessible permit process that is reflective of Oregon’s diverse landscape.

We believe that the proposed rules fail to address the needs of all Oregonians and will effectively halt the issuance of new groundwater permits, even in areas where groundwater is available, unless applicants can afford to pay for the necessary data that the state lacks. The department already possesses numerous tools for protecting Oregon’s groundwater, which should be utilized more effectively. Therefore, the Commission should not adopt these rules. Instead, it should instruct OWRD to enhance the use of existing groundwater management tools and collaborate with the legislature to secure additional funding for groundwater studies.

While OWRD's proposed new rules to update the criteria for determining water availability for new groundwater rights aim to "clarify and update key terminology used for decision-making when issuing new groundwater rights," OFB remains concerned that these new rules will significantly limit the ability of Oregonians to obtain new groundwater permits. This limitation would apply to all basins, including those not currently experiencing serious water level declines. The proposed rules redefine "reasonably stable groundwater levels" and introduce stricter regulations on the interconnections between surface and groundwater. They also restrict access to water in basins lacking adequate data, or they require applicants to fund their own data collection where state data is insufficient. This creates an unfair barrier to water access.

The proposed groundwater allocation rules will impact a variety of water users and applicants, including new farms and commercial operations. OFB urges the Commission to reconsider the proposed rules and to encourage the Department to adopt alternative approaches that:

1. Utilize existing OWRD authorities that are site-specific and recognize the unique attributes of each watershed and aquifer in Oregon.
2. Prioritize basins and sub-basins with the greatest need for groundwater study, such as areas with serious groundwater declines, frequent shortages, and significant connectivity to over-allocated surface waters. Request legislative funding to increase OWRD's groundwater data.
3. Require unperfected groundwater rights to demonstrate beneficial use under water-short conditions, thereby limiting the development of existing uses to known quantities.
4. Use existing OWRD authority to:
 - o Reclassify groundwater uses.
 - o Enforce authority to shut off groundwater rights under certain conditions.
 - o Designate and focus on priority areas using "Serious Water Management Problem Area Authority."
 - o Implement processes for limiting pending groundwater applications and setting conditions in over-allocated areas.

While OFB agrees that protecting Oregon's groundwater from over-allocation is necessary, the proposed rules will act as a de facto moratorium on groundwater and is a one-size-fits-all solution that does not account for the diverse needs of Oregon's landscapes and water basins. Thank you for your careful consideration of this important matter.

Sincerely,
Lauren Poor
Vice President of Government & Legal Affairs
Oregon Farm Bureau