

## HARTT Laura A \* WRD

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**From:** R.A. B. <rabriverbend@outlook.com>  
**Sent:** Monday, June 10, 2024 8:12 PM  
**To:** WRD\_DL\_rule-coordinator  
**Subject:** Groundwater Allocation Rulemaking -- Comments in Support

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Rules Coordinator and Commission,

The following two paragraphs are offered to allow you to quickly tally this as an in-favor comment and skip the rest if you'd like.

- I strongly support the proposed rules. Continuing the current practice of defaulting to yes is the definition of flying blind. It's way, way past time to default to ... data. If the data aren't there, let's--in the name of Oregon's future--pause.
- Not adopting the rules is nothing less than a short-term indulgence by this generation, selfishly risking the welfare of tomorrow's Oregonians.

Now, for those who somehow have additional time (or eyesight), here's some color commentary:

I worked at OWRD for over a decade and wrote *The Oregon Water Handbook* (OSU Press, 2006). The first sentence of that book (first edition 1998): "To make a long story short, Oregon's out of easy water." That's truer today than it was a quarter century ago. I applaud the Commission and Department for these proposed rules which recognize this fact.

I just went to my basement to retrieve my copy of the book to see what I may have written about groundwater so long ago. I was pleased that pages 121 and 122 describe the 1955 Groundwater Act's clarion and robust declarations about the primacy of the public interest in managing groundwater uses. It turns out the Commission:

- is directed to insure the preservation of the public welfare, safety and health;
- is authorized to take actions--notwithstanding existing groundwater rights and their priority--when required to protect the public welfare, safety and health;
- can "control" wasteful groundwater practices;
- is empowered to invoke the police power of the state to control groundwater uses when there is wasteful use, declining groundwater levels, or when over-drawing of groundwater supplies exists or is likely ("impends").

So...compared to the powers vested in the Commission by the laws of Oregon for conditions such as we have today, these proposed rules are a model of moderation. No existing right is invaded or limited. No uses are proscribed. No blanket conservation practices are imposed. No agents of the state will descend on users to prosecute. No one using groundwater today is touched by the proposed changes.

All that's proposed is some sort of showing that enough groundwater is there to support a new use while not messing up the water table or harming other users.

This type of assurance is not radical; going forward without data is.

I'd respectfully submit that approval of these rules would be as significant as adoption of the 1909 Water Code or the 1955 Groundwater Act. This is a turning point for Oregon's water future. It's not often that proposed rules can be described as brave. These are. They're plain, and wise, and needed, and therefore controversial.

The Commission should steel itself against the passionate, but I think misguided, objections to these common-sense changes and approve these proposed rules. In service to all of Oregon—present and future.

Thank you.

Rick Bastasch  
Salem, Oregon