



June 12, 2024

Laura Hartt
Oregon Water Resources Department
725 Summer Street NE, STE A
Salem, OR 97301

Via email to: WRD_DL_rulecoordinator@water.oregon.gov

SUBJECT: DESCHUTES REDBANDS SUPPORT OREGON WATER RESOURCES DEPARTMENT'S GROUNDWATER ALLOCATION RULEMAKING

Dear Ms. Hartt and Members of the Oregon Water Resources Commission:

The Deschutes Redbands Chapter of Trout Unlimited has more than 720 members throughout Central Oregon, many of whom advocate for coldwater fisheries and spend time restoring streams that are dependent on groundwater and springs. Please accept the following comments from our Chapter regarding the Oregon Water Resources Department (OWRD) groundwater allocation rulemaking:

The Deschutes Redbands Chapter of TU supports OWRD'S proposed groundwater allocation process and draft rules.¹

Groundwater and surface water are connected. Indeed, one can view this relationship in many parts of Central Oregon, where springs (i.e., groundwater) supply and sustain streams such as the Metolius River, Fall River, and Crooked River. Without stable groundwater levels, the lakes and rivers that we love—and the fish that inhabit them—face an uncertain and gloomy future.

For decades, OWRD has over-allocated permits to extract and use groundwater in Oregon (not including domestic wells, which are exempt from the permitting requirement and scope of these rules per ORS 537.545). In many places including Central Oregon, OWRD made allocation decisions based on incomplete information, such as the absence of well-monitoring data or detailed hydrologic data that could demonstrate whether or not water was “available” for the use. Simply put, OWRD's

¹ See Groundwater Allocation Rulemaking page at <https://www.oregon.gov/owrd/programs/gwwl/gw/pages/groundwater-rulemaking.aspx>

practice for many years was to approve requests for new groundwater permits (and accompanying increases in groundwater pumping) without ensuring the new uses would be sustainable and not contribute to declining aquifer levels.

Examples of declining groundwater abound in the western United States. Oregon is no exception. OWRD's groundwater allocation rules would require the state to make an affirmative finding that groundwater is truly "available" on a sustainable basis prior to issuing new groundwater rights (which last in perpetuity after issuance). Given past practices at OWRD, development pressures in Central Oregon, and climate change, this is reasonable and timely. The new rules would not affect existing water rights or wells, and would only change practices at OWRD in making new permitting decisions moving forward.

Change is hard, especially when it has the appearance of affecting growth and local economies. Nevertheless, the Chapter feels that the groundwater allocation rulemaking is necessary. The Deschutes Chapter of TU urges you to support the rules— notwithstanding the pressures to oppose them—because the groundwater allocation rule revision will benefit Central Oregon's natural resources and residents over the long term.

This rule package is an important pivot-point in the State's regulation and management of groundwater in Oregon, but there is so much more to do. Moving forward, we would like to see OWRD improve and increase information-sharing with the public and water users on how to conserve our precious aquifers. Specifically, OWRD has an important role to play in educating Oregonians on the conservation measures that commercial and domestic well users can take to address groundwater issues that won't be addressed by this rule package. Funding, incentives, and other regulations to promote conservation are likely necessary in some places. Finally, well monitoring data will help us quantify the water reservoirs below us, allowing for informed permitting decisions; to this end we recommend initiating more comprehensive well monitoring, both commercial and domestic.

The groundwater allocation rule package is a bold step in the right direction. Thank you for considering our comments.

Sincerely,



Steve Goldberg, President
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