



OREGON HOUSE OF REPRESENTATIVES

Representative Vikki Breese-Iverson, HD59

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Transmitted electronically
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Laura Hartt
Oregon Water Resources Department
725 Summer Street N.E., Suite A
Salem, Oregon 97301

Dear Ms. Hartt,

I am writing to encourage the Department to withdraw its proposed administrative rules addressing the allocation of our state's groundwater resources at the current time.

Initially, I believe one of the most predominant shortcomings of the proposed rules is to suggest we may be able to develop and promulgate a single set of administrative rules for application in a uniform manner throughout the state. This policy assumption fails to take into consideration the very significant differences between the various basins of the state, and moreover, the potential differences between individual geographical areas within our designated water basins.

I have the opportunity to frequently travel between my home in Central Oregon and the Willamette Valley. One of the most outstanding differences between these two locations is the amount of precipitation – in-short there is a much greater degree of precipitation on the west side of the Cascade Range than I am accustomed to in Central Oregon. Inherently, the hydrological conditions are significantly different between these two regions of the state. Similarly, there are many differences between the other various regions of the state.

The possible adoption of proposed rules, as well as the overarching policy direction, appears diametrically counter to the Department's traditional basin planning efforts, coupled with the Department's efforts in recent years to promote place-based planning activities. It appears there exists an inherent contradiction herein.

Throughout the development of the proposed rules, one continuing concern has been the question regarding the application of the rules; will the rules be applied to existing uses and users of our groundwater resources, or is the intent to extend the rules to proposed new uses of groundwater? I understand the Department has attempted to clarify this issue by indicating the proposed rules are to be extended to proposed new uses of groundwater, as opposed to existing uses.

To address this concern regarding potential application of the proposed rules, I understand it has been suggested the Department establish a new and distinct division within its administrative rules to clearly define the rules will extend to proposed new uses of groundwater resources. In the event the proposed rules are advanced, I strongly recommend the establishment of a new division within the existing administrative rule framework, specifically delineating the new rules will extend to new groundwater uses as of a designated date.

While numerous specific provisions deserve further clarification, I believe the rules as proposed, fail to address the very significant differences that will exist between proposed future groundwater withdrawals. Appropriate regulation must be applied to the immediate impacts of a proposed use within a distinct location.

Once again, to suggest a comprehensive set of regulatory rules may be applied statewide on a uniform basis, clearly fails to address the different circumstances surrounding a proposed new use. Appropriate regulations must be more site specific in nature, as opposed to the automatic statewide default.

In summary, I again encourage the Department to refrain from advancing the groundwater allocation rules as presently proposed.

Sincerely,



Vikki Breese Iverson
State Representative
House District 59