

## HARTT Laura A \* WRD

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**From:** labby.oregon@everyactioncustom.com on behalf of David Labby  
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**Sent:** Monday, May 6, 2024 8:55 AM  
**To:** WRD\_DL\_rule-coordinator  
**Subject:** Approve sustainable groundwater rules that protect Oregon wildlife

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Dear Water Policy Analyst Laura Hartt,

As a fifth generation Oregonian I am acutely aware of how we are impacting the natural resources of this State both through our direct actions and indirectly through climate change.

Improving Oregon's Groundwater Management rules is of utmost importance, particularly as our region faces an ever-increasing demand for groundwater and the intensifying effects of climate change. I support the Oregon Water Resources Department's proposed rule changes that provide an important, positive step toward preventing further degradation of Oregon's overallocated groundwater systems.

Oregon's existing rules for issuing new groundwater permits have resulted in an over-issuance of those permits and have caused major groundwater-level declines across the state, which harm rivers, streams, lakes, wetlands and springs that rely upon inputs of cold, clean groundwater. This, in turn, harms groundwater-dependent ecosystems and the many freshwater species who live in them. Declining groundwater levels have also harmed existing surface-water rights, including instream water rights for fish and other wildlife, and domestic well owners who rely on groundwater for drinking and household use.

There are several important ways that the department's proposed rules will put Oregon on a better, more responsible path to groundwater sustainability. First, the proposed rules define "reasonably stable" groundwater levels and prevent new groundwater permits from being issued when groundwater levels aren't reasonably stable. Second, the proposed rules establish the amount and type of data needed to determine whether groundwater levels are reasonably stable, and they require denial of a permit application if that data isn't available. Finally, the proposed rules protect senior surface-water rights, including instream water rights for fish and other wildlife, by requiring a full accounting of the impacts of proposed pumping on hydraulically connected rivers and streams.

Despite these changes being necessary, however, the proposed rules don't go far enough to address the current issues of Oregon's overallocated groundwater systems. In many areas around the state, groundwater levels are falling at unsustainable rates. While the proposed rules prevent that rate of decline from worsening, they do nothing to slow or stop the current rate of decline, nor do they address issues with permits currently in existence or permit applications in process prior to the rules' adoption.

Oregon's groundwater rules must go further to protect groundwater-dependent ecosystems and wildlife. In addition to considering whether groundwater sources are hydrologically connected to streams and rivers, the department must adopt rules that consider groundwater's connectivity to other water features like springs, wetlands and fens that could also be affected by pumping. These ecosystems provide important habitat for an amazing array of wildlife and plants that are increasingly at risk due to their interdependent connection to groundwater — levels of which have been declining statewide for decades due to outdated permitting rules.

Improving how Oregon issues new groundwater permits is long overdue, and these proposed rule changes must be implemented promptly to prevent further worsening of a severely damaged system. Adopting the proposed rules is the bare minimum that Oregon should do to improve sustainable groundwater management for its residents and wildlife who depend on these important water sources.

Sincerely,  
David Labby  
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