



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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### MEMORANDUM

TO: Water Resources Commission

FROM: Barry Norris, Administrator

SUBJECT: Water Resources Commission Meeting  
Agenda Item M, April 15, 2005

#### **Exempt Ground Water Use**

#### **I. Issue Statement**

At two preceding meetings, the Water Resources Commission has discussed the potential impacts of exempt ground water use in areas where existing ground water users are concerned about well interference and water level declines. The Commission asked staff to continue the discussion at a subsequent meeting by inviting representatives from local government and the Department of Land Conservation and Development (DLCD) to provide information about how they consider water availability in their land use planning efforts.

#### **II. Background**

Previous Commission discussions included 1) a briefing by staff of areas of the state where expanded ground water use can cause problems for other users, 2) a description of administrative tools available to the Department for managing ground water use, and 3) a historical perspective on past practices of working with users and local government to assure sustainable ground water supplies.

Various administrative tools are available to the Department for protection of senior ground water users. Staff have developed a matrix of these management tools that is provided as Attachment 1. With the exception of a "Serious Water Management Problem Area" (SWMPA) designation, all of these management tools have been utilized at various locations around the state. Currently there are two areas in the state that have been withdrawn, seven critical areas designated, and 14 ground water limited areas designated. Existing ground water boundaries are shown in Attachment 2. Only two of these administrative areas limit new exempt uses, although limitations on exempt uses were considered during the public process establishing the other ground water management areas. Staff have discussed the potential advantages of making use of the SWMPA and are pursuing an opportunity to work with local users looking to partner with OWRD in obtaining local ground water information.

### **III. Discussion**

ORS 537.525 establishes policy guidance for management of ground water. Specifically, Oregon law provides that all water within the state belongs to the public. In order to preserve the public welfare, safety and health, assurance of safe and long-term water supply is to be implemented through cooperation between the Commission and local users. Ultimately, the Commission has authority when voluntary joint action is not effective.

The Department's cooperative efforts focus on opportunities to offer technical assistance to local government and water users. Technical assistance has been provided in various formats, including attendance at hearings and other local government meetings where land use decisions are being formulated. In Marion County, the Department worked closely with county staff during their process to create land development guidelines. Staff have worked closely with Umatilla County staff for many years as they considered development within the Umatilla County critical ground water administrative areas. Most recently, staff have attended all of the Umatilla Ground Water Task Force meetings to provide technical assistance. Department staff work with other counties in varying degrees, depending on local interest and need.

Other examples of technical assistance and outreach to counties include the 2002 Willamette Basin ground water workshop for county planners and the 2003 Umatilla Basin ground water workshop. The Department web site has been a major focus for technical assistance and outreach, and it has proven to be a valuable resource for local government, water users and consultants by providing an extensive array of ground water level data, well log reports, and other ground water information. Attachment 3 is a summary of outreach activities employed by staff in an effort to work with local government and ground water users.

Over the years ground water staff have produced a variety of published ground water reports. A bibliography of these reports is provided in Attachment 4. These reports have been made available to local governments and the ground water user community. They have been used extensively by local government, developers, consultants, and others interested in ground water information.

Local participation has been an essential part of these investigations. An example of this participation is our effort in the recent establishment of the Walnut Hills Ground Water Limited Area. Gathering the data needed for the investigation and developing the rules for future management of ground water within the boundaries was accomplished as a result of the cooperation received from local users. The Victor Point Withdrawal is another example of a Department and local user cooperative effort. The Bonanza Ground Water Study did not result in an administrative boundary, but was completed with the cooperation of local users and provides valuable information to be used for the protection of existing users. The Deschutes Ground Water Study was completed with both the cooperation and financial support of local

users. This is an excellent example of local government, users and the Department coming together in an effort to effectively manage ground water resources.

Land use planning is an essential element in expanding Oregon's economy. Land use decisions, primarily a product of local government, are complicated and often controversial. Although a clean and sustainable water supply is an essential ingredient in land use decisions, county processes vary considerably as to how much attention is given to water supplies. The Commission will hear from local government representations and DLCD on how they consider water availability in their land use planning efforts.

#### **IV. Recommendation**

No action is required; this is an informational report only.

Attachments:

- 1) Matrix of administrative management tools
- 2) Map of designated ground water administrative boundaries
- 3) Summary of outreach activities
- 4) Bibliography of OWRD Ground Water and Other Reports

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### **OWRD Outreach Activities**

- Participation, both written and testimony, in county planning department meetings
- Participation in local government ground water committees
- Sponsor basin ground water workshops
- Monitoring activities coordinated with local neighborhood organizations
- Local neighborhood presentations
- Local participation in ground water studies
  - Basin ground water studies
  - Localized ground water studies
- Website Activities
  - Access to well logs
  - Access to well net information
  - Access to ground water hydrographs
- Provide technical assistance
  - Technical assistance to individual well owners
  - Technical assistance to neighborhood organizations
  - Technical assistance to local government
  - Technical assistance to watershed councils