

## Amendment Outline

### HB 3800

- Authorize OWRD to modify the rate of certificated water rights to reflect actual use to 1/60<sup>th</sup> cfs.
- Authorize OWRD to modify the duty to reflect average use over a four dry year period.
- Prohibit OWRD from accepting new water rights applications unless connected with a mitigation program.
- Requiring OWRD to deny extension applications for development of additional groundwater unless the amendment is to modify the location of points of appropriation or reflect current locations.
- Prohibit OWRD from enforcing decline conditions.
- Require OWRD to expedite permit amendments and transfer applications to correctly reflect the current location of points of appropriation if in a subarea.
- Require OWRD to:
  - Identify groundwater use
  - Cancel rights to use groundwater that are subject to cancellation under ORS 540.631 by January 1, 2028
  - Adopt rules for adaptive management
  - Provide annual data and reporting trends of ground water levels
  - Establish a local water advisory committee
  - Create a mitigation program
- Divide the Harney Basin Groundwater Management Area into seven subareas Dog Mountain Sub area, Lower Blitzen Sub Area, Northeast Crane Sub Area, Upper Blitzen Sub Area, Silver Creek Sub Area, Silvies Sub Area, and Weaver Springs Sub Areas.
- Establish permissible total withdrawal (PTW) for each subarea that has experienced static groundwater declines of 25 feet below highest known water level established by rule.
- PTW will be established using the following acre feet by subarea:
  - Dog Mountain 4,400 acre feet
  - Lower Blitzen - Voltage 11,250 acre feet
  - Northeast-Crane 44,350 acre feet
  - Silver Creek 18,300 acre feet
  - Silvies 23,350 acre feet
  - Upper Blitzen 80 acre feet
  - Weaver Springs 7,200 acre feet
- In 2052, if the subareas have not met reasonably stable, the department may decrease PTW by an additional 25% measured by reductions in 50 percent median of all monitoring wells.

- Together, with reductions from non-regulatory and the proposed PTW, we would expect the subareas to meet reasonably stable levels in 30 years.
- For individual groundwater users, OWRD separate by priority date with a 2.7 acre feet cap for the oldest third of water users, 2.2 acre feet cap for the next third oldest water users, and if water is available 1.7 acre feet cap for the last third oldest water rights.
- Establish off ramps from both PTW or the individual water allocation caps if there's significant economic hardship to the community or if the groundwater resource is recovering.
- Add provisions for voluntary agreements in ORS 537.745 with the following changes that will apply to the Harney Basin Groundwater Management Area, including:
  - Authorize OWRD to accept voluntary agreements from individual subareas;
  - Authorize OWRD to accept voluntary agreements that water users can demonstrate will achieve reasonable stability of groundwater resources;
  - Maintains the directive for OWRD to accept voluntary agreements, but adds that the commission can consider the likelihood that the agreement will minimize and mitigate economic impacts to the region and specifically state that the agreement will likely lead to a reasonably stable groundwater resources;
  - Creates new limitations for approving a voluntary agreement in Harney Basin Groundwater Management Area, including prohibiting minimum participation levels and specific reductions by specific dates.
  - Commission's approval shall constitute an order other than contested cases for purposes of ORS chapter 183;
  - Limits certain delegation from the commission to the director;
  - Creates more certainty by limiting how a voluntary agreement can be terminated using the same requirements in existing statute;
  - Authorizes minor amendments to a voluntary agreement;
  - Requires metering and reporting water use under the agreement.