



# Oregon

Tina Kotek, Governor

## Water Resources Department

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### Testimony for House Bill 3800

#### House Committee on Agriculture, Land Use, Natural Resources and Water

Co-Chair Ken Helm

Co-Chair Mark Owens

Submitted by: Bryn Hudson, Legislative Coordinator

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Thank you for the opportunity to provide informational testimony on House Bill 3800, which proposes provisions for groundwater management in the Harney Basin. This testimony is provided as informational only, and the Department is not taking a position at this time.

#### Groundwater in the Harney Basin

Due largely to the increase in permitted groundwater development for irrigated agriculture, the Harney Basin has experienced substantial groundwater declines that negatively affect many groundwater users and natural resources. As a result of declining groundwater levels, the Greater Harney Valley Groundwater Area of Concern (GHVGAC) was established by amending the Division 512 rule in 2016 to limit new groundwater allocation and to further study the basin's groundwater.

In 2016 the U.S. Geological Survey and the Department conducted a cooperative study on groundwater availability. [Findings published in 2022](#) revealed that groundwater discharge leaving the system exceeded groundwater recharge entering the system by 110,000 acre-feet/year. Consequently, this has led to groundwater levels declining at varying rates throughout the basin and some areas experiencing a total decline of over 40 feet.

#### Division 512 – Harney Basin Groundwater Rules

As of April 25, 2023, 13 Rules Advisory Committee (RAC) meetings have been held in development of rules for Harney Basin to address declining groundwater levels. OWRD and the RAC have been engaged in the Division 512 rulemaking to:

1. Designate the GHVGAC Critical Groundwater Area – This will enable the Department to implement measures to stabilize groundwater-level declines, including curtailing existing water rights.
2. Designate a Serious Water Management Problem Area (SWMPA) to require reporting and measurement – The SWMPA will encompass the GHVGAC and areas of Grant and Harney counties located in the Harney Basin and within the Malheur Lake Administrative Basin ([see in map packet](#)). A SWMPA designation requires the installation of totalizing flowmeters and reporting water use data to the Department annually.

Ongoing topics of discussion with the RAC include management scenarios and timelines for stabilizing groundwater level declines, adaptive management, and voluntary options for groundwater users to reduce their water use.

#### House Bill 3800 and other related bills

The Department understands that the concepts contemplated in HB 3800 and HB 3801, as well as other legislative concepts for the Harney Basin, will be merged into HB 3800. The Department has implementation concerns with these concepts as currently drafted and as well as the potential impacts on ongoing rulemaking efforts. The Department looks forward to participating in further discussions.