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Oregon Water Partnership Applauds Adoption of New Groundwater Rules

Coalition of conservation nonprofits commends state water commission for finalizing long-needed groundwater rules that will better protect drinking water, support farming, safeguard fish and wildlife, and more.

Central Point, Oregon — In a major victory for Oregonians concerned with the state’s water future, today the Oregon Water Resources Commission adopted rigorous groundwater allocation rules that will better protect drinking water, agriculture, fish, and wildlife.

The new rules — crafted through an extensive public process over the course of several years — will modernize the process the Oregon Water Resources Department (OWRD) must follow before approving applications for new groundwater use permits. This marks the conclusion of a decades-long effort to fully implement Oregon’s landmark 1955 Groundwater Act.

Previously, in a practice known as “default to yes,” the state would approve applications for new groundwater rights even when its water agency lacked data to determine whether an area had enough groundwater to support new pumping. Over-allocation of groundwater rights resulted in chronic groundwater level declines, as well as impacts to rivers and streams and the many water uses they support. The newly adopted rules close this loophole, ensuring future water right allocations are guided by a science-based process that promotes long-term water sustainability and reliability for Oregon’s communities and environment.

The new rules also:

- Better protect surface water that is “hydraulically connected” to groundwater, like springs, streams, and lakes that are replenished by groundwater.
- Define “reasonably stable” groundwater levels, and prevent new groundwater permits from being issued when groundwater levels do not meet this threshold. Had this definition been adopted immediately following passage of the 1955 Groundwater Act, the state could have avoided unsustainable pumping that ultimately caused groundwater levels to decline in some areas by more than 100 feet.
- Establish the data needed to determine whether groundwater levels are reasonably stable.
- Protect existing surface water rights — including instream water rights that protect river flows — by requiring the state to fully consider the impacts of proposed pumping on hydraulically connected rivers and streams. This marks an important improvement, as the state’s prior approach resulted in over-allocation of groundwater permits that has injured senior surface water rights.
- Apply only to applications for new groundwater permits; they do not change existing water rights or apply to water uses exempt from permitting, such as domestic wells.

Since its inception, Oregon Water Partnership has pushed to modernize groundwater management, through Commission testimony, in the media, and during Legislative sessions. Three of Oregon Water Partnership’s member organizations — WaterWatch of Oregon, The Nature Conservancy, and Oregon Environmental Council — served on OWRD’s yearlong Rules Advisory Committee and contributed directly to crafting the newly adopted groundwater allocation rules.

“Oregon has been over-issuing groundwater pumping permits for decades, to the detriment of senior water users and rivers, lakes, and wetlands that rely on cold, clean groundwater,” said Lisa Brown, staff attorney for WaterWatch of Oregon. “These rules apply science and data to implement Oregon’s Groundwater Act, securing a more sustainable water future for all Oregonians, and for rivers across the state and the fish and wildlife that depend on them.

“Water levels have been dropping for decades in thousands of wells across Oregon,” explained Zach Freed, Oregon water strategy director for The Nature Conservancy. “It’s not just a problem for Oregonians on the dry side of the state. These new rules will help prevent further impacts of over-allocation from the coast to the high desert.”

“Resilient communities and economies prioritize conservation as a tool for protecting groundwater resources,” said Karen Lewotsky, rural partnerships and water policy director for the Oregon Environmental Council. “Conservation efforts, including water reuse, should be our first choice for meeting municipal, industrial and agricultural water needs.”

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Oregon Water Partnership represents seven statewide conservation groups that work together to ensure abundant, cold, clean water to sustain healthy communities, livelihoods, and ecosystems. Our members: Environmental Defense Fund, Oregon Environmental Council, Sustainable Northwest, The Nature Conservancy, Trout Unlimited, WaterWatch of Oregon, and Wild Salmon Center. More at <https://oregonwaterpartnership.org>.