



Public Hearings Allow Locals to Weigh in on Proposed Groundwater Rules

By Lauren Brown
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Groundwater management is changing in the Harney Basin, with proposed basin-wide regulations now open for public comment.

In some parts of the basin, groundwater is being used up faster than it is being replenished. A series of informational sessions and public hearings held by the Oregon Water Resources Department (OWRD) June 23-26 throughout the Harney Basin explained the new draft rules that will be implemented starting in 2028 and took public comment on them. More public hearings are scheduled for August.

According to OWRD, since the 1990s the use of groundwater for agricultural irrigation in the Harney Basin has increased greatly, contributing to significant declines in groundwater levels in some parts of the basin. OWRD conducted a scientific study starting in 2016 with the US Geological Survey to better understand the groundwater system in the Harney Basin. The results of that study were published in 2022. Groundwater conditions vary quite a bit from one area to the next across the basin. Groundwater data shows that some places have experienced more minor declines, while other areas, most notably the Weaver Springs area, has experienced declines of more than 100 feet in some wells.

OWRD states that its current rules are inadequate for addressing groundwater declines, thereby prompting new rules. OWRD is proposing to reduce 35% of groundwater pumping across the basin via regulation. The new rules will affect all current groundwater right holders and applicants for future groundwater rights within the Harney Basin and will also have an impact on the Harney County economy, community, and environment.

OWRD claims that if no action is taken, the basin could see more domestic wells lose access to groundwater; limited and/or more costly access to groundwater for agricultural irrigation in some areas; and less groundwater feeding streams, springs and wetlands, possibly impairing those ecosystems.

Harmony Burright, a water consultant working with the High Desert Partnership, said that there are different phases the state has used to tackle this problem over the last decade. "The first phase was to stop issuing new permits. The next phase was the groundwater study to learn more about the groundwater system. This current phase is a more formal policy making process. The proposed policies will make changes to how groundwater is managed into the future and will have a widespread impact," Burright said.

On June 23, during the informational session at the Pine Room in Burns, some attendees expressed concern that these groundwater issues had not been better explained to the public. "For a long time, the problem was really focused on certain parts of the basin, like Weaver Springs or certain parts of the northeast part of

the basin around Crane,” Burright said. “It wasn’t until fairly recently that the problem statement has been expanded to other areas to the extent that now they’re proposing regulatory action across the basin.”

This groundwater study and rulemaking process has been 10 years in the making. “People are busy and they’re generally not going to pay attention until they know that it’s going to impact them. I think that’s just basic human nature,” Burright said. However, once people are paying attention, there’s a lot of information to cover. “Now you have 10 years of history and some complex science to get up to speed on, and you must do it within a two-month public comment period. I can understand why people are overwhelmed by that,” Burright said.

The new rules

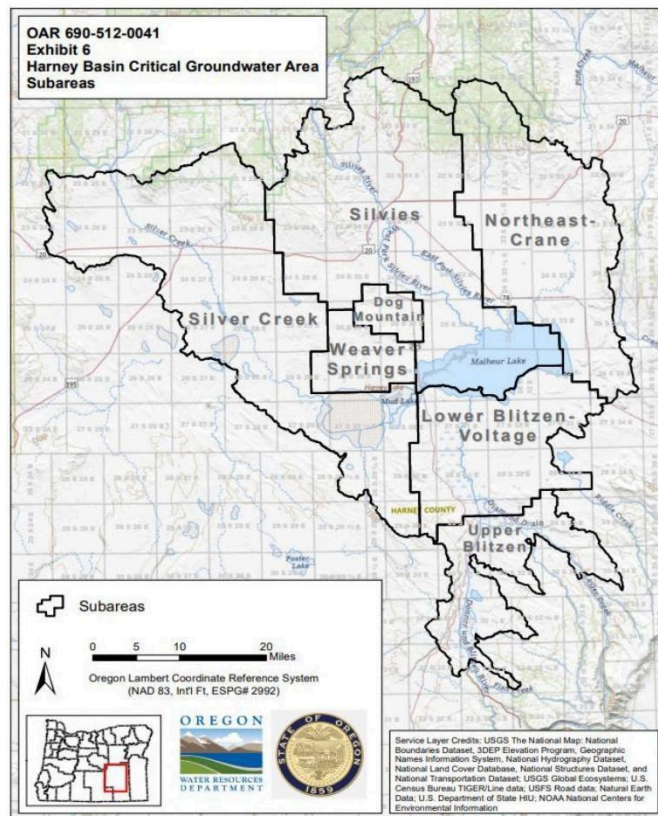
As part of the new rules, the entire Harney Basin will be labeled a Critical Groundwater Area. The basin has been split into seven subareas: Silver Creek, Silvies, Dog Mountain, Weaver Springs, Northeast Crane, Lower

Blitzen Voltage and Upper Blitzen. The basin will also be designated a Serious Water Management Problem Area, which requires measurement and reporting of groundwater use. The rules will affect all current groundwater right holders and will limit new uses of groundwater. It will also affect the Harney County economy and community. Groundwater right holders will be required to reduce water use over time, especially the most junior water right holders. Permit exempt domestic wells and livestock watering will not be impacted by the new rules.

The OWRD’s goal is to achieve zero feet of groundwater level decline by 2058. To meet that goal, each subarea has a different permissible total withdrawal (PTW), which is the amount of water use that OWRD expects would result in zero feet of decline. Water use will be reduced through regulatory orders every 6 years until the goal is achieved starting in 2028. To set each subarea’s PTW, the OWRD used a scientific model to estimate how much pumping can occur by 2058 within that subarea to achieve

the target goal of zero feet of groundwater level decline.

Some parts of the basin are currently experiencing minimal declines according to a groundwater level trends analysis produced by OWRD. During the public hearings groundwater users in these areas, most notably the Silver Creek and Lower Blitzen-Voltage, indicated that they have not observed concerning groundwater



declines and have not heard concerns from neighbors about losing access to groundwater in domestic or stockwater wells. There is a widespread interest in understanding the impacts to springs that feed the Malheur National Wildlife Refuge, but also outstanding questions about the groundwater system and what factors affect changes in spring discharge, especially for springs that are discharging older water or warmer water.

OWRD would reduce groundwater use from groundwater pumpage estimated in 2018 in thousand acre feet (kaf). The proposed percent reduction in groundwater use for each subarea are as follows: Dog Mountain would be reduced by 9 percent; Lower Blitzen Voltage would be reduced by 39 percent; Northeast Crane would be reduced by 34 percent; Silver Creek would be reduced by 28 percent; Silvies would be reduced by 15 percent; Upper Blitzen would have no change; Weaver Springs would be reduced by 75 percent. All these

changes combined would result in a proposed reduction of 35 percent for the whole basin.

Proposed Reductions by Subarea

Subarea	Estimated 2018 Pumpage (kaf/yr)	WRD Proposal PTW (kaf/yr)*	Difference (%)
Dog Mountain	4.6	4.2	-9%
Lower Blitzen-Voltage	13.7	8.3	-39%
Northeast-Crane	53.0	35.0	-34%
Silver Creek	21.0	15.2	-28%
Silvies	24.9	21.2	-15%
Upper Blitzen	0.1	0.1	0%
Weaver Springs	19.2	4.8	-75%
Overall	136.5	88.8	-35%



*PTW was determined using the Harney Basin Groundwater Model

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During the informational sessions, Tim Seymour, Assistant Manager for Groundwater with OWRD, pointed out that the Weaver Springs subarea has a more significant PTW percentage reduction than all the other subareas. "The Weaver Springs area has by far the most declines in the basin," he said. He noted that the area has a unique geology with a very permeable material

that's surrounded by a very low permeable material. As a result, the area does not recharge its groundwater as quickly as other areas.

During talks with the Rulemaking Advisory Committee* it was suggested that the Weaver Springs area be treated differently in the basin, Seymour said. "The whole should not be punished for that one specific area within the basin, and so we programmed in that Weaver Springs would be reduced by 75 percent." The reductions in Weaver Springs will be implemented more quickly than other parts of the basin.

**The Rulemaking Advisory Committee (RAC) is an advisory body organized by the OWRD to gather input and advice on proposed water resource rules before they're formally adopted, amended, or repealed by the Water Resources Commission. The committee serves in an advisory capacity—members provide feedback on draft rules, review fiscal impact statements, and offer recommendations to help OWRD develop workable regulations, but they don't have final decision-making authority. Membership is at OWRD's discretion and is designed to represent diverse expertise, skill sets, and viewpoints about Oregon's water resource management.*

By March 1, 2028, all groundwater rights holders, well owners and well operators must install and maintain a totalizing flow meter on each well. OWRD estimates that the cost of purchasing and installing a totalizing flowmeter in the Harney Basin ranges between \$2,900 and \$3,400 per well. The department does have a

cost-share program that can assist well owners with the cost of purchasing and installing a flow meter. Failure to install a meter may result in shutting off the well and an assessment of civil penalties. There will be reporting requirements that will be recorded monthly and reported annually by Dec. 31.

OWRD will evaluate the groundwater levels in an adaptive management process that will evaluate progress. For example, OWRD will evaluate groundwater levels in 2027 and delay reductions scheduled for 2028 if water levels are at or above 2022 levels and if the target water level trend is zero decline. If the numbers say otherwise, it will adhere to the reduction schedule. There will be progress checkpoints in 2033, 2039, 2045 and 2051. In these years, OWRD will evaluate the median water level for each subarea and compare it to the modeled trajectory to determine if water levels are on track, higher than expected or lower than expected. These findings will be announced publicly, and OWRD will accept public comment on them.

Economic impacts

OWRD hired an independent consultant to evaluate the potential economic impacts on agriculture within the Harney Basin as a result of implementing the new rules. Over a 30-year period, they estimated that 320 jobs would be lost, \$18 million in annual labor income would be lost and \$61 million in annual economic output would be lost. These impacts would be direct, impacting agricultural operations and the businesses that they serve, as well as indirect, impacting the broader economy and public services. For instance, one impact is that power costs for customers served by Harney Electric Cooperative will increase because power consumption from irrigation pumps currently offsets the cost for other ratepayers.

OWRD estimates that 98 domestic wells have the potential to lose access to groundwater under the current proposal, which is less than the estimated 200 wells that could lose access if no action was taken. The Harney Domestic Well Fund (HDWF) was created by the Legislature in 2021 to help offset the cost of deepening wells to increase water security for homes in Harney County. Right now there is enough funding to support approximately 33 households.

Groundwater management decisions will also affect the environment. Minimizing groundwater level declines will generally benefit springs that rely on groundwater and native vegetation that relies on groundwater.

Public hearings

Information about the new rules was explained during the sessions held in June by the OWRD in Burns, Riley, Double O, Crane, Diamond and Seneca. These sessions were followed by public hearings to take oral comments from attendees. Recordings are available online. The session in Burns was held at the Pine Room on June 23 and was attended by a couple of dozen people. There was robust discussion during the question-and-answer portion of the information session, but only one public comment was made during the actual public hearing.

Burright believes everyone should share their opinion about groundwater in Harney County and has offered to help residents craft their public comments in a way that will be heard by the state.

"These decisions will come to affect everyone in Harney County in ways that might not be very visible or fast moving. But I really think it is important for everyone to be paying attention," she said. Burright believes

residents should learn about groundwater and how important it is to the community, to the environment, and to the economy, so that they can contribute their thoughts, their hopes and their concerns about the future of groundwater in the basin.

For those who missed the informational sessions and public hearings, there will be another opportunity to make public comments during meetings on Aug. 4 at Seneca Elementary School and on Aug. 5 at the Harney County Community Center in Burns.

OWRD will also accept written public comments on the rules through 5 p.m. Aug. 7. Resources have been assembled by High Desert Partnership and are available at bit.ly/harneygwcomment.

Crafting a public comment

"My biggest concern is that people will sit it out because it is overwhelming and intimidating," Burright said.

She said the state has done outreach, but sometimes it can be hard to reach people if they don't read the newspaper, listen to the radio or attend meetings. "There's a lot of people to reach, and it's a complex message," she said. "The average person has probably not given public comments in a formal government process." This may be why there were so few public comments at the Burns public hearing at the Pine Room.

"People generally speak from their personal experience. They tell stories about their observations or their thoughts about what might happen," Burright said. "But in terms of making very specific policy comments, the average person isn't really prepared to engage and oftentimes questions whether anyone is listening or cares what they have to say."

Burright emphasized that every voice matters. Through her work with the High Desert Partnership, Burright has offered to help residents put their thoughts together in such a way as to craft effective public comments about the groundwater issue.

"My experience with the government is that you need to comment in their language. You need to understand their language and offer a very specific comment that makes sense to the government," she said. "The most effective ones are where you actually offer policy language for them to consider. You say, here's what I do or do not like about what is being proposed. Then offer up a suggestion or an alternative - here's what you should do instead, including rationale and specific language if you can. You have to be both critical and constructive."

Burright noted that another effective public comment is offering up what you like about the proposed policy. "Putting your endorsement on something that already exists is a meaningful public comment as well," she said.

"This rulemaking is really about everyone in Harney County. It does affect irrigators more directly, but groundwater decisions will eventually affect everyone in Harney County," Burright said. "A water issue is never just a water issue. It is always a something else issue, too. It's an environmental issue. It's a social issue. It's an economic issue. It's connected to everything. You can't make decisions about water and not have a ripple effect on other things."

Burright said she will be in the basin in July if anyone wants to talk more about the groundwater issue. "There's no right or wrong opinion here," she said. "If you have an opinion and want to express it, this is the time. Your voice does matter. Don't sit this one out."

For more information, contact Harmony Burright at (541) 846-8863 or email harmony@saltandfresh.solutions or find more resources online at bit.ly/harneygwcomment.

More public hearings to make comments on the new groundwater rules will be held:

- 5 - 6:30 pm, Aug. 4, Seneca Elementary School, 101 Park Avenue, Seneca
- 10 a.m. - noon, Aug 5, Harney County Community Center, 478 N. Broadway Avenue, Burns
- 5 - 7 pm, Aug. 5, Harney County Community Center, 478 N. Broadway Avenue, Burns

Written comments can be sent via email to WRD_DL_rule-coordinator@water.oregon.gov or mailed to Kelly Mainz—Rulemaking Coordinator, Oregon Water Resources Department, 725 Summer St. N.E. Suite A, Salem, OR 97301-1271. Written comments are due by 5pm Aug. 7.

This article is provided by High Desert Partnership; a Harney County nonprofit convening and supporting six collaboratives where different interests openly discuss agreements and disagreements toward finding common ground solutions that benefit Oregon's lands, waters and communities.

