

WATER RESOURCES COMMISSION MEETING

ASHLAND

AUGUST 22-23, 1991

MINUTES

AUGUST 22:

Commission members present:

Cliff Bentz
Jim Howland
Hadley Akins
Mike Jewett
Roger Bachman

Commission members absent:

Lorna Stickel

Others:

Jan Boettcher
Robert L. Lee
Jack Hoffbuhr
Karen Russell
Eric Dittmer
Pat Warner
Tam Moore

Water Resources Staff

Bill Young
Jan Shaw
Steve Sanders
Tom Kline
Steve Applegate
Steve Brown
Al Cook
Becky Kreag
John Borden

AUGUST 23:

Commission members present:

Lorna Stickel
Cliff Bentz
Hadley Akins
Mike Jewett
Roger Bachman
Jim Howland

Others:

Judie Hammerstad
Keith Petrie
Chris Hermann
Jerry Schmidt
Karen Russell
Dave Butt
Louise Bilheimer
Fred Bachorner
Caryn Tilton
John Borge

Water Resources Staff

Bill Young
Jan Shaw
Steve Sanders
Tom Kline
Steve Applegate
Fred Lissner
Bill Fujii
Becky Kreag
John Borden
Bev Hayes

The staff reports presented at this meeting, which contain the Director's recommendations mentioned in these minutes, are on file in the Office of the Director of the Water Resources Department, 3850 Portland Road, NE, Salem, Oregon. Written information submitted at this meeting is hereby made a part of this record and is on file at the above address. Audiocassette recording tapes of the meeting are also on file in the Water Resources Department office.

The following consent agenda items (Items A through D) were acted on in a single motion, described after Item D.

A. MINUTES OF THE JULY 19 WRC MEETING AND CONFERENCE CALLS

B. CONSIDERATION FOR APPROVAL OF APPLICATION 71489 TO USE WATER FROM BIG CREEK, TRIBUTARY TO COLUMBIA RIVER, FOR FISH CULTURE, OREGON DEPARTMENT OF FISH AND WILDLIFE (ODFW), CLATSOP COUNTY

On April 5, 1991, ODFW filed Application 71489, proposing to use up to 10.0 cubic feet per second (cfs) of water from Big Creek for fish culture. ODFW is currently reviewing permit requirements for their projects on a statewide basis and submitting applications for permits to cover them.

The question before the Commission was whether the issuance of this permit would impair or be detrimental to the public interest. Administrative Rule 690-11-080 (2)(a)(A) specifies that appropriations for greater than five cfs be referred to the Commission to make a public interest determination under Oregon Revised Statutes (ORS) 537.170.

Director's Recommendation

The staff recommended that the Commission find that the project would not have a significant adverse effect on the public interest and authorize the Director to issue the permit.

C. CONSIDERATION FOR APPROVAL OF APPLICATION 71534 TO USE WATER FROM BURNT HILL CREEK, TRIBUTARY TO PACIFIC OCEAN, FOR FISH CULTURE, IN THE NAME OF BUCK COE, CURRY COUNTY

On April 29, 1991, Buck Coe submitted Application 71534, proposing to use up to 6.0 cubic feet per second (cfs) of water from Burnt Hill Creek for fish culture. The applicant currently is raising up to 800,000 Chinook salmon at a time. The fish originate at the Pistol River Hatchery. Salmon are acclimated using fresh water and sea water for release into the ocean. Returning fish are captured. The facility at Burnt Hill Creek has been in operation since 1980.

The question before the Commission was whether the issuance of this permit would impair or be detrimental to the public interest. Administrative Rule 690-11-080 (2)(a)(A) specifies that appropriations for greater than five cfs be referred to the Commission to make a public interest determination under Oregon Revised Statutes (ORS) 537.170.

Director's Recommendation

The staff recommended that the Commission find that the project would not have a significant adverse effect on the public interest and authorize the Director to issue the permit.

D. CONSIDERATION FOR APPROVAL OF APPLICATION G-12050 TO USE GROUNDWATER IN THE KLAMATH RIVER BASIN, FOR MUNICIPAL USE, CITY OF KLAMATH FALLS, KLAMATH COUNTY

On March 21, 1990, the City of Klamath Falls submitted Application G-12050, proposing municipal use of up to 11.0 cubic feet per second (cfs) of groundwater.

The question before the Commission was whether the issuance of a permit for up to 11.0 cfs would impair or be detrimental to the public interest. Administrative Rule 690-11-080 (2)(a)(A) specifies that appropriations for greater than five cfs be referred to the Commission to make a public interest determination under Oregon Revised Statutes (ORS) 537.170.

Director's Recommendation

The staff recommended that the Commission find that the project would not have a significant adverse effect on the public interest and authorize the Director to issue the permit.

The above consent agenda items (Items A through D) were acted on in a single motion, below.

It was MOVED by Roger Bachman and seconded by Mike Jewett to approve Items A through D. The motion passed unanimously.

E. PUBLIC COMMENT

Jan Boettcher, Oregon Water Resources Congress, said her group wants to pursue the concept of marketing water. Along those lines, they are planning a water marketing conference to develop a comprehensive package of water marketing legislation. She asked the Commission to share in the sponsorship and to commit some existing staff resources from the Field Operations Division to assist in developing the conference program and implementation.

The Commission generally agreed to participate along the lines described above.

Karen Russell, WaterWatch of Oregon, Inc., said they were pleased that the Lake Oswego Corporation (LOC) had agreed to the Commission's withdrawal of the proposed hydroelectric license. She urged the Commission to direct Department staff and LOC to develop solutions to continuing concerns about water quality, fish resources and cumulative impacts.

Eric Dittmer, Rogue Valley Council of Governments, briefed the Commission on water resources in his area. He commended the work of Doug Woodcock and Randy Moore.

F. COMMISSION COMMENTS

1. Jim Howland said that he had been attending the storage committee meetings. At one of those meetings, Dave Duncan, from the Bureau of Reclamation, had commented that Oregon got only a small percentage of the federal water resources construction money in relation to the other western states. In California, for example, the commission coordinates all the federal projects in the state. Howland asked if there were something we should be doing to modify our course in this direction.

Hadley Akins said he thought that we should take some role in the realm of grant requests. Howland agreed and said he thought that we should contemplate putting someone to work on researching the possibilities of success in such a program.

2. Mike Jewett said he had enjoyed the earlier two-day Commission retreat and thought that they should be held more often than every two years.
3. Roger Bachman said that he and Chair Stickel had attended a meeting with Martha Pagel and other commissioners on whether to hold regular meetings among commission and board members of the natural resource agencies. The group decided to hold such meetings quarterly, although some preferred to meet monthly.

Bachman declared an ex parte meeting with Judie Hammerstad, Clackamas County commissioner, concerning the Sandy River.

Bachman questioned North Unit Irrigation District's application for 81 cfs to irrigate 59,000 acres. The staff explained that the application is for a use of stored water and is a drought emergency request, effective for only the period of the drought.

4. Cliff Bentz thanked Mike Jewett and the Department staff for the pleasant visit in Ashland.

G. DIRECTOR'S REPORT

1. Lake Oswego hydroelectric permit: At an earlier meeting, the Commission discussed legal challenges to Lake Oswego Corporation's hydroelectric license HE 502. LOC has indicated a desire to have the license withdrawn to allow time for further work on this project and with the various parties. ODFW concurred in that withdrawal.

It was MOVED by Roger Bachman and seconded by Mike Jewett to withdraw the license. The motion passed unanimously.

2. Ratification of past hydroelectric actions: At its last meeting, the Commission delegated authority to sign future licenses, assignments, etc. The Commission did not ratify past actions until they were able to review a comprehensive list. The

Department plans to compile such a list shortly and will bring it back to the Commission at a future meeting.

3. **Water right application - Gary Eisler:** Gary Eisler appeared before the Commission at its last meeting with a request to use water from a spring, tributary to the Molalla River, in Clackamas County, for human consumption. The Commission directed the Department to work with Eisler and come back to this meeting with the results.

The Department staff found that the use conformed with the proposed Willamette Basin plan. The definition of domestic use in the proposed rule allows for limited commercial use. A water availability analysis indicated water was available more than 50% of the time. ODFW had no comment on the request.

In light of the above evaluation, the Department issued Eisler a permit to use 60 gpm of water from his spring for domestic use.

H. CONSIDERATION OF REQUESTS FOR POSTPONEMENT OF ADOPTION OF WILLAMETTE BASIN RULES

At its meeting in July, the Director told the Commission that several parties had requested postponement of the Willamette Basin rules and plan adoption. These requests were made by commissioners from seven counties, the Mid-Willamette Valley Council of Governments, several districts, and House Speaker Larry Campbell.

In general, the need for additional review time is attributed to local budget constraints and the complexity and importance of the issues involved. Most are requesting that the Commission and Department:

- Pursue additional local involvement and integrate local information in developing the plan;
- Assist in developing new storage and distribution facilities;
- Provide public education on water management issues;
- Review perceived land use conflicts pertaining to groundwater and surface water classifications including restrictions on irrigation of rural lands.
- Work with local planning agencies and interested parties to integrate state water allocation and local land use planning efforts in water quantity and quality limited areas; and
- Conduct more thorough studies of water demand and availability in the subbasins.

Currently, rule and plan adoption is scheduled for October 4, 1991. A period of six months for additional review was suggested by some of the comments.

The basin planning staff has spent the last two months reviewing and evaluating comments submitted at and after the public hearings held on May 30, June 4, 5, and 6, 1991. About 150 citizens, organizations, and agencies submitted oral and written comments. Broad issues of concern included the need to determine and provide for long-term municipal and industrial water demands, the impacts of the proposed surface and groundwater classifications on future agricultural and municipal uses, land use compatibility, additional groundwater problems outside the proposed management areas,