

WATER RESOURCES COMMISSION MEETING

BEND

NOVEMBER 15, 1991

MINUTES

Commission Members Present:

Lorna Stickel, Chair
Cliff Bentz, Vice-Chair
Jim Howland
Hadley Akins
Mike Jewett
Anita Johnson

Absent:

Roger Bachman

Water Resources Staff:

Bill Young
Jan Shaw
Fred Lissner
John Borden
Bud Bartels
Mike Mattick
Rick Craiger
Rick Bastasch
Lorraine Stahr
Steve Sanders
Steve Brown
Mike Ladd
Jerry Justus
Marc Norton
Mike Zwart
Donn Miller
Weisha Mize
Pam Homer
Bob Main
Steve Applegate
Bev Hayes
Becky Kreag
Tom Kline
Bill Fujii

Others:

Gary Neal
Chet Prior
Len Knott
Jim Esget
Jan Boettcher
Jeff Lyon
Kent Madison
Audrey Simmons
Karen Russell
Anne Perrault
David Moon
Todd Heidgarten
Antone Minthorn
Hugh Moore
Steve Bloom
Bill Porfily
Jeff Barry
Richard L. Barrett
Bill Gauvin
H. Bruce Miller
Frank Gahner
Ed Thomas
Ken Pedde
Jesse Gregg
Larry Troisi
Stephanie Burchfield
Carol Scherer
Dan McKenna
Hal Reed
Joyce Riedell
Paul Riedell
Gordon Barron
Bruce Estes
Gunnar Schlieder

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 N.E., 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.

A. MINUTES OF THE OCTOBER 3-4 WATER RESOURCES COMMISSION MEETING:

The commission had a question about the exact vote on Item H on Page 6 of the meeting minutes. The staff was directed to check the accuracy of that vote. It was **MOVED** by Mike Jewett and seconded by Cliff Bentz to approve the minutes as submitted, including any necessary corrections. The motion passed unanimously.

B. CONSIDERATION FOR APPROVAL OF APPLICATION G-10401 TO USE WATER FROM TWO WELLS, IN THE SQUAW CREEK BASIN, FOR SUPPLEMENTAL IRRIGATION OF 5821.35 ACRES, DESCHUTES COUNTY.

On June 16, 1981, Squaw Creek Irrigation District (SCID) submitted Application G-10401, proposing to appropriate 13.4 cubic feet per second (cfs) of water from two wells for supplemental irrigation.

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

Karen Russell, WaterWatch of Oregon, Inc., said that WaterWatch generally supported the staff's recommendation but that it does not go far enough to protect the resource. There are many pressures on this area, she said, and urged monitoring, reporting, and other measures.

Steve Brown, Water Rights Section, replied that the applicants would be required to measure water levels and report water use as required of public entities under the water use reporting statutes and rules.

C. CONSIDERATION FOR APPROVAL OF APPLICATIONS G-11924 AND G-12226 TO USE GROUNDWATER IN THE DESCHUTES RIVER BASIN, FOR MUNICIPAL USE, CITY OF BEND, DESCHUTES COUNTY.

The City of Bend (City) submitted Application G-11942 on June 30, 1989 and Application G-12226 proposing municipal use of up to a total of 18.0 cubic feet per second (cfs) of groundwater, 8.0 cfs from three wells under Application G-11942 and 10.0 cfs from two wells under Application G-12226.

The question before the Commission was whether the issuance of permits for up to 18.0 cfs would impair or be detrimental to the public interest. Oregon Administrative Rule 690-11-080 (2)(a)(A) specifies that appropriations for greater than 5.0 cfs be referred to the Commission to make a public interest determination under Oregon Revised Statute 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 permits with appropriate conditions.

It was MOVED by Jim Howland and seconded by Cliff Bentz to approve the applications (Items B & C) with the requirement that the applicants annually report the quantity of water used. The motion passed unanimously.

PUBLIC COMMENT

During discussion of an upcoming agenda item (Item M), it was MOVED by Hadley Akins and seconded by Mike Jewett to extend the period to receive testimony on the record for an additional two weeks. The motion passed unanimously.

Kent Madison and a representative from CH2M Hill presented a slide show which demonstrated new processes for ASR's (aquifer storage reservoirs). He asked for the support of the Department and the Commission for their pilot project. After that, CH2M Hill will begin seeking state approval and would intend to come back before the Commission for approval of the pilot project.

Antone Minthorn, Umatilla Tribes, asked to show a video on the Umatilla Basin Project. The Commission agreed to watch the video during its consideration of agenda Item G.

E. COMMISSION COMMENTS

1. Chair Lorna Stickel discussed those occasions when the Commission is asked to accept additional testimony, written or oral, on topics for which the record has been closed.

Stickel asked Assistant Attorney General Steve Sanders to display the risks of doing that and whether the agency's rules sufficiently deal with this situation. Stickel also asked for a philosophical discussion on how to deal with circumstances such as this which might come up in the future. Cliff Bentz was asked to work on this with Sanders.

2. Jim Howland reported that the storage and allocation policies have been scheduled for public review and input. Cliff Bentz is also involved in this operation. Howland felt that the committee had developed good answers and a reasonable approach. One item of concern to Howland, however, was the increase in new committees which are to be appointed.

Individual Commission members offered to attend the workshops in their areas, as follows:

Newport	December 9	Cliff Bentz
Grants Pass	December 10	Mike Jewett
Eugene	December 11	Anita Johnson
Tigard	December 12	Lorna Stickel
Pendleton	December 16	Hadley Akins
Ontario	December 17	Cliff Bentz
Bend	December 18	Mike Jewett (?)
Klamath Falls	December 19	_____*

*Because of the December 19-20 Commission meeting in Salem, Commission members may have to forego this workshop.

F. DIRECTOR'S REPORT

1. Pending applications for the Coos Bay-North Bend Water Board.

The Director reported that the Department had received a letter from WaterWatch of Oregon, Inc., raising legal questions about the Department's authority to provide an extension of time like that granted Coos Bay. In that action, the Commission allowed the Coos Bay-North Bend Water Board 60 days to submit a work plan that would outline the Board's timetable and funding commitment for developing the information needed to complete their pending applications.

The Attorney General is now reviewing the matter, Young said. A full staff report on this issue will be presented at the Commission's December 20 meeting. Meanwhile, the matter will be discussed further with the applicants, WaterWatch and others.

2. Reservation of water for Burnt River Irrigation District.

In July, the Commission authorized the Department to submit a request to reserve water for future economic development on behalf of the Burnt River Irrigation District. The reservation would set aside approximately 26,000 acre-feet per year of unappropriated water from the South Fork of the Burnt River above Barney Creek, near Unity, for not more than 20 years for future storage development. The reservation is to provide assurance of water supply for future multiple-use storage development.

The Department had concluded that the Commission's original authorization to submit the request included approval to schedule and hold a public hearing on modification of the basin program. Staff suggested coordination of this hearing with the hearing on the Owyhee Scenic Waterway on January 22. The Commission agreed and Cliff Bentz volunteered to conduct the hearing.

3. WRC meeting schedule for 1992.

Jan Shaw reviewed the proposed schedule for Commission meetings for the coming year. The commissioners had no objections and approved the schedule.

The schedule will be as follows:

January 31	August 28
March 13	October 9
April 24	November 20
June 5	January 22, 1993
July 17	

G. STATUS OF PENDING APPLICATIONS 70734 AND 71110 (POINT OF MORROW), 71293 (BUREAU OF RECLAMATION), AND 71309 (HERMISTON DEVELOPMENT CORPORATIONS); AND REQUEST FOR AUTHORIZATION TO CONDUCT PUBLIC INTEREST CONTESTED CASE HEARINGS.

The Department has received applications requesting a combined total of 650.5 cfs from the Columbia River for irrigation, municipal and industrial, and for Phase II of the Umatilla Basin exchange project.

Objections to the issuance of permits have been filed by interest groups, centering around the proposed listings of several species of Columbia and Snake River salmon as threatened and endangered. Regional consensus has not been reached as to the levels of flows needed to ensure the recovery of these species. Meetings have been held with the applicants and objectors to explore potential solutions that would allow