

WATER RESOURCES COMMISSION  
WORK SESSION  
BAKER CITY

OCTOBER 15, 1992

Commission Members Present:

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

WRD:

Martha Pagel  
Steve Sanders  
Diane Reynolds  
Cindy Smith  
Larry Powers  
Ron Synan  
Boyd Hadden  
Bev Hayes  
Becky Kreag  
Tom Kline  
Barry Norris  
Pam Homer  
Rick Craiger  
Steve Applegate  
Ken Weese  
Reed Marbut  
Rick Bastasch  
Greg Nelson  
Kent Searles  
Vern Church  
Bill Beal

Others:

Doug Heiken  
Daryl Hawes  
Masa Nishihara  
Dennis Myhrum  
John Hays  
Jim Colton  
David Moon  
By Brinton  
Todd Heidgerken  
Fred Phillips  
Art Shenk  
Donna Shenk  
Bob Hall  
Lisa Karnopp  
Karen Russell  
Tom Simmons  
Audrey Simmons  
Anne Perrault  
Truscott Irby  
Grace Irby  
Jasper Coombes  
Jim Colton  
Mike Colton  
Eric Colton  
Riley Freeman  
George Chandler  
Bob Goss  
Delorris Goss  
Bob Hall  
Joan Freeman  
Chris Kopp  
Paul Hill  
Wendts  
Stephanie Burchfield  
Steve Williams  
Kip Lombard  
Richard Cartright  
Frank Howe  
George Maxwell  
Eric Romvedt

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.

## 1. BRIEFING AND DISCUSSION ON LEGISLATIVE CONCEPTS AND BUDGET

The Commission reviewed eleven legislative proposals for possible submission to the 1993 Legislature. Some of the proposals were accepted without discussion. A brief summary of those proposals that were discussed follows:

LC 950, Water Measuring and Reporting. Commissioner Bentz asked for a brief history of the Department's past efforts to authorize water-use reporting. Hayes explained that there had been two previous efforts, in 1985 and 1987. In 1987 the Department was successful in getting authority to require reporting of public entities and to require individuals to report in Special Management Problem Areas.

LC 951, Water Right Applications, Permits and Certificates. The Commission asked for more explanation as to how the exemption would be applied for secondary water uses that divert water from ponds to stock watering tanks or troughs.

LC 952, Field Enforcement. In the staff report, the Department recommended that the Commission not move forward with the proposal that would have extended authority to the Department to impose civil penalties for failure to conduct pump tests or to report water use. Commissioner Bachman disagreed with the recommendation and urged the Commission to keep it in the concept.

Director Pagel said it was desirable to have this authority but the Department staff were concerned about their ability to aggressively enforce in the field and it might be better to wait until the 1995 session to make this proposal. To keep the provision in the bill would create a fiscal impact. The Commission asked the Department staff to return with an estimate of what that fiscal impact might be.

The Commission directed the staff to continue to press for this authority.

The Commission asked whether it was necessary to amend the statutes to authorize the Department to use restraining orders as an additional enforcement tool. Steve Sanders, Assistant Attorney General, said that currently the Department authority is very narrow. It is unclear in the law whether violation of the water laws is sufficient to get an injunction. As an example, he described a recent water right dispute on the Pistol River. The court was confused by the nature and scope of the Commission's authority.

The Commission decided to keep the provision in the legislative proposal.

LC 953, Groundwater Exempt Uses. Commissioner Bentz asked if the proposed new ability to override groundwater exemptions would apply to existing uses. Staff explained that the legislation would apply to new uses only.

LC 956, Water Marketing and Transfers. Commissioner Bentz asked questions about the current ability of water right holders to sell their water rights. Staff explained that if rights were transferred, there is really no way for the Department to know whether or not a fee was charged. The law only allows water right holders to charge the amount it cost to perfect the right, but more money than that could likely change hands.

Chair Stickel said that the proposal does anticipate repealing those statutes. She also suggested the Commission consider a law change to require public interest reviews of transfer applications. Stickel said she thought the Commission had discussed this in earlier meetings on legislative proposals. Director Pagel said there had been no recent discussion of this concept in connection with the water marketing proposal. She added that the question of whether to add a public interest review to the transfer process could be pursued in a later session -- perhaps 1995.

Reed Marbut said that the task force did not anticipate substantial changes to the transfer laws. Pagel said that if the Commission is interested in including the proposal, staff can do that. However, it would create an additional fiscal impact. Commissioner Stickel asked that the marketing task force deal with this issue at its next meeting.

LC 957, Watershed Management Program. Pagel explained that this proposal is to provide a clear process for bringing people together to restore and enhance watersheds. The proposal has been reviewed and approved by the Strategic Water Management Group.

Commissioner Bachman praised the proposal but expressed concern as to who would provide staff to implement it. Pagel explained that the Department is making a modest funding request to the Legislature, however this proposal is intended as a coordinating process and doesn't provide any direct funding. Money may be available through other priority programs such as the Bonneville Power Administration or the Northwest Power Planning Council for implementation of the Columbia and Snake Program, or priority programs through EPA, the Forest Service or state agencies.

The Commission asked if a prerequisite to funding would be a watershed assessment. Becky Kreag explained a two-step process. The first would be to assess conditions in the watershed and then rank the watersheds so efforts are focused in areas that need the most attention. She also said the U.S. Environmental Protection

Agency is interested in the watershed strategy and is a potential funding source.

LC 958, Revenue Sources. Commissioner Bentz asked how the Department determined the amount to increase application fees. Marbut explained that the staff averaged high and low costs to come up with a figure. The cost for processing applications has risen and fee increases may still not cover the cost.

Pagel explained that agencies are identifying areas where they are charging fees that more closely reflect the actual costs of operating programs. The revenue task force identified what they thought were reasonable fees.

#### DIRECTOR'S RECOMMENDATION

This was an informational report for discussion and no Commission action was required.

#### 2. 1993-95 BUDGET BRIEFING

Ken Weese gave a summary of the information in the budget submitted to the Executive Department. Water Resources Department was able to stay close to the priorities identified in the staff report presented to the Commission at the June 4 meeting.

Commissioner Bachman requested a summary spreadsheet showing a comparison of FTE's and money from the current 1991-93 budget and the requested 1993-95 budget.

Becky Kreag described the decision package that was constructed to address the ecosystem benchmark. She explained how that package would provide position and funding for several natural resources agencies but would not be a part of the Department's requested budget.

#### DIRECTOR'S RECOMMENDATION

This was an informational report, no action was required.

There being no further business the meeting was recessed until 7 p.m. that evening.

The evening work session continued with the following presentations:

Truscott Irby, Chairman, Baker County Water Advisory Board, spoke on agriculture water management.

Richard Cartright, Chairman of the Burnt River Soil and Water Conservation District, spoke on that organization's recent accomplishments.

Frank Howe, Manager of the Burnt River Irrigation District, spoke on irrigation methods in that area.

Jasper Coombes, Secretary of the Baker County Water Advisory Board, spoke on concerns of his organization with the number of instream water rights filed by the Oregon Department of Fish and Wildlife.

Gerald Maxwell, Chairman, North Powder Rock Creek Pipeline, spoke on the plans and cost of implementation of a gravity pipelines project.

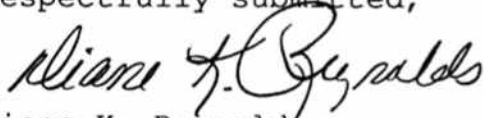
Eric Romvedt, President, Lower Powder Irrigation, spoke briefly on water availability in the area and thanked the commission for coming to Baker City.

Steve Williams, Assistant Regional Supervisor for the Northeast Region, Oregon Department of Fish and Wildlife, gave an overview of salmon counts in the Grande Ronde River Basin and fish screening.

Jim Colton, Manager of the Baker Valley Irrigation District, spoke on water use practices in the Powder River Basin.

There being no further business, the work session was adjourned.

Respectfully submitted,

  
Diane K. Reynolds  
Commission Assistant