

WATER RESOURCES COMMISSION

WORK SESSION

APRIL 29, 1993

Members

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

Staff Attending Entire Work Session

Martha Pagel
Steve Sanders
Diane Reynolds
Cindy Smith
Bev Hayes
Ken Weese
Becky Kreag
John Borden
Reed Marbut
Rick Bastasch
Barry Norris

Others

Stephen Brown
Joe Bowersox
David Moon
Audrey Simmons
Neil Woller
Jan Boettcher
Anne Perrault
Todd Heidgerken
Ed Weber
Stephanie Burchfield
Irvin Whitting
Bob Steimer
Emerson Roller
Dan Shepard
Louis Maurer
Bob Loveless
Paul Altherle

In addition, staff report authors and other staff were present for particular agenda items.

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.

Cliff Bentz, Vice-Chair, called the meeting to order.

Item 1 - **INFORMATIONAL REPORT: FOLLOW-UP REPORT ON COMMENTS RAISED ABOUT THE METHODOLOGY FOR ESTIMATING WATER AVAILABILITY**

Rick Cooper, Fred Lissner, and Adam Sussman gave a status report on the methodology for estimating water availability. They reported that staff met with representatives of

WaterWatch and the Water Resources Congress to discuss questions they had about the methodology and to explain the rationale for approaches taken.

Cooper led a discussion of the following seven points covered in the staff report:

- possible over-appropriation of streams due to the potential for increase of water use under existing allocations;
- possible underestimation of consumptive use because of unaccounted for transmission losses;
- exclusion of de minimus uses;
- water availability analysis for the Columbia River;
- water rights information systems database;
- technical peer review; and
- municipal consumptive use coefficient.

Commissioner Bachman asked if staff could look into the cost of increasing the number of stream gages. Commissioner Howland added that electronic measurement equipment would be the most efficient if we have the money to purchase it.

Anne Perrault, WaterWatch commented. Tape 2, Mark 55.

Commissioner Akins expressed appreciation to staff for their report.

This was an information report only; no Commission action was required. The Director and staff will proceed with the water availability program as outlined in this report and Agenda Item 3 from the March 11, 1993 Work Session and will utilize the new water availability data as they become available.

Item 2 - INFORMATIONAL REPORT ON 1992 FIELD REGULATION AND ENFORCEMENT ACTIVITIES

Steve Applegate, Water Resources Department, gave a status report on the 1992 Field Regulation and Enforcement Activities. The Department has been compiling annual surface water regulation data for several years. However, the report has been an evolving one and has not been widely distributed.

Everyone knows that 1992 was a drought year that impacted nearly all areas of the state with significant water shortages.

The 1992 drought increased public awareness and put additional pressures on the Department's regulatory staff. The Department's field work force of 5 regional managers, 16 watermasters, 10 full time county assistant watermasters and 5 well inspectors are responsible to properly regulate the state's water and inspect wells for compliance with well construction standards. In addition, they are involved with numerous other data collection and Department programs.

Water regulation is the initial stage of enforcement. Regulatory staff go to great lengths to achieve voluntary compliance. Only in unusual cases does any formal enforcement occur. Formal enforcement includes civil penalties, criminal complaints to local district attorneys, and conditioning, suspension or revocation of well constructors' licenses.

It is critical for the Department and Commission to maintain a firm posture in its regulatory activities and to concentrate as much effort as possible on public information as a tool to reduce the need for enforcement efforts.

Watermasters Larry Toll of District 3 and Gary Ball of District 15 gave a brief summary of their experiences during 1992.

This report was presented to the Commission as an informational item. No Commission action was necessary.

Roger Bachman suggested that staff display the number of "notices of violation" that are distributed each year, in addition to the data presented in the regulatory summary.

Item 3 - STATUS REPORT: GRANTS PASS IRRIGATION DISTRICT WATER MANAGEMENT STUDY

Doug Parrow, Water Resources Department; David Newton, Newton and Associates; Tory Walker, Site Engineer; and Bill Simmons, Civil Engineer, presented the fourth annual progress report.

The Grants Pass Irrigation District (GPID) is located in southwest Oregon in both Josephine and Jackson Counties. Savage Rapids Dam, which serves as the main diversion works for GPID, is on the border between the two counties. Water is pumped from this location to four major canals. A gravity-feed canal also originates at the dam. There are a number of pumping stations located throughout the system to lift water flowing in the canals. The conveyance system contains approximately 160 miles of canals that supply water to an average of 7,000 acres each year.

In 1982, the Department issued a water right certificate to GPID for irrigation of 7,755.3 acres with up to 96.94 cubic feet per second (cfs) of water from the Rogue River and several tributaries. The permit under which the district developed was issued in 1929 and allowed irrigation of more than 18,000 acres with up to 230 cfs of water. Consistent with the practice of the Department, the quantity of water allowed under the certificate was reduced based on the ratio of the number of acres actually irrigated to the number of acres originally allowed under the permit. Consequently, the 96.94 cfs allowed under the certificate was significantly less than the district's historic diversions.

Prior to issuance of the certificate, a permit (number 45826) was issued to the Department of Fish and Wildlife (ODFW) for up to 83 cfs of water to be spilled from GPID's canals into tributaries of the Rogue River. After conducting field investigations

to document the use of water under the permit, ODFW staff raised questions about the quantity of water provided and the value of the right in enhancing the fishery. However, except for this year, ODFW has continued to request spills into the tributaries. The permit issued to GPID allows continued diversion of up to a total of 186.94 cfs regardless of whether diversions under the ODFW permit are continued or the ODFW permit is canceled. The Department will pursue certification of this right or cancellation of the permit in conjunction with deliberation on options for GPID.

In 1987, GPID applied for a permit to increase its authorized diversion to the amount which had been used historically. The Department and other parties identified a number of public interest concerns related to the application and a hearing was conducted to evaluate whether the application raised public interest issues and should be referred to a contested case proceeding. Prior to a final decision by the Commission on referral of the application to a contested case proceeding, the district entered into negotiations with the Department and several interest groups which had filed comments on the application.

In the negotiations, the district agreed to complete a water management study through which alternatives for reducing diversions from the historic rates would be evaluated and justification for any additional quantity of water beyond that provided under the certificate would be provided. Pending the completion of the study and subject to the prohibition of waste, the district would be allowed to divert up to 90 cfs more than allowed under the certificated water right bringing the total allowable diversions up to 186.94 cfs. Based on the negotiated agreement, a permit was issued to the district. The stated purpose of the permit is to temporarily allow diversion at the historic rate until the Commission adopts a plan of water use reduction or cancels the permit.

By March 1994, GPID is required to submit a proposed plan based on a study which addresses the conditions of the permit including conservation alternatives, justification of any additional quantities of water needed, and resolution of fish passage problems at Savage Rapids Dam. The district also is required to form a committee to provide input in the study and to submit annual progress reports on the study to the Commission.

The permit expires on October 1, 1994, unless extended by the Commission. Extensions to allow time for implementation of conservation projects and measures are contemplated under the permit. Staff anticipate that a schedule for ramping down annual diversions as conservation projects and measures are implemented would be included with a proposal to extend the permit. The Commission will have three basic alternatives for action on the plan proposed by GPID. These will be to (1) approve extension of the permit based on the plan implementation schedule proposed by GPID, (2) approve extension of the permit with modifications in the proposed schedule to resolve deficiencies identified by the Department or Commission, and (3) not approve extension of the permit which would prompt regulation of GPID diversions to the quantity of water allowed under the GPID certificate and the ODFW permit.

This was a status report only, and no Commission action was required.

Senator Brady Adams commented. Tape 4, Mark 443.

Representative Bob Repine commented. Tape 4, Mark 523.

Irv Whitting, Josephine County Commissioner, commented. Tape 4, Mark 694.

Bruce Buckmaster, Manager GPID, commented. Tape 5, Mark 88.

Bob Hamilton, BOR-Boise, commented. Tape 5, Mark 112.

Robert Loveless, GPID, commented. Tape 5, Mark

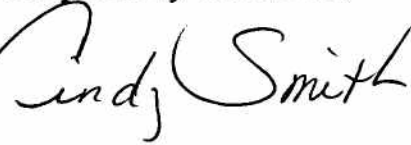
Stephanie Burchfield, ODFW, commented. Tape 5, Mark 429.

Anne Perrault, WaterWatch, commented. Tape 5, Mark 533.

Before adjourning the meeting, Vice-Chair Bentz announced that an Executive Session was to be held following this meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Cindy Smith
Commission Assistant