

WATER RESOURCES COMMISSION
WORK SESSION
JUNE 17, 1993

MINUTES

MEMBERS

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

STAFF

Martha Pagel
Rick Bastasch
Diane Reynolds
Cindy Smith
Greg Nelson
Ron Campbell
Bev Hayes
Becky Kreag
John Borden
Reed Marbut
Ken Weese
Tony Justus

OTHERS

Ed Weber
Chuck Craig
Karen Russell
Anne Perrault
Gene Clemens
Michael Robinson
Roberta Jortner
Tom Penpraze
Stephanie Burchfield
Jan Boettcher
Jerry Schmidt
Doug Myers
Jim Myron
Lisa Zavala
Todd Heidgerken

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.

Chair Stickel called the meeting to order.

ITEM 1 INFORMATIONAL REPORT ON RESERVATIONS OF WATER

Greg Nelson, Water Resources Department, explained the current process for setting aside, or reserving, water for projected future economic development within Oregon.

Current law authorizes state agencies to request that unappropriated waters of the state be "reserved" for future economic development. The Oregon Department of Agriculture has submitted several reservation requests which are currently pending before the Water Resources Commission. Evaluation of these requests presents

significant legal and policy questions which must be addressed. In addition, there is a need to determine whether the current reservation process provides a workable and effective tool for dealing with the state's long-term water management needs.

The report provided background information and described a proposed process for addressing water reservation requests currently pending before the Commission and for evaluating how such reservation requests should be handled in the future.

The Commission expressed concerns about the current reservation process that is independent of basin planning. The Commission directed staff to assemble a working group to review the reservation process and examine alternative processes that better integrate it with other water management programs.

Charles Craig and Ed Weber, Department of Agriculture commented. Mark 1, Tape 3.

DIRECTOR'S RECOMMENDATION

This was an informational report. No action was required; however, Commission comments and direction were requested.

ITEM 2 INFORMATIONAL REPORT ON THE DEPARTMENT'S CONCEPT FOR LOCAL GOVERNMENT MANAGEMENT OF EXEMPT GROUNDWATER USES

Ron Campbell, Water Resources Department, gave a slide presentation on the department's concept for local government management of exempt groundwater uses.

Staff have been developing a concept for voluntary local government management of domestic groundwater uses that are exempt from water right permitting requirements. Exempt uses are generally developed without analysis of aquifer capacities and without controls to prevent groundwater overdraft and user conflicts. The purpose of this staff report was to apprise the Commission of the Department's management concept and staff's activities to share and improve the concept through interaction with local governments and others. This was an informational report only; no Commission action was requested.

Staff initiated work on this concept in response to concerns that aquifer capacities can be exceeded by groundwater demands imposed by exempt domestic wells associated with residential development. The potential for groundwater overdraft and user conflicts resulting from exempt uses depends primarily on how concentrated uses are in relation to how aquifers store, transmit and recharge groundwater. Concentration of exempt uses is directly affected by the residential densities allowed by land use regulations.

Residential developments that rely on exempt domestic wells are steadily increasing.

Development often prompts concerns from neighboring groundwater users. In reviewing proposed land uses, local planners and commissions are often faced with conflicting testimony and little empirical data on groundwater. Staff are often asked to comment on pending land use actions, especially in areas where citizens have experienced groundwater supply problems. The reported problems typically include well deepenings or declining flow rates or water levels. Many citizens are concerned about the extent of development allowed by local plans and the relative lack of groundwater information. In response to citizen concerns, some local governments have asked staff to recommend land use approval requirements that are appropriate to prevent overdraft and user conflicts. Some have asked staff to advise them on appropriate dwelling densities and well spacing in relation to aquifer capacities.

The concern for exempt uses was elevated in two recent actions considered by the Commission. Citizens asked the Commission to disallow exempt uses on Parrett Mountain, first by classification in the Willamette Basin Program, and subsequently by withdrawal order. Final action regarding new exempt uses on Parrett Mountain is being postponed pending completion of groundwater studies now in progress.

A management strategy is needed that enables aquifer analysis to keep pace with development of exempt uses, incorporates aquifer capacity information into land use decisions, prevents overdraft and user conflicts and avoids corrective actions by the Commission. Prevention is also needed to avoid the costs to landowners, local governments and the state of resolving water supply problems. Additionally, an approach is needed that effectively coordinates the Department's expertise and data with local government land use processes and one that can be implemented without significant burden on limited staff and budgets.

The Department's management concept was developed by Land Use Coordination and Groundwater Hydrology staff. It has continued to evolve through discussions with additional staff, the Department's Assistant Attorney General, the Groundwater Advisory Committee, the Department of Land Conservation and Development and others. Staff intend to share and improve the concept through discussions with the Association of Oregon Counties, the League of Oregon Cities, the County Planning Directors Association and one-on-one work with interested local governments. Josephine County has expressed particular interest in being a "test county" for land use and groundwater management coordination as envisioned in the concept. Department and County staff are discussing respective roles and responsibilities in this coordination effort.

Roger Bachman stated that the report was good.

Michael Robinson, Stoel, Rives, Boley, Inc. commented. Mark 127, Tape 4.

DIRECTOR'S RECOMMENDATION

This was an informational report, and no Commission action was requested.

ITEM 3 LEGISLATIVE UPDATE

Bev Hayes briefed the Commission on developments during the current Legislative Session. There are several legislative bills this session that could have an impact on water resources and the department's ability to manage water. Of these bills, the Department has opposed only two of the measures. These bills are HB 3203 (requires the Commission to issue permits if the use is allowed in the basin program and water is available the majority of the time) and HB 3474 (requires the Commission to withdraw unappropriated waters by issuing an order).

Hayes discussed five categories of bills and their status:

1. Bills that improve the Department's enforcement capability or ability to manage water use more closely;
2. Bills that encourage watershed restoration;
3. Bills that change the permitting process;
4. Bills that allow users to transfer water use more easily; and
5. Bills that clarify state water policy and management.

Mike Jewett asked for a copy of the amended version of HB 3357 (allows the Commission, under certain circumstances, to include land not described in a permit to be included in an irrigation district's water right certificate).

The Commission expressed concern regarding HB 3357 and HB 2771.

Kip Lombard, Water Resources Congress, commented. Mark 590, Tape 4.

Anne Perrault and Karen Russell, WaterWatch, commented. Mark 10, Tape 5.

Stephanie Burchfield, ODFW, commented. Mark 224, Tape 5.

Karen Russell and Anne Perrault, WaterWatch, commented. Mark 363, Tape 5.

The discussion on legislation was continued following Agenda Item D on June 18, 1993. (noted in minutes of that meeting)

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

Respectfully submitted,



Cindy Smith
Commission Assistant