

WATER RESOURCES COMMISSION  
WORK SESSION MINUTES  
FEBRUARY 24, 1994

MEMBERS

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

STAFF

Martha Pagel  
Steve Sanders  
Diane Reynolds  
Cindy Smith  
Rick Bastasch  
Becky Kreag  
Beth Patrino  
Steve Brown  
Weisha Mize

OTHERS

David Moon  
Earl Wiersma  
Eric Mockridge  
David Moskowitz  
Doug Myers  
Bob Hall  
Scott Ashcom  
Audrey Simmons  
Mike Mishkot  
Larry Trosi  
Jerry Schmidt  
Stephanie Burchfield  
Joni Low  
Jan Boettcher  
Karen Russell  
Helen Rice  
Tom O'Connor  
Susan Schneider  
Jim Myron  
Kip Lombard  
Glenn Barrett

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, Commerce Building, 158 12th St. 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.

1. INFORMATION REPORT ON 1995 DRAFT LEGISLATIVE PROPOSALS

Martha Pagel, Director, Water Resources Department, briefed the Commission on the 1995 proposals.

Each biennium the Department develops legislative concepts to present to the next session of the Legislature. Staff submitted preliminary proposals to a Department review team. The staff report summarizes the team's evaluation of the proposals and puts forward its recommendations on a legislative strategy.

The team recommends the agency put forward one major policy bill which would equip the state and water users with new management tools, such as an enhanced marketing or transfer capability, and an improved ability to respond to the operational needs of existing water users, and possibly, a new fee.

It is likely the agency would also recommend a small number of housekeeping bills that would not otherwise fit under the umbrella of the major bill. In addition, the Department would expect to deal with the hydroelectric relicensing issue separately, as part of an interagency effort. It is also expected that continuation of the watershed program would also be accomplished through a separate interagency budget or bill.

Staff will return to the April Commission meeting with a more refined proposal on a legislative strategy and supporting concepts.

#### DIRECTOR'S RECOMMENDATION

This was an informational report. No Commission action was required. Staff invited Commission guidance on legislative strategies and concepts.

Roger Bachman suggested the Department look at a voluntary adoption of a fee on a basin-by-basin basis.

Karen Russell, WaterWatch, commented. Mark 207, Tape 2.

#### 2. APPLICATION PROCESSING INFORMATIONAL REPORT TO THE COMMISSION, INCLUDING A SUMMARY OF PROPOSED WATER RIGHT PERMIT CONDITIONS

Reed Marbut, Water Rights Administrator, briefed the Commission on application processing. At its January 1994 meeting, the Commission asked staff to provide a report on water right application processing under the new Divisions 11 and 77, including a discussion of proposed permit conditions.

The Water Rights and Adjudication Division processes water right applications under the provisions of OAR Chapter 690, Division 11 (consumptive water uses) and Division 77 (instream water rights). Application submittal requirements, application filing procedures, the Department's public notice and comment process and the application processing system are

set out in the various rules in Division 11.

Once an application is filed in proper form accompanied by the filing fee, the Department notes the filing in its weekly public notice. The Department cannot accept applications if an area is withdrawn from appropriation (ORS 536.410[5]) This is the only absolute prohibition to the filing of an application. However, when a basin program does not include a classification that would allow a proposed use, staff counsel applicants that although an application may be filed, no water right permit can be issued for a use that is not listed as a classified use in the applicable basin program.

A 30-day comment period begins on the date of mailing of the weekly public notice. Some time after the end of the 30-day comment period, the Department issues a "report of technical review" of the proposed water use. The report is mailed to anyone who comments.

Karen Russell, WaterWatch, commented. Tape 3, Mark 225.

Lorna Stickel suggested that a subcommittee look at issues and determine whether there are policy determination issues that the Commission should be dealing with. The subcommittee would also look at determining standard conditions versus making a policy call, along with issues dealing with Certified Water Right Examiners. A subcommittee was appointed consisting of Roger Bachman, Lorna Stickel, and Mike Jewett along with interest group representatives.

Glenn Barrett, commented. Mark 395, Tape 3.

Chair Stickel left, and Commissioner Bentz chaired the remainder of the Work Session.

#### DIRECTOR'S RECOMMENDATION

This was an informational report. No Commission action was required.

There being no further business, the Work Session was adjourned.

Respectfully submitted,



Cindy Smith  
Commission Assistant