

WATER RESOURCES COMMISSION
WORK SESSION
KLAMATH FALLS, OREGON
JUNE 2, 1994

MEMBERS

Lorna Stickel
Cliff Bentz
Nancy Leonard ✓
Mike Jewett
Anita Johnson
Hadley Akins

STAFF

Martha Pagel
Steve Sanders
Diane Reynolds
Cindy Smith
Doug Parrow
Fred Lissner
Bob Main
Bev Hayes
Rick Bastasch
Kyle Gorman

OTHERS

Roger Bachman
Joni Low
Stephanie Burchfield
Linda Barrett
Kent Colahan
Cal Lambert
Glenn Barrett
Todd Heidgerken
Teena Baker
Karen Russell
Todd Kepple
Kevin Hanway
Walt Trimmer
Kip Lombard
Jim Bryant

In addition to the individuals listed above, report authors and other staff were present for particular agenda items.

The 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, 158 12th Street NE, Salem, Oregon 97310. 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. REQUEST FOR HEARING AUTHORIZATION ON PROPOSED AMENDMENTS TO OAR CHAPTER 690, DIVISION 500 (BASIN PROGRAMS) AND THE DEPARTMENT'S STATE AGENCY COORDINATION PROGRAM (DIVISION 05 AND LAND USE PLANNING PROCEDURES GUIDE), AND REVIEW OF PROPOSED BASIN PROGRAM REVISION, PLANNING AND COORDINATION PROCESSES

Doug Parrow, Conservation Manager, outlined the review process and the recommendations that emerged from the year-long review of the basin plans and programs and the way they were developed, coordinated and later updated.

At the April Commission meeting, staff were directed to propose a strategy for addressing concerns raised in a WaterWatch petition for emergency rulemaking. The petition had requested that the Commission prohibit issuance of any additional permits for out-of-stream uses of water during specified months to protect remaining streamflows for the declining runs of anadromous fish in the coastal basins. The proposed prohibition would have applied to surface water and hydraulically-connected groundwater.

The Commission denied the petition in April because the initiation of emergency rulemaking was not necessary because the weak fish stocks could be protected under existing application review procedures.

Staff proposed initiation of the new basin program revision process in coastal basins in order to provide additional protection to the fish stocks there. Staff indicated that this would address the concerns raised in the petition in a more systematic and comprehensive manner.

Staff proposed holding public rulemaking hearings on the new basin program revision process in Roseburg, Portland, and Baker City.

DIRECTOR'S RECOMMENDATION

The Director and staff recommended the Commission authorize staff to conduct rulemaking hearings on the proposed amendments to Division 500 and 05, and the land use planning procedures guide. The Commission may wish to assign members to conduct the hearings. The Director and staff also recommended that the Commission approve the proposed process for basin program revision and planning.

Roger Bachman, Oregon Trout, commented. Tape 2, Mark 83.

Karen Russell, WaterWatch, commented. Tape 2, Mark 126.

Kip Lombard, Oregon Water Resources Congress, commented. Tape 2, Mark 458.

Todd Heidgerken, Water For Life, commented. Tape 2, Mark 709.

Cliff Bentz indicated that he had several concerns about the format of the proposed rules and suggested a subcommittee be formed to consider changes in the rules prior to the hearings authorization.

A motion was made by Mike Jewett and seconded by Anita Johnson to appoint a subcommittee to review additional changes to the draft rules and authorize rulemaking hearings at a conference call set for June 15, 1994. The motion passed unanimously. The subcommittee consists of Cliff Bentz, Mike Jewett, and Nancy Leonard.

2. REQUEST FOR APPROVAL OF FUTURE CONSERVATION PROGRAM STRATEGIES AND REQUEST FOR AUTHORIZATION OF HEARINGS ON WATER MANAGEMENT AND CONSERVATION PLANNING RULES (OAR 690, DIVISION 86)

Doug Parrow, Conservation Manager, briefed the Commission on the future program strategies and requested authorization of hearings on these rules.

The Conservation and Efficient Water Use policy, which was adopted in 1990, identifies a wide range of strategies for encouraging conservation improvements. The strategies include public information and education, incentives, and increased regulation to enforce the prohibition on waste.

After adoption of the policy, staff began working with the Conservation Advisory Committee on implementation. At that time, the committee discussed focusing attention on a process for development of voluntary subbasin conservation plans. However, despite a number of discussions, staff were not able to identify a local group interested in sponsoring such an effort.

Discussions then switched to development of the standards and schedules for preparation of water management plans by agricultural and municipal water suppliers. The Conservation Advisory Committee organized itself into two subcommittees—agricultural and municipal—to work with staff in drafting rules. During the process of drafting the rules, the agricultural subcommittee proposed expanding the applicability of the rules to include individual agricultural water users. This decision was consistent with the conservation policy which also calls for the preparation of water management plans by major water users.

At the conclusion of the rule drafting process, there were some areas of continuing disagreement with the rules. However, staff understood the participants on the subcommittee to have agreed with the general approach to water management planning

proposed under the rules. Public hearings on the proposed rules demonstrated general support for the approach in the municipal sector, but nearly universal opposition to water management planning requirements in the agricultural sector.

At the recommendation of the Department, in November 1992, the Commission postponed action on the rules pending additional work, including the preparation of pilot plans to test the proposed planning process and requirements. Plans have been developed by a number of entities and have been provided to the Conservation Advisory Committee for review. The discussions of the committee continue to reflect considerable opposition to mandated water management and conservation planning.

The Department has further revised the rules to only require the preparation plans by municipalities whose permits include conditions requiring the plans and by irrigation districts intending to transfer water rights under ORS 540.572 to 540.578.

DIRECTOR'S RECOMMENDATION

The Director and staff recommended that the Commission:

1. Authorize staff to conduct hearings on the revised draft water management and conservation planning rules in Attachment 2;
2. Modify the instructions to staff regarding inclusion of conservation and long-term supply planning conditions in new permits to allow case-by-case decisions on whether to include the conditions;
3. Approve the proposed rulemaking schedule for the allocation of conserved water; and
4. Review and provide guidance on the future conservation program alternatives and strategies.

Cal Lambert, Manager of the Arnold Irrigation District, commented. Tape 3, Mark 80.

Bob Main, North Central Regional Manager, commented. Tape 3, Mark 180.

Roger Bachman, Oregon Trout, commented. Tape 3, Mark 456.

Joni Low, League of Oregon Cities, commented. Tape 3, Mark 485.

Kevin Hanway, Western Advocates, commented. Tape 3, Mark 539.

Walt Trimmer, Oregon Water Resources Congress, commented. Tape 3, Mark 563.

Linda Barrett, Barrett Livestock, commented. Tape 3, Mark 667.

Karen Russell, WaterWatch, commented. Tape 3, Mark 749.

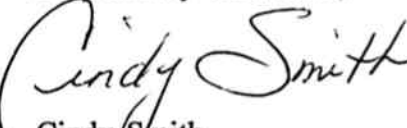
A motion was made by Cliff Bentz and seconded by Hadley Akins to approve the staff recommendation regarding the draft rules (#1 of the Director's recommendation). Motion passed 5-1. Jewett voted no.

A motion was made by Cliff Bentz and seconded by Anita Johnson to approve #2 of the Director's recommendation. The motion passed unanimously.

Numbers 3 and 4 of the Director's recommendation did not require formal Commission approval; staff indicated that they would proceed as described in the report.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Cindy Smith
Commission Assistant