

WATER RESOURCES COMMISSION

MEETING
LA GRANDE, OREGON
JULY 22, 1994

MINUTES

MEMBERS

Cliff Bentz
Anita Johnson
Mike Jewett
John Frewing

STAFF

Martha Pagel
Melinda Bruce
Diane Reynolds
Cindy Smith
Becky Kreag
Rick Bastasch
Reed Marbut
Doug Parrow
Steve Applegate
Tom Kline
Kent Searles
Barry Norris
Steve Brown
Mike Ladd
Vernon Church

OTHERS

Ladd Henderson
Justin Burns
Roger Bachman
Karen Russell
Kimberly Priestly
Melinda Powell
Rep. Chuck Norris
Lynn Shumway
Todd Heidgerken
Bob Hall
Roberta Bates
Donald Still
Carol Neely
Howard Daggett
Gail Achterman
Bill Bach
Mark Madison
Pat Wortman
Dick Verboort
Kim Landis
Amie Loop

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.

A. CONSENT AGENDA

1. Commission Minutes
2. Request for Approval of Expenditures from the Start Card Fund for Well Inspection Related Activities
3. Request for Approval of Expenditures from the Start Card Fund for the Well Log Data Base

A motion was made by Commissioner Jewett and seconded by Commissioner Johnson to approve the consent agenda. All approved.

B. COMMISSION COMMENTS

Commissioner Bentz reported that he received a call from Senator Timms with concerns regarding the basin planning process.

C. DIRECTOR'S REPORT

Martha Pagel reviewed with Commission members the Thursday morning watershed health field tour, during which they visited sites and projects associated with the Watershed Health Program and the Grande Ronde Model Watershed. She also summarized actions taken at the Thursday afternoon work session.

Budget update - The Department received final notice from the Governor's Office on the target level for the general fund budget, which was increased from \$14,010,000 to \$14,870,000. Some positions may be moved to different funding. The Department received tentative approval for the Watershed Health package and the water supply option package.

Director Pagel reported on the letters received by the Oregon Association of Realtors regarding basin planning rules.

Basin Planning Hearings Process - Doug Parrow, Basin Planning Manager, updated the Commission on the basin planning process.

In the days before the Commission meeting, the Governor's Office and the Department received numerous calls and letters requesting that the public hearings on the proposed basin planning process be canceled. These calls were prompted by information distributed by the Oregon Association of Realtors.

DIRECTOR'S RECOMMENDATION

The Director and staff recommended the Commission not cancel the public hearings, but that the Commission direct staff to schedule additional meetings to address the identified concerns prior to further action on the draft rules.

Karen Russell, Waterwatch, commented. Mark 299, Tape 1.

Representative Chuck Norris, commented. Mark 322, Tape 1.

A motion was made by Commissioner Jewett and seconded by Commissioner Frewing to approve the recommendation with the intent that there be at least one follow-up hearing following the Request for Comments and the July hearing. All approved.

Other Topics -

Commissioner Frewing asked for a briefing on the water spreading issue.

Reed Marbut, Administrator of the Water Rights and Adjudications Division, described water spreading as the unauthorized use of Bureau of Reclamation water or facilities outside of legally-authorized areas. In general, it is a relationship between the districts and the Bureau of Reclamation for the delivery of water from a Bureau project.

Commissioner Frewing asked about Threatened and Endangered Species and weak stocks.

Tom Kline, Resource Management Division, reported that staff had reviewed the schedule for weak stock rules as requested by the Commission. Staff felt that it was not possible to accelerate the schedule approved by the Commission in June.

Kline noted that the rulemaking committee was to begin meeting in July on the issue of lower Columbia and Willamette species. A rules advisory committee for the statewide rulemaking effort will be created and begin work in October. Commissioners Johnson, Jewett and Frewing volunteered to be on a subcommittee to work with staff and the rules advisory committee.

D. PROGRESS REPORT ON AMENDMENT OF ALLOCATION OF CONSERVED WATER RULES (DIVISION 18) AND REQUEST FOR DELEGATION OF AUTHORITY TO FILE NOTICE OF HEARINGS

Doug Parrow, Conservation Manager, briefed the Commission on the conserved water rules and requested delegation of authority to file notice of hearings.

Legislation amending the statutes governing the allocation of conserved water passed in 1993. Because of these amendments, the associated administrative rules are no longer consistent with the statutes. The staff report summarized the process staff is using to draft revised rules.

DIRECTOR'S RECOMMENDATION

The Director and staff welcomed the Commission to appoint a subcommittee to review the draft rules or to have one or more commissioners participate in the discussions on the rules with interest groups.

Karen Russell, WaterWatch, commented. Mark 1, Tape 2.

Todd Heidgerken, Water for Life, commented. Mark 49, Tape 2.

Representative Chuck Norris, commented. Mark 57, Tape 2.

Commissioners Bentz and Jewett will work with staff on the draft rules.

E. REQUEST FOR AUTHORIZATION TO CONDUCT RULEMAKING HEARINGS ON PROPOSED AMENDMENTS TO OAR CHAPTER 690, DIVISION 20 (DAMS)

Barry Norris, Technical Services Administrator, requested authorization to conduct hearings.

Existing administrative rules require that all instream reservoirs include an outlet conduit. This provision allows no flexibility for site-specific assessments. Other agencies and individuals have requested that the Department modify this provision.

Dams that are exempt from the ORS 540.350 dam safety review are those that are either less than 10 feet in height, or those that impound less than 9.2 acre-feet. Staff received advice from the Attorney General's office that this should be stated more clearly in rule.

Norris also reported that he anticipates requesting Commission authority for rulemaking on a comprehensive revision of Division 20 within the year.

DIRECTOR'S RECOMMENDATION

The Director and staff recommended that the Commission approve rulemaking for Division 20, Dams.

Commissioner Frewing asked if the current proposed rulemaking could be delayed until the Department is prepared to go forward with the more comprehensive changes to Division 20 rules.

Norris replied that the two proposed changes are needed as soon as possible as one is on recommendation from Steve Sanders, the Department's legal counsel, and the other is in response to a need resulting from the exempt ponds law from the last legislative session.

Karen Russell, WaterWatch, commented. Mark 175, Tape 2.

A motion was made by Commissioner Jewett and seconded by Commissioner Johnson to approve the Director's recommendation. All approved.

F. PUBLIC COMMENT

Donald Still, South Salem Hills Association, commented. Mark 150, Tape 3.

Roberta Bates, commented. Mark 669, Tape 3.

Roger Bachman, Oregon Trout, commented. Mark 856, Tape 3.

Karen Russell, WaterWatch, commented. Mark 18, Tape 4.