

Oregon Water Resources Commission Work Session  
December 17, 1998  
Salem

Members

Dan Thorndike  
Mike Jewett  
Tyler Hansell  
Jim Nakano  
Ron Nelson  
John Frewing

Others

Christopher E. Morris  
Kimberley Priestley  
Karen Russell  
Roger Bachman  
Steve Applegate  
Douglas MacDougal

Staff

Martha Pagel  
Geoff Huntington  
Diane Addicott  
Bob Main  
Rick Cooper  
Fred Lissner  
Al Cook  
Ken Lite  
Doug Parrow  
Tom Paul  
Dwight French  
Barry Norris  
Adam Sussman

In addition to those listed above, other staff were present for particular segments of the work session. Written material submitted at this work session is part of the official record and on file at the Oregon Water Resources Department, 158 12<sup>th</sup> Street NE, Salem, Oregon 97310. Audiotapes of the work session are on file at the same address.

**1. Deschutes Ground Water Briefing**

Fred Lissner, Ground Water Section, and Ken Lite, Hydrogeologist, reported on the results of a five-year study of ground water in the upper Deschutes Basin. The Department has worked with the U.S. Geological Survey to map and analyze ground water movements in the basin. The study focused on the interconnection of the ground water and surface water sources. Using slides, Ken Lite pointed out the areas of investigation, explaining the geography and documented study results. From the information gathered in the study, staff were able to develop numerical ground water flow models to quantify effects of pumping on surface water sources.

Rick Cooper, Hydrogeologist, explained water availability and the lower reaches of the Deschutes River.

Bob Main, South Central Region Manager, spoke to the Commissioners on how Deschutes Basin water availability issues are being dealt with and resolved. Because of the realization that there would be conflicts between existing instream protection and future water needs, the Deschutes Ground Water Working Group was recently formed. This group of community people, local and state government, and interest groups meet regularly with Department staff to discuss ways to meet state requirements to allow for future water needs and yet protect existing water rights. Ron Nelson commented on how well this group is working together to seek the best solutions for the Deschutes Basin area. Pagel said she is pleased with the attitude of the group in taking a basin approach to the solution, considering the development of a guide for mitigation that could be applied on a case-by-case basis or in a cumulative way.

### Public Comment

Roger Bachman, Oregon Trout, said when he had served on the Commission this issue was of major concern to him. He is very pleased the study is being done. Bachman said he is just as concerned about temperature as he is about volume of flow. He is concerned about maintaining fish friendly temperatures of the lower river. Much has been learned from PGE's studies about this. He reminded staff that Bend and Redmond have a huge municipal conservation problem. Good potable ground water is being used to irrigate crops, and the cities are running out of water. He believes that as water is applied to this highly permeable soil, it goes beyond the root zone and is therefore a wasteful use. It may be necessary to require probes and measurements so that irrigation scheduling and volume prevents that waste from occurring. Bachman asked that reasonable standards be applied to irrigation use requests. Cities also need to consider their water use when dealing with growth issues. (tape 2, mark 214)

Karen Russell, WaterWatch of Oregon, gave a brief background on WaterWatch's perspective. WaterWatch has been participating in these work group meetings which hopefully will come up with a consensus-based solution. The Scenic Waterway Act declares that the highest and best use of the waters within scenic waterways are recreation, fish, and wildlife uses; and that the free flowing character of these waters shall be maintained in quantities necessary for recreation, fish, and wildlife uses. In the early 1990's WaterWatch became concerned that new ground water appropriations were increasing in the Deschutes Basin, that ground water is connected to surface water, and that scenic waterway flows were either not being met or would not be met if ground water was allocated inappropriately. WaterWatch brought a series of administrative appeals through the Department, several of which came to the Commission, raising that issue. Before 1995 the statutes prohibited new uses of ground water if they were likely to interfere with Deschutes River flows. In 1995 the law was changed to allow new uses of ground water as long as they would not measurably reduce scenic waterway flows. The Department was to review each application and if staff could not find that the proposed new use would measurably reduce scenic waterway flows, a permit could be issued with a condition that would require future regulation if necessary. In WaterWatch's view, existing permits that have been issued especially

since 1995 should be regulated off the system unless they can mitigate for their impacts on the Deschutes main stem. WaterWatch is not just concerned about new uses of ground water but also existing water rights. WaterWatch has taken the position that they want to work with folks in the Basin on mitigation alternatives and give existing permittees some time to invest in mitigation before they would ask for regulation. Russell said that critical in the discussion is the issue of consumptive use. The working group has talked a lot about this, how it is calculated, and what it means. Another issue is the consideration of exempt wells in the area with hundreds of new ones being drilled every year. This does contribute to the effect of ground water pumping on the Deschutes so the issue needs to be addressed. Russell believes that as a result of these work group meetings, people are recognizing the value of protecting instream flows in the Deschutes mainstem. (tape 2, mark 314)

## **2. Oregon Plan for Salmon and Watersheds**

Geoff Huntington, Deputy Director, and Doug Parrow, Field and Technical Services Division, offered an Oregon Plan update to the Commission.

Huntington gave the Commissioners copies of Judge Stewart's decision on the challenge to the National Marine Fisheries Service (NMFS) by the environmental groups. When NMFS made its "no list" decision they indicated there were some areas in the Oregon Plan that needed more work or follow-through before they could be satisfied. NMFS accepted the Oregon Plan along with a signed memorandum of agreement with the state regarding steps yet to complete; and based on those two documents agreed not to list the species in the Northern ESU. A major portion of the memorandum of agreement focused on the Forest Practices Act. The terms of the agreement included termination upon 30 days' notice by either the federal or state government. Governor Kitzhaber recently wrote NMFS indicating he plans to terminate the agreement upon issuance of an executive order. The executive order has a similar directive to the state executive branch agencies as included in the original memorandum of agreement, but is more reflective of what the state believes to be very important commitments.

Parrow submitted a written update on WRD commitments in the Oregon Plan. He said that regional managers regularly discuss the status of the Department's Oregon Plan commitments at their monthly meetings. The Department is in the process of revising the Field Enforcement Manual and is including direction for implementing particular Oregon Plan measures. Parrow spoke on Measure WRD 4, resolving the protests filed on the issuance of 112 instream water rights. Staff are seeking collaborative resolution of these protests pending the hearings. Five are close to being resolved so that certificates can be issued.

Regarding Measure WRD 6, instream flow needs, Parrow said that this concerns a process to establish streamflow restoration priorities. WRD has been working closely with staff from the Department of Fish and Wildlife; priorities have been identified in the five coastal basins. The

watermasters in those basins are now developing flow restoration work plans for each of those high priority areas. The steelhead supplement added all of the Columbia River tributaries throughout eastern Oregon. Staff have completed an evaluation of instream water right deficits and consumptive use for those tributaries except the Deschutes and Grande Ronde Basins; these should be completed in early 1999. The evaluation will aid in establishing flow restoration priorities for the Columbia River tributaries similar to what was done in the coastal basins.


Under Measure WRD 8, calling for increased distribution and enforcement, watermasters are taking hundreds of flow measurements each year. When watermasters find an instream water right that is not being met, they look for illegal uses and do the necessary distribution based on priority dates. The Department has opened new branch offices in Newport and Florence, and added an additional watermaster in Tillamook. This increased presence in coastal basins has allowed closer monitoring of streamflows and quicker distribution according to the rights of record. The watermasters are also increasing enforcement against unauthorized and wasteful water uses.

Parrow spoke on Measure WRD 12, regional efficiency goals. In March 1998 the Department employed a consultant, Pam Wiley, to evaluate alternatives for developing regional efficiency goals and regulating against waste. Her report recommended that staff work with a watershed council to evaluate the efficiency of water use in a watershed and to identify methods for conserving water, and that the Department improve enforcement against unauthorized and wasteful water uses. The Department has since initiated discussions with the Little Butte Creek Watershed Council coordinator on a regional efficiency project and will begin working with the council early in 1999. The Department has also developed internal guidance for field staff on how to identify wasteful water use practices and to initiate enforcement.

Huntington handed out copies of the annual report summary of The Oregon Plan for Salmon and Watersheds and briefly reviewed its contents.

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

Respectfully submitted,



Diane K. Addicott  
Commission Assistant