

Oregon Water Resources Commission
Work Session
July 26, 2001
Portland

Members

Nancy Leonard
Tyler Hansell
Dan Thorndike
Ron Nelson
Jim Nakano
John Fregonese

Staff

Paul Cleary
Meg Reeves
Sharyl Kammerzell
Day Marshall
Cindy Smith
Fred Lissner
Marc Norton
Tom Paul
Ken Lite
Dick Bailey
Doug Woodcock
Bill Ferber
Bill Fujii
Al Cook
Ivan Gall
Norm Daft
Robert Wood
Darrell Hedin
Dwight French

Others

Ed Henricks
Kimberley Priestley
Karen Russell
Scott Walker
Doug White
Tom Lynch
John Sheldrake
Terry Cawlfeld
Jerry Schmidt
Sam Litke
Sterling Anderson
Aubrey Russell

Written material submitted at this work session is part of the official record and on file at the Oregon Water Resources Department, 158 12th Street NE, Salem, Oregon 97301-4172. Audiotapes of the work session are on file at the same address. Copies of written material and tapes are available upon request.

A. Ground Water Management Options Overview

Fred Lissner, Manager of the Ground Water and Hydrology Section, led this discussion exploring various options for ground water management with an emphasis on critical ground water determinations. He reviewed the written staff report, speaking on policies of the Ground Water Act of 1955, explaining how ground water events develop, and discussing the administrative options available to the Commission for decision-making.

B. Woodland, Edison, Victor Point Homeowners Association Petition for Declaration of Critical Ground Water Area

Fregonese announced that he is under contract to do planning for Marion County which would include the Victor Point area. Sharyl Kammerzell, Legal Counsel, said this would not be a conflict of interest.

Fred Lissner and Marc Norton, Ground Water and Hydrology Section, presented this request by petitioners for restriction of ground water uses by rule adoption. Under ORS 183.390 the Commission must, within 30 days of submission of a petition for rulemaking, either deny the petition in writing or initiate rulemaking proceedings.

Norton reviewed the staff report, explaining the situation and pointing out the area of the wells.

Doug White, Department of Land Conservation and Development; Sam Litke, City of Silverton; and Sterling Anderson, Marion County Planning Division, spoke to the Commission on issues related to land use and water development in the area.

Staff recommended that the Commission deny the petition for critical ground water area rulemaking and instead direct staff to conduct a public hearing to withdraw the area from further appropriation, including new exempt uses.

Public Comment

Tom Lynch, President of the Woodland, Edison, Victor Point Homeowners' Association, said that approximately two-thirds of the homeowners in the area belong to the Homeowners' Association. The Association has been working on water concerns with the county and state for three years. Members have invested their own resources, over \$30,000 of Association money. The Association hired a professional hydrologist and put together a team to measure the depth of 25 wells monthly. Lynch said staff from the county and state have been most helpful to them. The Homeowners' Association backs the recommendation of the Department staff. Lynch said he offered to meet with the people who wrote in opposition to the Homeowners' Association

request. He said the \$3,000 to hook up to the City of Silverton is a lot less than paying \$10,000 to re-drill a well. Over 60 percent of the area wells have been either deepened or re-drilled. The Association currently has someone working with the City of Silverton, the Department of Land Conservation and Development, and the county to research what needs to be done to request annexation to the City of Silverton and/or inclusion within the Urban Growth Boundary.

Scott Walker said the Homeowners' Association is trying to address the problem in a prospective way. He said one of his friends recently spent \$10,000 to drill his well another 80 feet — looking for water can be very expensive. Mr. Walker thanked Department staff for the work they did to prepare for this meeting. It does not seem clear what the "use" of water actually refers to — the drilling of the well or the use of the water from the well. If there are wells on undeveloped property does that mean that even with the withdrawal these wells could be used to develop properties? Walker said that withdrawal is a great idea but the city and the county have some reservations about it. Finding agreement regarding solutions may be difficult.

Hansell moved to deny the petition for critical ground water area rulemaking; seconded by Fregonese. All voted approval.

Hansell moved to direct staff to conduct a public hearing as soon as possible to withdraw the area from further appropriation, including new exempt uses; and to report back to the Commission at their September meeting. Motion was seconded by Nelson. All voted approval.

Fregonese said he would like staff as soon as possible to develop the burden of proof, investigate the geological and hydrological issues in a larger area, and put people on notice of what the real situation is so things don't become worse. Cleary said that at the September Commission meeting there could be a discussion on these issues and the existing schedule in terms of the Willamette Ground Water Study.

After the work session the Commission went into executive session; following the executive session the meeting was adjourned.

Respectfully submitted,



Diane K. Addicott
Commission Assistant