

MEETING MINUTES
GROUND WATER ADVISORY COMMITTEE (GWAC)
April 16, 2004
North Mall Office Building, 725 Summer St. N.E., Ste. A
Salem, Oregon 97310

GWAC Members Present		Staff Present		Others	
Barry Beyeler	Nitin Joshi	Dave Jarrett	Juno Pandian	Vicky Guay	Ted Baumgardner
Malia Kupillas	Don Rajnus	Barry Norris	Donn Miller	Dick Verboort	Jerry Schmidt
Dave Graham	Jim Mack Sr	Adam Sussman	Ken Lite	Jim Gibson	
Paul Christensen		Doug Woodcock	Tracy Eichenlaub	Thomas Potter	
		Greg Nelson		Tricia Kriegshauser	

I. Call to Order – Nitin Joshi

II. Approval of Minutes - The 1/30/04 minutes were approved with the addition of the Barry Beyeler memo dated 4/12/04. That memo provided more detail on the committee's discussion of Item VIII regarding special area well construction standards near Lakeview.

III. Proposed Well Construction Rule Changes – Seeking GWAC's Recommendation
Tracy Eichenlaub reviewed the proposed rule changes to chapters 200, 205, and 240 and explained that two hearings were held. The Department is seeking GWAC's recommendation on the proposed changes for consideration of adoption at the May Water Resources Commission meeting. The rule changes result from recent legislation dealing with start card fee and constructor bond increases, rule advisory committee recommendations and some general housekeeping.

Malia stressed the value of requiring the well report to disclose the tax map information in addition to the simple parcel information. Paul and Jim countered that that additional information is subject to change and an extra burden to constructors to provide. Juno said that the Attorney General has advised the Department that tax lot number does not include the tax map and that the legislature authorized only tax lot disclosure on reports. Barry Norris said that the Department would take another look at this matter for the next meeting.

GWAC voted to recommend adoption of the proposed rule changes to the Commission with one change. Paul's concern for possible constructor jeopardy for how a hole is used resulted in changing some recommended language for slope stability holes in OAR 690-240-0035(9)(c). With changes (strikethrough for deletion and underline for addition) it read: When a Geotechnical Hole Report is required under OAR 690-240-0035(2) for a slope stability geotechnical hole ~~that will also be used for~~ constructed to facilitate water levels measurement, an affidavit from an engineer or geologist qualified to perform geotechnical investigations shall be attached to the Geotechnical Hole Report.

MEETING MINUTES
GROUND WATER ADVISORY COMMITTEE
April 16, 2004

IV. A Brief History on Piezometers and Slope Stability Holes – Informational

Tracy Eichenlaub discussed the development of construction standards. Prior to 1995 rule changes, there were standards for water supply wells, monitoring wells, and “others holes”. The other holes were a catchall for holes that could cause the contamination of ground water. The rulemaking in 1995 broke out provisions in rule language for certain of these “other holes.” Piezometer became a type of monitor well and the geotechnical hole category was created with slope stability hole as a type. This occurred since the department needed these changes in order to track and regulate these holes/wells.

Malia raised the issue that there is a disconnect between general well construction requirements and water right requirements on well construction when the permit requires construction beyond minimum. She also noted that minimums might not protect surface waters from exempt uses either.

Enforcement Activities – Informational (**Item not previously scheduled**)

Juno Pandian reported that the agency was busy with driller license renewals and that the continuing education committee has met several times. 2005 will be the first year that licensed drillers will need to show continuing education credits and department staff made a road trip October to provide credit opportunities. Based on feedback, this year the same road trip will likely be in early November to reduce drilling season conflicts. The start card fund is increasing and the department has purchased a 2” auger for inspection of well seals to 10 feet. The downhole camera is an old one and is being repaired at present.

V. District Water Right Transfers - Informational

Greg Nelson explained the rulemaking that was currently underway on district water right transfers. Senate Bill 820 (2003, Oregon Laws) granted districts flexibility that allows temporary changes in point of diversion/point of appropriation to facilitate a temporary change in place of use, and the ability to temporarily transfer a surface water point of diversion to a ground water appropriation. Recent dry years and the need to allow flexibility of water use fairly quickly prompted the law. Temporary means that changes occur for one season but the same standards apply as they would for permanent transfers. The rulemaking is largely related to establishing a process.

VI. Proposed Rules regarding Five-Year Ground Water Permits in Willamette Basin – Seeking GWAC’s Recommendation

Adam Sussman asked GWAC for its recommendation on final proposed rules to modify the Willamette Basin Program (OAR Chapter 690, Division 502). The final proposed rules, which are proposed for adoption by the Water Resources Commission in May 2004, would allow certain holders of five-year limited permits to make an application for a new permit without the five-year limitation, subject to all current application processing rules. About 25 permit holders would be eligible for this provision. New permits would not retain the priority date of their prior five-year permits. Language was added after the hearing to make clear that any new permit would still have the measuring and reporting conditions that basin rules require. Adam noted that simply dropping the five-year provision is not within department authority. The department

MEETING MINUTES
GROUND WATER ADVISORY COMMITTEE
April 16, 2004

opposes the legislature or the department acting to micro-manage individual permits after issuance. GWAC recommended approval of the proposed final rules with the additional comment that when the rules go out the department will advise applicants to consult with the agency to determine whether they qualify.

VII. Water Resources Department Legislation/Budget - Informational

Adam Sussman updated GWAC on the Department's Legislative and Budget concept development. Regarding budget, the department hopes to restore special session cuts and general funds that were withdrawn last session and replaced with Federal "salmon" funds. These funds represent \$2.1M and 14 positions in a one-time shift. Regarding legislation, regulatory streamlining is the primary emphasis. This means that the agency needs to conduct its activities faster, simpler, and cheaper for business but not diminish existing resource protections.

The department has targeted several statutes for elimination based largely on lack of enforcement authority. They include the pump test program, new property owner/water right holder updates, recording well information on property deeds, and water use registrations. All GWAC members cautioned not to lose the pump test requirement tool. Adam agreed that it was valuable for targeted applications.

One statute is earmarked for sunset removal. Reimbursement authority is an alternative delivery service that provides an opportunity for expedited processing of certain water right matters through outside contractors. This higher cost service is otherwise set to expire in January 2006.

Two statutes are being considered involving transfers. One would be modified in order to broaden the surface water to ground water transfer opportunities. Another will be created to allow changes to un-adjudicated ground water registrations. These registrations speak to certain pre-1955 ground water uses that, ostensibly, will be adjudicated in the future. Very few have been to date and opening them to transfer is a benefit for the rest.

Laws for stored water use would address two areas. An expedited process is needed to allow use of stored water. The current process is lengthy but the real hurdle of appropriation for storage has already been cleared. Another would provide that all water legally stored in non-federal projects would be deemed for multi-purpose storage. Barry said that this may conflict with wastewater reservoir rules. Adam suggested and several members agreed that this should be done at the reservoir owner's request.

Additional concepts and proposals include stopping the forfeiture clock on supplemental water rights when the primary is leased in-stream; incentives to submit applications in a digital format and pay fees on-line; placing the certified water rights examiners program under the department's jurisdiction; and possible items relating to voluntary cancellations, allocations of conserved water, and water right transfers.

MEETING MINUTES
GROUND WATER ADVISORY COMMITTEE
April 16, 2004

VIII. Water Issues in the Klamath Basin – Informational

At the previous meeting, GWAC members expressed an interest in background/update on issues in the Klamath Basin. Doug Woodcock, Manager of the Ground Water Section, provided backgrounds on several topics. These included the various state and federal administrative actions, the status of the Department's ground water study in the Bonanza area, the status of the Klamath Basin cooperative ground water study with the USGS, and the Bureau of Reclamation Pilot Water Bank.

In recent years, a combination of factors has resulted in expanded ground water use. Federal actions have resulted in less canal deliveries for irrigation in deference to aquatic needs. The drought of 1991 prompted new ground water use to replace surface water shortages. Less canal delivery has also produced less ground water recharge. As a result, it is common that ground water levels in wells are declining and hydraulic interference between wells is increasing. Ken Lite, a department hydrogeologist, presented technical information that displayed the breadth of these ground water issues.

The Bureau of Reclamation Water Bank has sought to help certain water supply needs in three ways. Off channel storage opportunities are under study. The Bureau is paying some farmers to save water through land idling. Thirdly, it encourages ground water substitution by paying some farmers to pump ground water instead of using surface water.

Don Rajnus was particularly interested in these issues as he is from the area. He voiced his concerns and those of other local farmers concerning ground water and well issues. Don thinks that coordination with the State of California is essential, as this is a shared basin in which actions in one state affect the other.

IX. Public Comment – Items not on the Agenda

Vicki Guay and neighbors spoke to the committee about ground water problems in their area at Marks Prairie, south of Canby. They had written to the agency and Director Cleary suggested addressing GWAC to get its recommendation on a proposed moratorium on new ground water permits while a ground water study is conducted. The neighbors have experienced limited ground water availability as evidenced by well interference, well deepenings, and pump lowerings. Some department staff have worked with local residents over the last year. Neighbors sought agency help to monitor the area and have purchased equipment, trained on techniques, and measured wells. GWAC members asked department staff to work with residents and coordinate a detailed agenda item on this area for the next meeting.

GWAC Technical Subcommittee – Informational (Item not previously scheduled)

Barry Norris, Manager of Technical Services Division, explained the activities of a subcommittee that includes a few GWAC members in addition to about 10 outside members. The subcommittee has met since last October for help to standardize Division 9 reviews of new applications for surface water impacts. From that, these three issues arose: defining same (ground water) source, cumulative effects of ground water use, and making a determination of hydraulic connect (of a well to surface water). The subcommittee is working on these items.

Audiotapes of the entire meeting are available.