

MEETING MINUTES  
GROUND WATER ADVISORY COMMITTEE (GWAC)  
January 27, 2005  
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	Greg Kupillas
Malia Kupillas	Tim Smith	Barry Norris	Donn Miller	Tim McClellan	Jerry Schmidt
Dave Graham	Jim Mack Sr	Adam Sussman	Phillip Ward	Jim Gibson	Keith Warren
Merilyn Reeves	John Stadel	Doug Woodcock	Amy Kim	Joe Dula	
		Kris Byrd	Mike McCord	Several Unidentified Persons	
		Karl Wozniak			

I. Call to Order – Nitin Joshi

Members introduced themselves to new member, Tim Smith. Tim also shared his background with the other members.

II. Approval of Minutes - The 4/16/04 minutes were approved with a correction in item III that replaced “tax lot” with the word “parcel.”

III. Legislative Update

Adam Sussman provided a handout of Water Resources Department (department) legislative concepts. HB 2083 is a regulatory streamlining bill that seeks to eliminate three activities of low value: the requirement for the seller to notify the department of a property transaction that involves a water right, recording of well information on property deed records, and certain burdensome and obsolete water use registrations. HB 2123 is another regulatory streamlining bill that involves transfers in the following ways: slightly broadens eligibility for surface water to ground water transfers, provides for modification of un-adjudicated ground water registrations, and removes sunset of ORS 540.530 which provides for consent to injury associated with a proposed water right transfer. HB 2186 removes the sunset on reimbursement authority for premium application processing. SB 179 would provide the Commission authority to reduce fees for materials submitted in digital format. Some members expressed a willingness to testify on bills, if needed.

IV. Tax Lot Map Numbers on Well Reports

INSERT (Juno Pandian, Enforcement Manager, introduced Kris Byrd as the new Well Construction Program Coordinator.)

Juno explained the history of well location requirements for water wells. In 1995, changes to ORS 537.765 required location of the well by county tax lot number, township, range, section and quarter-quarter section or referenced government survey corner or monument or corners recorded plats. Since 1995, The Department’s interpretation of “county tax lot number” has been the 3 or 4 digit “parcel number” (tax lot number). Marion County provided a letter that points out that the Oregon Department of Revenue has defined tax lot number as the map number and the parcel number. Barry Norris acknowledged the differences in meaning and explained that the Department took its position pursuant to rule advisory committee work and not the Revenue definition.

MEETING MINUTES  
GROUND WATER ADVISORY COMMITTEE  
January 27, 2005

The basic issue is that of determining true well locations from well reports. Greg Kupillas provided some examples that showed how the present well report location system can result in confusion in knowing the actual location of the well. Parcel numbers within a section are not always unique. Malia contends that the department's interpretation of tax lot number should be consistent with the Revenue/County use of the term.

INSERT (Director Phillip Ward introduced himself to the Committee members and thanked them for their service. He explained that he and other Department staff have been speaking to members of the Legislature about ways to streamline service for agency customers.)

Jim Mack said that the driller should not be burdened further with determining the well location. Tim and Barry Beyeler suggested that the owner/customer should be responsible for providing good location information for the driller to use. Juno noted that requiring the landowner to provide the information would need a statute change. Marilyn considered the matter a training issue with drillers seeking the information from the owner.

Nitin summarized the interests of the Committee in knowing more about three items. Does making and interpretation change to require the Revenue tax lot number on a well report need a rule change? How difficult would it be for the drilling community to make the change on the level of acquiring the information from the inter-net, county or landowner? If drillers are responsible for determining the location, how do they feel about an interpretation change to require a formal tax lot number? Juno said that she would talk to drillers about this issue next fall as part of the continuing education meetings around the state. She wants to come back to the Committee afterward with the results.

Tim asked if the well report form could be easily changed to accommodate an interpretation change for tax lot number. Juno thought that this change might be made easily for the kind of change that was discussed.

V. Marks Prairie Ground Water Concerns

Doug Woodcock, Manager of the Ground Water/Hydrology Section, introduced this item and indicated an outline of presentations for it. Marks Prairie is located a few miles south of Canby in Clackamas County and is an area of ground water use by nurseries and homeowners. Well problems are occurring in the area.

Jim Gibson is a local resident in the Marks Prairie area near Canby. He noted that concern seemed to start in 2002 when neighbors' wells began drawing air when pumping. This resulted in lower well yields and pump lowerings. He felt that measure 37 claims could result in increased well pumping. The temporary water level lowering in the summer is not good for local wells. Jim has been measuring water levels periodically in about 20 local wells.

MEETING MINUTES  
GROUND WATER ADVISORY COMMITTEE  
January 27, 2005

Vicki Guay is a local resident in the area. Vicki displayed a map of wells with irrigated lands and a cross-section of wells. She is concerned that they will run out of water with new well development and not just have less water. Vicki and her neighbors want a temporary moratorium to stop new uses until a ground water study is done. The study results will provide for better decision making on new uses.

Keith Warren of Schmidt Nursery described the company's presence in the area. He also noted seasonal variation in the company wells. Formations are tight and there is concern of formation collapse with sand pumping. Keith recommended that a moratorium should be on new application acceptance and not apply to applications in process. The company is converting to drip irrigation that should reduce pumping by up to one-half.

Joe Dula of Moana Nursery said that his operation in the area is planning to convert to drip irrigation. Filtration and other costs are considerations for the conversion.

Karl Wozniak, WRD hydrogeologist, presented much information on local geology, ground water, well interference and well efficiency. He also interpreted available water level data for the area. This presentation prompted discussions on better well construction and well rehabilitation to restore yield.

Doug commended local residents for their energy to investigate local ground water. He explained that the department sees two concerns: interference between wells and long-term decline in water levels. Doug explained that when the Department looks at well interference for regulation it seeks to identify substantial interference per department rules. The definition requires that senior wells fully develop the aquifer prior to interference being substantial. He explained the reasoning for this in terms of maximizing resource development. Currently, the wells on Marks Prairie with interference problems do not fully develop the resource and the department will not regulate for interference. Local residents have sought a temporary moratorium on new ground water permitting while study occurs. In order to stop or slow new permitting the department has management tools for withdrawing water from further development by order, restrictively classifying new uses by rule, critical ground water area by rule to establish an area and with companion order to reduce existing use or simply halt new permitting. He explained that there is another tool called a serious water management problem area that allows the department to require water use information. Doug cited a lack of current data on which to base a restrictive action. However, he noted his concern that this area provides the first hint of gravel aquifer declines in the valley. That said, the department's priorities place this area low on a workload list.

Merilyn asked if there are any educational tools to help people other than the administrative tools. Doug said that OSU Extension has materials and that the watermaster and other staff have spoken with local residents. This meeting is something of an educational process too. Merilyn and Nitin suggest that the department provide outreach information on ground water for this and other areas. Tim thought that the local soil and water conservation district might provide monitoring assistance for local residents.

MEETING MINUTES  
GROUND WATER ADVISORY COMMITTEE  
January 27, 2005

After discussion, the Committee formulated the following recommendation to the department: Adopt the department's recommendation to forego administrative action but continue to monitor the area and possibly study the area in the future. The department should establish a decline trigger for the area that could raise its priority for study. The department should also work with the local SWCD or other agencies to seek assistance with a monitoring program.

VI. Public Comment – Items not on the Agenda

None given

**Audiotapes of the entire meeting are available.**