

MEETING MINUTES
GROUND WATER ADVISORY COMMITTEE (GWAC)
October 21, 2005
North Mall Office Building, 725 Summer St. N.E., Ste. A
Salem, Oregon 97310

GWAC Members Present		Staff Present	Others
Barry Beyeler	Jim Mack Sr	Kris Byrd	None
Paul Christensen	Tim Smith	Debbie Colbert	
Malia Kupillas	John Stadel	Barry Norris	
Dave Graham		Donn Miller	
		Doug Woodcock	
		Karl Wozniak	

I. Call to Order – Paul Christensen, Vice-chair

II. Approval of Minutes - The 1/27/05 minutes were approved with date corrections on the page headings.

III. Legislative and Rulemaking Update

Debbie Colbert, Senior Policy Coordinator, summarized water bills enacted by the 2005 Legislature. First, she outlined the Department sponsored bills which all had a regulatory streamlining theme. HB 2083 eliminates provisions that are obsolete or not adding value that included the requirement that “seller” notify WRD and the requirement to record well I.D. on deed records. HB 2123 provides greater flexibility for certain water right changes including the authority to develop rules to allow changes on unadjudicated pre-1955 ground water use registrations. Malia Kupillas and Tim Smith express a strong interest in GWAC involvement on those rules. HB 2178 provides for an expedited process to obtain permits to use stored water. HB 2186 removes the sunset from the reimbursement authority program that provided a full-fare expedited processing of certificates, extensions, and transfers. SB 179 provides WRC authority to develop rules to reduce fees for certain materials submitted to WRD in a digital format. SB 185 clarifies that, when a primary right is leased instream, the “forfeiture clock” for an associated supplemental water right is also stopped. There were also several non-Department bills enacted. SB 2130, in part, eliminated out-of-date authority for certain agencies to petition WRC to close water to issuance of removal and fill permits. HB 2875 provides certain districts the opportunity to temporarily change points of diversion in the event of emergency. HB 3494 relates to the Deschutes Basin ground water mitigation program, including validation of Department rules that the court struck down. HB 3038 relates to development timelines and extensions for municipal permits.

Debbie described current rulemaking activity that is nearing Commission action. The Department proposes repealing Divisions 50 and 74 regarding certain hydroelectric regulations, adopting new rules to implement HB 315 regarding extensions of time for municipal permits, and amending rules relating to adjudications. Paul expressed his concern that the Committee have adequate time to comment on rules prior to their going to the Commission. Debbie said that the Department would work to provide good coordination with GWAC.

The Governor has appointed and the Senate has confirmed four new Water Resources Commission members. There is now a full Commission of seven members.

MEETING MINUTES
GROUND WATER ADVISORY COMMITTEE
October 21, 2005

IV. GWAC Term Limits

Barry Norris, Technical Services Administrator, raised this topic in response to the fact that many people have wanted to serve on GWAC. The issue is not agenda driven but does seem to be good for legitimate discussion. Currently, there are no restrictions on the length of service that an individual member can serve. Barry suggested that some number of terms or years of service might emerge from the conversation. Barry Beyeler sees more and more interest in term limits as the resource becomes stretched and more people wish to serve on committee's like GWAC. Malia has appreciated the background knowledge that long-term members have brought to GWAC discussions and would hate to lose that. Tim agreed that institutional memory is very important and is against limits, per se. Malia and Tim think the issue should focus on whether a member is doing the job. John and Jim said that good participation by members is better than term limits. The Director has asked current members to submit a letter of re-appointment if they wish to continue past their authorized term. The GWAC conversation did not support term limits.

V. Technical Subcommittee Update

Barry Norris said that in 2003 there was great interest outside the agency to better understand Division 9 rule assessments on new applications. As a result, greater communication occurred and there is now better documentation and consistency in the review of ground water permit applications. A subcommittee of GWAC was formed with additional individuals because other issues emerged. These issues were hydraulic connection of ground water with surface water, cumulative ground water impacts on surface water, and defining same ground water source for purposes of water right transfer. Hydraulic connection has lead to very involved discussions. Division 9 provides limits of interference for depletion of surface water which lead to much discussion and debate. As a result there are clear ways for applicants to provide new data for review consideration within limits. How to mitigate surface water impacts from new ground water uses is a current issue that parallels State of Washington activities. More discussion will occur on this with the subcommittee this afternoon. Barry greatly appreciates the process and the assistance from the subcommittee.

VI. Start Card Fund Update

Mike Auman, Administrator of the Administrative Services Division, said that the law change in 2003 raised the fee and required that the Department spend no less than 75% of the fund on well inspections. Over the last biennium, the fund balance increased to about \$167,000 in some part due to raising the individual well fee to \$125 from \$75. Projecting the same income over the next biennium, Mike estimates a fund decrease to \$97,000 due to increases in employee benefits. The law now allows the Department to implement a lower start card fee with electronic card submittal. No decision has yet been made by the Department to set a lower rate.

VII. Marks Prairie Ground Water Follow-up

Doug Woodcock, Manager of the Ground Water Section, recapped the discussion from prior GWAC meetings regarding this area in Clackamas County. Water levels are up this year over last, apparently in response to changes in water conservation measures at nearby nursery wells.

MEETING MINUTES
GROUND WATER ADVISORY COMMITTEE
October 21, 2005

The department has tentative approval to install a water level recorder on a local well. That will improve the agency's current level on monitoring. Malia suggested that GWAC notify the Clackamas County Commission of GWAC's ground water concern in this area. Discussion concluded that such an action would be premature and could trigger an unintended reaction. The Department concludes that there is not injury but there is a strong well interference environment.

VIII. Drilling Licensing Rule Changes

Kris Byrd, Well Construction Program Coordinator, discussed rule development on legislation that directed a single drilling license with various endorsements rather than the current multiple license arrangement. There is also one license fee, one renewal fee, and one bond. The Department's licensing income will be reduced. Paul is concerned that in changing things that there is not a records' lap. This item will come back to GWAC for its advice to the Commission.

IX. Domestic Ground Water Heat Pump Issues

Malia Kupillas, GWAC member and consulting Hydrogeologist, brought this new item to GWAC to take action on or keep an eye on. Ground water source heat pumps use ground water for heating and cooling purposes. In a closed-loop system no water is pumped but in an open-loop system it is. A GW heat pump open-loop system runs about 3100 hours in this area based on climatological data. An average domestic installation extracts about 1.5 million gallons per year. Water disposal occurs to the ground. This level of usage for domestic use would be within the exempted use water right provision. Mike Zwart, WRD Hydrogeologist, explained how Division 230 rules apply to the conversation. Mike's research with field staff disclosed that they were aware of very few domestic systems. Malia says that they are flying under everybody's radar. During cooling periods, the discharge water may be heated up such that discharge to a stream is detrimental.

For discussion at a future meeting, Barry Beyeler said that he would make contact with DEQ to understand their familiarity with the topic. Tim volunteered to research eastern Oregon applications and Malia agreed to have an industry contractor speak to GWAC. Mike Zwart will be the Department spokesman at that time.

The conversation shifted to closed-loop systems. Deep hole, closed-loop systems do not pump ground water but do pose ground water concerns over how the loop is grouted in place. Strong grouting prevents water movement which works at cross purposes with strong heat transfer to the loop. There is also the potential of creating a ground-water temperature flume that impairs neighboring systems.

MEETING MINUTES
GROUND WATER ADVISORY COMMITTEE
October 21, 2005

X. Aquifer Storage and Recovery in Oregon

Donn Miller, Hydrogeologist, provided an overview of aquifer storage and recovery (ASR) activities in Oregon. Municipalities are the primary participants. He also discussed artificial ground water recharge (AR) which is another provision for storing water underground in Oregon. Donn provided documents that listed the various underground storage projects that the Water Resources Department has authorized and the differences/similarities between ASR and AR. Underground storage activities are certain to increase as water demands increase.

XI. Public Comment – Items not on the Agenda

None given

Issues Raised by GWAC Members

As prompted by Klamath Basin ground water activities, Tim Smith expressed his concern over interstate water conflicts. GWAC should look at this and move identified needs on to the Water Resources Commission. Barry Norris said that the Department has been criticized repeatedly for not dealing with the state of California over the issue of large new wells along the state line. The problem is that the state of California doesn't regulate ground water. Tim said that there is still a problem that needs to be dealt with. Tim said the federal level may be the avenue to pursue on these kinds of matters. Doug Woodcock noted that Oregon's concerns about Hanford are aired by participation on the Hanford Cleanup Board. Tim noted that there is potential for conflicts along each state line even if none has occurred yet. Tim would like to speak with his congressman, Greg Walden, to get his opinions on alternatives. Doug indicated that Oregon remains the biggest ground water user in the Klamath border area. Dave Graham observed that the latest issue of the journal *Ground Water* deals with trans-boundary water issues. Barry suggested that Department staff could provide Klamath Basin ground water information at the next meeting. There is a ground water workshop in Klamath Falls next week.

Merilyn Reeves could not attend this meeting but supplied an email that expressed her interest in Measure 37 claims and ground water for expanded rural residential use. She was interested in determining the regulatory framework that was in place to manage rural residential water supplies. There was much discussion about Measure 37 and water matters generally.

Paul reported that discussions at the Oregon Ground Water Association (OGWA) revealed that members did not want mandatory tax lot (tax map number with parcel number) reporting on well logs. However, having it optional with an entry space on the log form was favorable viewed.

Audiotapes of the entire meeting are available.