

MEETING MINUTES
GROUND WATER ADVISORY COMMITTEE (GWAC)
February 10, 2006
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	Doug Woodcock	Malia Kupillas
Paul Christensen	Tim Smith	Amy Kim	Debbie Colbert	
Greg Kupillas	John Stadel	Ken Lite	Bob DeVylde	
Dave Graham	Merilyn Reeves	Donn Miller	Ken Smith	
Nitin Joshi		Juno Pandian		

I. Call to Order – Nitin Joshi, Chair

II. Approval of Minutes - The 10/21/05 minutes were approved without change.

III. New Member Introduction

The committee welcomed Greg Kupillas to GWAC. Greg is a consulting hydrogeologist with Pacific Hydro-Geology of Mulino, Oregon and will serve a three-year term through November 2008.

IV. Election of New GWAC Officers

Pursuant to administrative rules regarding GWAC officer terms, the committee elected Paul Christensen as chair and Tim Smith as vice-chair. Following the vote, Paul assumed the role of chair for the remainder of the meeting. Nitin was thanked for his service as chair,

V. 2006 Rulemaking Activities and 2007 Legislative Concept Development

Debbie Colbert, Senior Policy Coordinator, reviewed with GWAC the Department's anticipated rulemaking activities for 2006. This outlined timelines, GWAC involvement, and lead staff. The listing provided included four items that relate to ground water and GWAC input. They were changes in the pump test program, constructor licensing changes, allowing various transfer-like changes to ground water registrations and minor modification of surface water to ground water transfers, and changes to the Umatilla Basin rules. Regarding the last item, proposed changes would remove the current rule authority by cities in the basin to prevent new ground water appropriations by others within five miles of their municipal wells and allow for flow restoration and ground water recharge projects in the Walla Walla Subbasin.

Debbie also discussed the Department's efforts and timelines for developing legislative concepts for the 2007 legislative session. For practicality, this currently has a narrow focus on the Governor's priorities, economic development, and regulatory streamlining. The Commission is holding a retreat in early March that will allow them to respond to staff suggestions and to develop their own. Staff will also seek input from stakeholder group. A return to GWAC in March is part of this. The department needs to submit concepts by April 3. Merilyn was disappointed that sustainability was not one of the priorities. Debbie noted that the Governor recently issued an executive order on sustainability.

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VI. Division 217 Rulemaking

Doug Woodcock, Ground Water Section Manager, presented proposed amendments to the Division 217 pump test rules for GWAC discussion and input. The program began in 1988 and set out to require pump tests for wells associated with all existing and future non-exempt water rights. Some waivers were possible. Doug identified the difficulties in the cost of administration and certain nominal data value in the program that are prompting changes to reduce requirements. The proposed amendments would waive the pump test requirement for certain permits and certificates, unless required by the Director, and associated on-going periodic testing and water-level measurement. Doug explained that pump test data are valuable on a when-needed basis even though that need is not immediately upon receipt. Committee discussion suggested consideration that pump testing occur prior to final proof for certification. Greg said that the proposed rule changes made sense.

VII. Divisions 200, 205, 220, 225, and 240 Rulemaking

Kris Byrd, Well Construction Specialist, presented proposed amendments to the well construction licensing and bonding rules (Divisions 200, 205, 220, 225, and 240) for GWAC discussion and input. The proposed amendments implement Senate Bill 579 passed in 2001 which directed the Department to adopt a single water well constructor license no later than July 1, 2006. The licensing changes require some definition changes since endorsements now define what kind of well can be constructed. Other changes reflect housekeeping and new bonding language. Greg suggested that the rules clarify that re-testing is needed when license renewal is not done within 12 months of expiration. Paul suggested that rules may eventually include an endorsement for bonded constructors.

VIII. Online Filing of Well Logs

Ken Smith, computer programmer, described the Department's new tools for filing well logs online. He described how to access the forms, set up an account, and get started. The form allows log modifications and saving to the constructor's computer. After submittal to the department no changes may occur. The "smart" form will not allow gaps or overlap of materials intervals or certain other inconsistencies. At submittal, the form knows if the necessary fields are completed and allows submittal only from a constructor through the security of a password system. In lieu of required signatures, the constructor number and password will validate the submittal. Ken will research a question that Paul raised about the need for unbonded constructor signatures for submittals. Ken will conduct further testing, provide documentation, and conduct outreach to users before the new form becomes operational.

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IX. Klamath Basin Ground Water Study

Ken Lite, WRD Hydrogeologist, presented information on the cooperative ground water study in the Upper Klamath Basin. The USGS and WRD are in the midst of a multi-year investigation. The purpose of the study is to provide a quantitative understanding and develop a tool to manage ground water in the Upper Klamath Basin. The study area occurs both in Oregon and California. A new geologic map has been prepared and is undergoing peer review. Ken used a series of graphics to show a number of items, including geography, ground water recharge, ground water discharge, storage changes, well distribution, precipitation, and ground water flow directions. There has been much progress to understand the ground water flow system. A numerical model is about a year away. The USGS project website can be reached through a WRD website link. Members had a number of questions but were delighted to see that the effort was comprehensive and didn't stop at the state line.

X. Measure 37 and the Water Resources Department

Kim Grigsby, Water Resources Policy Analyst, presented information on Measure 37 and the seven specific claims that targeted the Water Resources Department. Four claims involved ground water and two of the claims had been denied. Denial occurred because the basis of the law focuses on land use regulations and the Department does not view its authority as land use regulations. The Measure was passed by the voters and required that government pay compensation to landowners or else let them develop their property as could have occurred at the time of their initial ownership. Claims targeting county land use restrictions could result in an increase of rural residential developments. In a court case, the judge ruled that Measure 37 was unconstitutional but that decision is awaiting a ruling by the state supreme court on appeal. In the meantime, claims are not being processed. The Department is not inserting itself into land use actions but does provide data when requested.

Doug Woodcock discussed the associated issue of ground water monitoring and regulating of rural community water systems. Doug described these administrative tools: ground water withdrawal from further appropriation, classification of ground water for allowable new uses, the serious water management problem area designation for water use reporting, regulation of substantial interference between wells, and critical ground water area that allows corrective controls. Doug examined an example that Marilyn raised concerning a proposed boutique hotel in wine country and associated rural development. She also asked if WRD responds to the counties when they submit requests to comment on specific projects. Doug said that comments are made by WRD planning or ground water staff but that requests often do not reveal the proposed water use. Jim and John asked Doug to clarify how the department interpreted the exempt use provisions. Dave agreed with Doug that certain areas of southern Oregon can be overdrawn by domestic use. Marilyn is concerned that there is a lack of tools to manage water supplies and has sought input from some others around the state. Emails from several of these individuals were given to the committee coordinator for distribution, as requested, to other GWAC members. Marilyn would like the new tools issue to come back at the May meeting.

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XI. Public Comment

Greg questioned the GWAC member appointment process. He contended that term limits were implemented recently even though prior GWAC discussion did not support the concept. His predecessor, Malia Kupillas, had been on the committee for two terms and wanted to continue for a third term. Further, she was not interviewed per department practice with incumbents and was not reappointed for which she was very disappointed. Both Greg and Malia agreed that Malia was a stronger candidate. Greg asked the committee's view as to what should be done in the future on appointments and assessment of this case to help Greg and Malia get closure on the matter. There was much committee discussion and little expression of dissatisfaction with the current process. Doug Woodcock said that the decision came down to two qualified candidates and not term limits or another agenda. Doug said that in the future the department would make sure that incumbents have the option of an interview if they express the desire to be reappointed.

John said that he would like the department to provide an update at the May meeting on the Sherwood/Dammasch/Wilsonville Ground Water Limited Area in light of Wilsonville's reduced ground water use.

Paul said that he would like to have information on the funding path for well constructor continuing education at the May meeting.

Audiotapes of the entire meeting are available.