

MEETING MINUTES
GROUND WATER ADVISORY COMMITTEE (GWAC)
December 15, 2006
North Mall Office Building, 725 Summer St. N.E., Ste. A
Salem, Oregon 97310

GWAC Members Present		Staff Present		Others
Paul Christensen	Lynne Paretchan	Kris Byrd	Doug Woodcock	Jerry Schmidt
Bob Jones	Merilyn Reeves	Debbie Colbert	Juno Pandian	
Nitin Joshi	Tim Smith	Donn Miller	Bob DeVyldere	
Greg Kupillas	John Stadel	Tim Wallin	Mike Auman	
Jim Mack Sr		Bill Ferber		

I. Call to Order – Paul Christensen, Chair

II. Introduction of New GWAC Members

With two new members on the committee, all of members took turns briefly introducing themselves. Lynne Paretchan, an attorney with the Portland firm of Perkins Coie LLP, is a new member with a background in water law and water resources. Bob Jones, a hydrogeologist with the Medford Water Commission, is also a new member and has a background in hydrogeology and local government.

III. Welcome to New GWAC Members

Doug Woodcock, Manager of the Ground Water/Hydrology Section, welcomed new members to GWAC.

Several Department managers introduced themselves and discussed the activities that they administer. This feature did not appear on the agenda.

Doug explained section activities and answered member questions concerning ground water applications, the section budget, the co-op program with the US Geological Survey generally, the Willamette Basin co-op study specifically, and measure 37 involvements. Merilyn asked that GWAC obtain a briefing when the Willamette Basin study is complete.

Bill Ferber, Western Region Manager, explained the duties of watermasters. Further, he described the ten ground water limited areas in the Willamette Valley where new ground water uses are restricted. He also said that he has received numerous inquiries about water development relative to Measure 37 claims.

Tim Wallin, Water Rights Program Manager, explained the various activities of his section. Six caseworkers process applications with the help of three support staff. New ground water applications go to the Ground Water/Hydrology section for review. Tim noted that mitigation allows for the possibility of permit issuance but that it makes processing more difficult.

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Bob Devyldere, Information Services Manager, explained the role of his section within the Technical Services Division. His comments included the electronic submittal of well logs and start cards and water rights mapping.

Mike Auman, Administrative Services Division Manager, explained his division's role in fiscal and human resources matters. Mike reported that the start card fund was in good shape with about \$275,000. The fund supports well inspections from fees collected in association with start cards.

Juno Pandian, Manager of the Well Construction and Compliance Section, supervises a staff of five. Section activities involve illegal water use, water right forfeiture, well construction, constructor licensing, the drillers technical committee, and the driller continuing education program. Juno explained that the possible expanded use of bentonite for water well abandonment and sealing is a topic that the committee is researching. Continuing education courses in 2007 will occur in Pendleton, Bend, Cottage Grove, and Wilsonville over a six-week period. Juno explained the process to deal with illegal use and noted that there are 12-15 non-voluntary cancellations per year.

IV. Approval of Minutes for the 9/22/06 Meeting

The draft minutes of the 9/22/06 meeting were approved as written.

V. Legislative, Budget, Commission and Rulemaking Update

Debbie Colbert, Senior Policy Co-ordinator, provided a legislative concepts follow-up. The fee bill has been reconfigured based on feedback such that the proposed 30% across-the-board increase was removed. Dwight French, Water Rights Division Manager, said that the fee bill is needed to maintain services. Greg Kupillas agreed with fee increases generally but thought that \$200 per point of appropriation on the application fee was excessive. Dwight noted that each location is reviewed independently. Marilyn questioned the logic in providing a refund opportunity after the initial review of an application. Debbie explained that the refund affords an incentive to exit the process without hassle. Hearing that WRD does not accept credit cards for water right items, Lynne Paretchan urged the Department to provide that provision.

Debbie is aware of several bills of interest that are sponsored by others. One would eliminate the ground water exemption for many common, smaller uses and start requiring permits for all uses. Another bill would allow the use of small hydroelectric generation within a system as part of another water right. There is also a Columbia River bill to allow water rights with mitigation projects.

Debbie outlined the function of the Director's Office where she works. The office is the Department focus for legislation, rulemaking, and litigation coordination. Measure 37 matters relative to water are also addressed there as are intergovernmental coordination, Water Resources Commission support, and responding to the Governor.

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Debbie noted that there are 13 performance measures that serve to track Department resources. This feature is available on-line at the Department's website and provides valuable information.

The Big Look Task Force (Oregon Task Force for Land Use Planning) has a water quantity feature. The WRC Futures Committee is a big look kind of activity by the WRC. Bob Jones said that Oregon needs to avoid court actions over water as is common in California. Merilyn said that WRD needs to actively participate in the Big Look. Debbie said that water resources staff from California, Washington, and Oregon have met to understand the lessons that have been learned.

Debbie provided a handout and explanation for the Oregon Water Supply and Conservation Initiative. This is a Department-sponsored bill with a proposed budget of \$750,000. The project proposes to address a 20-year horizon on long-term water supply needs. The first step will be to gather existing data. The biggest criticism of the bill, so far, is that not enough money is sought. Bob suggested that a long-term horizon should be 50 years.

Debbie said that WRD was able to accomplish 90% of its 2006 rulemaking list. However, ground water rulemaking for the Umatilla Basin to remove the "five-mile radius" provision did not occur. This feature allows cities to prevent new ground water appropriations within the radius from their wells, upon Attorney General's advice, is not legal and is not being enforced. Doug added that staff are compiling water level data near the cities to aid in the process of changing the rule.

Debbie noted that the Governor's recommended budget contains some items that WRD wanted. The budget is comparable to those of the recent past.

VI. Water Right Forfeiture Process

Juno Pandian described the water right forfeiture process. By rule, forfeiture means the loss of a water right caused by the failure of the appropriator or record owner of the right to use the water for five successive years. A minimum of two affidavits from two people are required to initiate cancellation. The content of the affidavits requires certain details and the Department wants a good record for determining a preponderance of evidence. A watermaster may submit affidavits for the file for purposes of forfeiture. This process would generate one per year for five consecutive years. Greg Kupillas noted that new buyers often expect the realtor to have taken care of all water right needs, including forfeiture protection.

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VII. Issues Involved with Water Right Splitting to Ownership

Tim Wallin spoke for the Department on this matter that Greg Kupillas asked to be on the agenda. Greg provided a board example of multiple ownership development under one permit. The interests and activities by the various owners can make perfecting the right under permit very cumbersome. Greg said that there needs to be a mechanism to separate permits to the owners which would be a benefit to the owners and the Department. Tim said there is a statutory issue with perfecting a permit separately but that there doesn't seem to be a downside otherwise. Greg would like a law to allow partial perfection of permits that are not municipal permits. Tim Smith explained the problem that he had that was similar. It involved difficulty gaining access to the point of diversion of a certificated water right that followed a property ownership split. Greg said that he would draft a letter that GWAC could consider on this issue at the next GWAC meeting. That draft would be a recommendation to the Director for consideration as a legislative concept in the future.

VII. Public Comment

No public comment was offered.

Audio-files of the meeting are available.