

MEETING MINUTES
GROUND WATER ADVISORY COMMITTEE (GWAC)
June 22, 2007
North Mall Office Building, 725 Summer St. N.E., Ste. A
Salem, Oregon 97301

<u>GWAC Members Present</u>	<u>Staff Present</u>	<u>Others</u>		
Paul Christensen	Lynne Paretchan(by phone)	Bill Ferber	Barry Norris	Jerry Schmidt
Nitin Joshi	Bob Jones(by phone)	Debbie Colbert	Phil Ward	Roger Martin
Merilyn Reeves	Tim Smith(by phone)	Donn Miller	Dwight French	Sarah Demmling
Greg Kupillas	Jim Mack Sr(by phone)	Doug Woodcock		Gordon Root
John Stadel				

I. Call to Order – Paul Christensen, Chair

II. Approval of Minutes for the 3/23/07 Meeting

The Committee voted to make some grammatical changes to the draft minutes of the 3/23/07 meeting. Otherwise, approval of the minutes was tabled until the next meeting. Committee coordinator, Donn Miller, was asked to review the tapes for the Measure 37 item and report the reasons for the Department’s denials of claims into the minutes.

III. Legislative, Budget, Commission and Rulemaking Update

Debbie Colbert, Senior Policy Coordinator, provided a handout on current House and Senate ground water bills and made additional comments on the bills.

From the Commission, Debbie announced that Ray Williams of Milton-Freewater was recently appointed, serving in the east-side at large position. Mr. Williams comes with a strong water background. The Commission will hold a retreat in August to consider their vision for water supply and water planning in the state.

Debbie shared that a Sea Grant fellow at the Department has communicated with 26 of the 36 county planners in the state. Among their water concerns, a common response was the need for good information on ground water availability. A report will be available in July.

The legislative summary showed nine bills that were filed by the Governor on behalf of the Department and have been signed into law. One of these is SB 88A concerning water well constructors and may involve rulemaking.

HB 3525 or the “Oasis Bill” was passed last night and will go to the Senate. The state has concerns about the bill since it contains no mitigation for fish flows and there is question of regional cooperation.

SB 1057 was just introduced with the purpose of starting some exempt use conversation for designated ground water areas and new water uses. Demonstrating a reliable ground water supply, mitigation, and water service from the outside sources are parts of the bill.

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HB 2564A concerns increasing water measurement at significant diversions in high priority watersheds. Although there is some support, the bill is not moving this session.

HB 2566A would establish an interim task force on exempt uses of ground water. It would create an exempt use fee, lower the allowed limits of exempt uses, and provide for permitting in some areas of exempt uses otherwise. There is no time left in the session for action on the bill.

Merilyn Reeves asked about the Department's interface with the Big Look Committee as it may have been discussed at the recent Commission meeting. Agency Director, Phil Ward, responded that the Commission didn't discuss it but that Deputy Director, Tom Paul, has worked extensively with the Big Look Committee.

Debbie explained some features of the new Department budget. Basically, everything that the Department requested was budgeted including the Oregon Water Supply and Conservation Initiative. In addition, the administration is pleased that there will be five new assistant watermaster positions, the water measurement position is restored, and \$125K is available for ground water studies.

Debbie shared several administrator changes at the Department. Barry Norris is retiring but will work part time to lead the efforts of the Initiative. Jerry Rodgers will lead the Technical Services Division. Tracy Loudon leads the Administrative Services Division and Debbie will lead the Field Services Division.

IV. Clarification and Discussion of Well Construction Policy on Casing Extensions
Paul Christensen framed the issue as one in which casings of older wells were often cut off at or below land surface in order to accommodate pumps or protect water pipes from freezing. These older wells still exist and are accessed for pump replacements and well repairs. With new technology, there is less need for casings to terminal at or below land. Well constructors may add on casing to old wells in order to provide greater protection from contamination. This simple action seems to result in the constructor becoming responsible for the entire well being in compliance with current well construction standards. It's a dilemma for the industry since it may be taking on more than the constructor and the owner can address.

Barry Norris, Administrator of the Technical Services Division, explained that this topic has been highlighted in a recent enforcement action that involved additional issues. Barry concurred that adding casing does require the well to be brought up to current standards. He added that a constructor may wish to seek special standards when only the casing addition is needed for compliance. Barry said that the Department is interested in improving well construction and that Juno Pandian, Enforcement Section Manager, will bring the issue up to the well technical Committee in the fall.

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Much discussion came from this topic. There were the issues of enforcement of well measurability, well construction and maintenance involving landowners and pump installers, and an historic view of well constructor responsibility.

It was decided that an article in the 'Well Said' newsletter would be good to explain the Department's view of well constructor responsibilities. Also, the Committee asked to invite Juno Pandian, Enforcement Section Manager, to speak to GWAC at the next meeting on what authority exists to take action against those other than well constructors and well owners.

V. Issues Involved with Water Right Splitting to Ownership

Greg Kupillas shared his draft letter for GWAC consideration. It proposes to the Department Director the concept of partial perfection of non-municipal water use permits as a possible legislative concept for the next session. This letter was prompted by GWAC per the discussion on the issue at a prior meeting. Eight members agreed with the letter and Marilyn Reeves opposed, citing the need for additional discussion. As agreed, Greg will redraft the letter to both the Water Resources Commission and the Director with GWAC Chair, Paul Christensen, as the only signer.

Dwight French, Administrator of the Water Rights Division, shared his thoughts about a new process that would allow water right holders to split their permit into several pieces. He cited several considerations: costs, staffing needs, data tracking, legal risks, associated legal costs, staff time for process development, and the cost of the process against the need. A letter from GWAC would prompt some high level discussions.

VI. Consideration of Special Area Well Construction Standards for Pete's Mountain, Clackamas County

Doug Woodcock, Ground Water Section Manager, presented this informational report and shared the concepts for special area well construction standards. Actual draft rules (standards) will be available next week. Pete's Mountain is a basalt upland that is east of Wilsonville a few miles. It is characterized by deep wells with deep static water levels. The area has potential for water supply problems but there is little data to support the claims of water supply problems. Department personnel have met on several occasions with local residents. The purpose of new rules is to facilitate water level measurement.

The basic proposal is rather simple. It would require that new well construction be a minimum of 8" diameter and include ¾" drop tubes for water level measurement. Also, all changes to existing wells would require the addition of ¾" drop tubes. It was pointed out that liner requirements should also be considered. John indicated that the additional cost of 8" over 6" diameter will add about 50% to well construction. Further, 8" diameter is not needed to get the drop tube down to the top of the pump. Installing a pump with a drop tube in place will likely result in damaging the tube in a way that prevents measurement. Greg noted that rules currently require measurability.

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GWAC will comment on the rules when they become available and during the public comment period that ends on August 1st.

Gordon Root, a local resident and developer on Pete's Mountain, owns 48 acres. He and others have approved Measure 37 claims and he was recently approved by Clackamas County for a 41 unit subdivision. He provided a handout that contained water level data, pumping data, and a map of Pete's Mountain Water Company. He supports collecting good water level data in wells and said that there is a problem of illegal, overuse by some users served by the water company. Gordon said that the water level data shows stability and that many local residents don't want him and others to build so a water supply issue was claimed. The water company is in process with the Department to adjust the water right acreage that it can serve. That would become the preferred water supply for the new development rather than individual wells. He said that his development would provide some valuable improvements to the company for storage and fire flows. He would like GWAC's help for the new acreage authorization.

Roger Martin, former legislator, is a lobbyist for Gordon Root. He has lived for many years in the area and notes that property values are \$1M and up. He suggested the possibility of a privately funded ground water study for Pete's Mountain.

VII. Consideration of a Special Water Management Problem Area (SWMPA)
Designation for Eola Hills Ground Water Limited Area, Polk County

Doug Woodcock explained that the Department has looked at available water level data and cannot conclude a problem based on the data in light of rainfall trends. There are many stories of water problems. In part, spring flow reductions have been cited. The Commission is sensitive to local residents who have addressed them for help and directed staff to assess whether a serious water management problem area exists. Such a designation could require water right holders to collect and report data. GWAC's role is to advise the Commission after an August hearing.

Sarah Demmling, a local resident, spoke to the Committee that she and others want to keep this as a water issue but that potential development concerns them. Sarah thinks that local people who signed the petition are not political and will collect good water level data to assess what is happening.

VIII. Public Comment
No public comment was offered.

Audio-files of the meeting are available.