

MEETING MINUTES
GROUND WATER ADVISORY COMMITTEE (GWAC)
May 2, 2008
Rogue Conference Room
North Mall Office Building, 725 Summer St. N.E., Ste. A
Salem, Oregon 97301

GWAC Members Present		Staff Present		Others
Terry Daugherty	Merilyn Reeves	Doug Woodcock	Jerry Rodgers	Steve Schneider
Jim Mack Sr	John Stadeli	Jen Woody	Brenda Bateman	Mark Wirganowicz
Tim Smith	Nitin Joshi	Ruben Ochoa	Tom Paul	
Greg Kupillas		Tracy Loudon	Juno Pandian	
		Kris Byrd		

I. Call to Order – Tim Smith, Chair

Tim asked people in the room to introduce themselves and asked Terry Daugherty to speak about himself as this was Terry’s first GWAC meeting in Salem.

II. Approval of Minutes for the 1/11/08 and 3/5/08 Meetings

The committee identified several important additions and changes to the 1/11/08 draft minutes. GWAC voted to postpone approval of those minutes until the next meeting so that meeting tapes could be reviewed and needed changes could be made.

The committee noted several formatting and factual changes for the 3/5/08 draft minutes and voted approval of the minutes with those changes. Jim Mack voted against approval, citing too many changes to approve without examining revised language.

III. Update of Department Rulemaking Activities

Ruben Ochoa, Water Policy Analyst for the Director’s Office, presented this item. He identified three areas of rulemaking activity for the commission at the next meeting.

The first related to a petition from the Oregon Ground Water Association (OGWA) for well construction rule changes for well alterations. That petition was received on March 3rd, starting the statutory clock of 90 days to proceed with rulemaking or deny the petition. The Department has discussed the matter with OGWA and is considering some of the proposed changes. The scope of the petition is greater than the department had been considering. GWAC members requested a copy of the petition.

The second activity concerned Senate Bill 1069 of the 2008 session and implementation of its water conservation/reuse/storage grant program. Ruben reviewed the details of the legislation. It is a one-time appropriation of \$1.75M by the legislature and applicants must be capable of a minimum of 50% match. Rulemaking is required to examine the feasibility of proposed projects. The proposed rules are open for public comment until May 22nd and staff will take a rule recommendation to the Water Resources Commission on May 30th. The goal of the rulemaking is to create guidelines and forms for applicants so grants can be approved by the end of 2008. Merilyn commented that the timing is off since local government budgets are set earlier in the

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year. She recommended interagency cooperation on this rulemaking. In response to Nitin's question, Ruben said that the number of possible funded sites envisioned by the department is unknown at this time. Marilyn suggested that the department tap the grant experience of other Oregon state agencies.

The third involved special area well construction standards for Eola Hills and Petes Mountain. These included a measuring tube requirement to enable consistent water level measurement. GWAC provided comments to the Commission at the last meeting. Tim invited Jim and John to comment on the proposed rules. John was not comfortable with the Eola Hills rules, thinking they are premature with too many unanswered questions. Jim thought that the definition of confining layer was unclear to drillers. Marilyn asked if the final rules reflect GWAC comments. Doug said that they are not yet finalized and that those comments are being considered. He added that the education piece to drillers and landowners is vital. The final proposed rules will be available a week before the May 30th Commission meeting.

IV. Update on the Oregon Water Supply and Conservation Initiative

Brenda Bateman, Senior Policy Coordinator, presented this item and several features of the initiative.

A contractor is conducting a water demand assessment by surveying water users. They are compiling the data, projecting state-wide needs, and will provide an interactive map on the WRD website. Marilyn is skeptical of a 50-year assessment and thinks that a shorter view of 10 to 20 years is wiser. Tim agreed and noted that a long-term demand model needs to be dynamic and adjusted over time. In response to Tim's question, Brenda said that future funding requests are planned to perform updates. Nitin noted that a 50-year view is necessary for cities to plan infrastructure investment. Further, cities update plans every five years per certain department rules.

The contractor is also conducting a conservation assessment by polling water users. This will help us determine what we are doing, what we would like to do, and what barriers exist in their conservation plans. Defining conservation is also part of the effort. For example, in Washington the definition of conservation includes storage.

Brenda asked Jen Woody, an agency hydrogeologist, to provide an update on underground storage assessments. Jen explained that an interactive map for the website is contemplated to provide information on existing sites and potential sites. The scope is statewide and the potential sites provide a sample look at dozens of locations with the data behind each assessment.

Brenda discussed the initiative's matching fund grants for water supply planning. Greg asked how you would define a community that would be eligible for a grant. She said that the definition was broad and included both public and private entities that are working on community water supply planning with local government support. In response to Marilyn's question, Brenda noted that the matching requirement is 25% of the grant.

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Tim brought up the above ground storage studies in Harney County by the Bureau of Reclamation and would like confirmation that they would be included in the initiative work. Tom asked that Tim email Barry Norris about the site information.

V. Update on 2009 Proposed Budget and Legislative Concepts

Brenda Bateman also presented this item on three budget packages. Highlighting ground water in the proposed budget for 2009-2011, the department is seeking several new positions. They include a new hydrogeologist position dedicated to aquifer storage and recovery (ASR) activities, four new regional hydrogeologist positions, and one new hydrogeologist in Salem. Funding will also be sought for new ground water studies with the USGS.

Brenda shared from a list of nine legislative concepts that the department is considering.

One legislative concept under discussion is a protest fee for the water right applicant. Currently, there is no protest fee for applicants. Applicants file most of the protests on the department's actions on applications. Marilyn suggests that there be an estimate of the cost to the department to support the legislative concept. Tom Paul, Deputy Director, said that the department could not charge the actual costs since that would be large and effectively cut the public out of the water right review process.

Another concept proposes increasing the start card fee from \$125 to \$225 for paper filing and \$175 for electronic filing. This concept was discussed at the last meeting.

Another concept proposes a fee for data entry purposes related to geotechnical holes. The department receives about 8000 geotechnical hole reports each year. As currently considered, electronic filing would be \$10 and paper filing would be \$25. Since there is no start card fee on these holes, there is no money dedicated to inspection and data entry. All members shared their views. Tim suggested removing mining from the fee structure. Greg suggested a per-site fee. Jim thought that a fee would result in fewer submittals.

Marilyn and Nitin were disappointed in the various concepts as they seemed more like housekeeping than water management substance. Tom said that the department is focusing on water supply and conservation and those will proceed without additional specific legislation.

Greg said that the department's list of legislative concepts lacks GWAC's concern on partial perfection of water rights. Tom said that the department is not comfortable bringing that forward but will work with stakeholder groups like the Water Resources Congress on the issue.

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VI. Update on the Start Card Fund

Jerry Rodgers, Administrator of the Technical Services Division, and Tracy Loudon, Administrator of the Administrative Services Division, presented this item. Greg read the portion of the statute that relates to GWAC's role over expenditures from the start card fund (ORS 536.090). Jerry explained the history of the start card fund that started in 1989 for well inspections. In addition to inspections, it also paid for the creation of the well log database in the mid-1990's. In 2003, the fee was raised from \$75 to \$125. Currently, revenue is less than expenditures. Tracy explained the numbers, noting that last September the fund was fine but since then there has been a drastic reduction in start card submittals/fees. Inspection costs have increased due to collective bargaining.

Jim asked why staff time doesn't go down when the number of start cards goes down. Jerry said that staff time doesn't go down since the need for inspections does not go down. Inspections continue to occur on only a fraction of the new wells. Jerry explained the breakdown of staff positions funded from start card fees.

John noted that the fee increase will not affect individual wells so much but someone who drills multiple monitoring wells will be impacted negatively. A discussion followed on what well inspectors do. Terry said that in Idaho the equivalent to the start card costs \$75 for a domestic well and \$200 for a water right well. Juno added details on the Idaho system.

John and Greg think that certain activities should not be funded by the start card fund since inspections are the primary purpose by statute. On that basis, John said that he could not support any increase to start card fees at this time. He expressed the view that starting a fee on geotechnical logs seemed appropriate.

Nitin requested an inspection breakdown for both new wells and existing wells. Jerry thought that the department could provide that.

Greg said that the proposed 80% increase in the start card fee is not justified by the proposed activities. Further, he said that the department is not regularly seeking GWAC collaboration on fund expenditures as required by the statute.

Tim thought that out-sourcing of inspection activities is something to consider in order to have the flexibility to match funding with workload.

When this item comes back to GWAC, Marilyn would like to have it presented in the larger framework of the agency budget and other fee increases.

VII. Public Comment – Items not on the Agenda

No public comment was offered on non-agenda items.

Audio-files of the meeting are available.