

MEETING MINUTES
GROUND WATER ADVISORY COMMITTEE (GWAC)
November 7, 2008
Teleconference hosted at Deschutes Conference Room
North Mall Office Building, 725 Summer St. N.E., Ste. A
Salem, Oregon 97301

GWAC Members Present		Staff Present	Others
Lynne Paretchan	Terry Daugherty	Doug Woodcock	Jerry Rodgers
Jim Mack Sr	John Stadel	Kris Byrd	Donn Miller
Tim Smith	Nitin Joshi		
Greg Kupillas	Merilyn Reeves		

I. Call to Order – Tim Smith, Chair

Tim Smith expressed the committee's appreciation to Jim Mack and Nitin Joshi for their years of service on the committee. In turn, Nitin and Jim thanked the other members and department staff and reflected on their committee experiences. This is the final meeting for both men.

II. Approval of Minutes for the 8/15/08 and 9/23/08 Meetings

The committee approved the draft minutes of the 8/15/08 meeting. The committee also approved the draft minutes of the 9/23/2008 meeting with the addition of noting Merilyn Reeves' excused absence then.

III. Update on Rulemaking and Legislation

Jerry Rodgers, Administrator of the Technical Services Division, noted that the staff report is under review for changes to the well construction rules. The Water Resources Commission will consider adoption of changes later in the month. The committee made two clarifying comments to the rules at the September meeting and the Oregon Ground Water Association made several more clarifying comments. Staff will incorporate the GWAC comments with no substantive changes from the September draft.

Jerry said that the Department has seven legislative concepts that it is forwarding for bill consideration. Two relate to fee increases. One would raise the start card fee from \$125 to \$225. The other would charge a recording fee for log of geotechnical holes that would also help the start card fund. Lynne wanted to receive the list of concepts and stated that she was concerned over another fee for holes that already have a DEQ fee. Another concept would establish a water development grant and loan fund to construct projects. Tim would like the committee to receive timely updates on legislation. Jerry agreed.

Doug Woodcock, Manager of the Ground Water/Hydrology Section, reported on the exempt ground water use committee that Rep. Dingfelter formed. The 18-member committee, representing diverse stakeholder interests, has met about five times over the last year. Exempt uses of ground water are generally small uses that do not require a permit as defined in statute. The committee's purpose was to identify any problems with these uses and to offer corrections. There was no consensus of problems and little agreement. The Department was neutral but

offered assistance to the committee. Eventually, the facilitator asked the Department to make some recommendations. The Department recommended improvements on the reporting of exempt use well locations and support of the Department's budget for ground water investigations. The committee agreed. Rep. Dingfelter will consider the committee report as she contemplates any legislation to change the exempt use statute. She was recently elected to the Senate.

Tim asked what groups were represented on the committee. Doug said that they included OGWA, Water for Life, WaterWatch, ODFW, Cattlemen's Association, and others. OGWA and Water for Life thought that no changes were needed while conservation groups and ODFW thought that some evaluation of impacts on surface water was warranted.

Jim asked about exempt ground water use in the big picture. Doug said that a study estimated domestic exempt use was 7% of the total ground water use in Oregon. The use for up to ½ acre non-commercial lawn and garden water has not been estimated. Other exempt uses are believed to be a small part. Lynne asked Doug to clarify the lawn and garden exemption. It is a separate category from domestic which is for use in the house only. Greg noted that Marion County uses 525 gallons per day as the average household use.

Nitin asked how exempt ground water uses work with Division 9 (ground water / surface water interaction rules). Doug said that exempt uses have a water right that could be regulated in favor of surface water but there is no review process for new exempt uses.

Merilyn asked if the Governor's Office participated at the work group meeting. Doug answered that an individual was there to take notes.

IV. Interstate Agreements on Ground Water

Tim noted that Oregon doesn't have comprehensive agreements on water use with neighboring states. This leaves the state behind in the protection of its water. In addition to the Walla Walla and Klamath Basins where there are some conflicts, he cited other locations as potential areas of conflict. Tim has some written information from his research that he will distribute to members in the near future.

Tim noted that the federal government is a key player in interstate agreements. Agreements come about in three ways: by Congress, by the Supreme Court's use of common law, and compacts negotiated by states and approved by Congress.

Merilyn and Nitin thought that these agreements were important and should be discussed at a future meeting. Terry asked for the Department's take on interstate agreements. In response, Jerry Rodger agreed that it was important but that it is not currently on the Department's radar screen. Tim would like the topic on the next meeting's agenda.

V. Public Comment – None given

Audio-files of the meeting are available.