

MEETING MINUTES
GROUND WATER ADVISORY COMMITTEE (GWAC)
October 9, 2009
Rogue Conference Room
North Mall Office Building,
725 Summer St. N.E., Ste. A
Salem, Oregon 97301

GWAC Members Present	Staff Present	Others	
Tim Smith	Lynne Paretchan (phone)	Doug Woodcock	Jerry Rodgers
Greg Kupillas		Kris Byrd	Debbie Colbert
Merilyn Reeves		Brenda Bateman	Juno Pandian
John Stadel		Alyssa Mucken	

I. Call to Order - Chair Tim Smith

II. Approval of Minutes for July 31, 2009 Meeting

Greg Kupillas noted that under rulemaking schedule agenda item number 5; second to last sentence; following November; the word “meeting” or the date should be added. Greg moved to tentatively accept minutes with this correction – Merilyn Reeves seconded – Lynne Paretchan proposed to amend the motion to have minutes accepted the following Friday October 16th to provide an opportunity for members not in attendance to comment. Minutes conditionally approved with amendment.

III. Start Card Fund Annual Report

Tracy Loudon, Administrator for Administrative Services, provided the committee a start card fund summary report that included revenue and expenditures for the 2007-09 biennium and the approved budget for the 2009-11 biennium. The report also included tables of expenditures by program area and category. Tracy reported that revenue during the 2007-09 budget was down significantly from projections 3 years ago when the budget was developed. Expenditures were also reduced to prevent the fund from being overspent. During 2007-09, program area expenditures were 77% on well inspection and enforcement; 18% on technical and information services; and 5% on administrative support. Tracy noted that the Department is managing the current budget conservatively as revenue from well starts has not stabilized. One well inspector position is vacant and will remain so until revenues are available to support the position. The department is planning to spend less than what is authorized in the budget.

Greg Kupillas inquired on what percent of water wells constructed were inspected. Jerry Rodgers replied that in 2008 the number was about 44%. The 2009 report will be available in the spring of 2010. Jerry offered to provide copies of the annual report to the committee when it is available.

Greg asked why the State Service Government Charges in 2007-09 were significantly higher than what was budgeted. Tracy responded that these are for Department of Administrative Services centralized administrative costs. This is a category where expenses were higher than projected. Reductions were made in other categories to maintain a balanced budget.

Tim Smith noted for the record that John Stadel has now joined the meeting.

Tim asked about the allocation of funds for geotechnical holes authorized under HB 2232, noting that Section 5 of the legislation requires all monies collected to be appropriated to support geotechnical hole work. Tracy responded that historically geotechnical hole activities were funded by the general fund and that new revenue from the geotechnical hole fee has freed up some general fund. Greg said it appears that the department is collecting dedicated fees and “backfilling” general fund previously used for geotechnical hole activities. Jerry explained that the legislature removed general fund money from the department’s 2009-11 budget previously used for this activity and replaced it with fee revenue now required for geotechnical hole reports. Merilyn requested that the minutes reflect this discussion and explanation given to explain geo-technical hole fund use. Greg asked that a report detailing the geotechnical hole fund be provided to the committee.

IV. Division 190 Rules

Juno Pandian, Well Construction and Compliance Section Manager, presented this item requesting a recommendation to take to the commission regarding the proposed Division 190 exempt use well recording rules. The public comment period is still open and closes October 15th at 5 p.m. The department held 3 hearings around the state; Salem on 9/22; Pendleton on 9/29; and Bend on 9/30. Staff is still in the process of evaluating the comments received. These proposed rules are scheduled to be before the commission at their November 20th meeting. The public hearing draft given to members is the draft reflecting input from the Rules Advisory Committee that met on August 28th. The department is in the process of developing a way for landowners to submit the required map electronically, with little or no fee.

(690-190-0100) Merilyn Reeves suggested that the language regarding a tax lot map with map reference number or department approved electronic mapping program is too vague and should be cleaned up. She recommended that the word program be dropped. Juno will work to clarify the electronic mapping program language.

(690-190-005) Tim Smith thought the fee should be tied to when water use starts and not when the well is completed. Doug Woodcock responded that at the time a well is completed there is a right associated with that well that now has a protectable priority date. When the Department evaluates new proposals in an area, whether the well is in use or not, the priority date associated with it is taken into consideration.

(690-190-005) Greg Kupillas commented that the rules do not address replacement wells and thought there should not be a fee for one. Merilyn asked if there is a definition for a replacement well. Juno replied there is not. The Department will consider adding clarifying language pertaining to replacement wells.

Merilyn asked about the location of well(s) in relation to nearest driveway, access road and permanent structures and if the Department had the authority to also include septic systems. She thought that septic systems should be included on the maps. Juno explained that setbacks for septic systems are in well construction requirements.

(690-190-0100) Greg commented that landowners may not always know where the exact property corner is and that distance from a property boundary should be an option. Giving more options for

locating the well, may make the map more accurate and easier for a landowner to locate the well correctly. Greg commented that the location of well(s) in relation to nearest driveway, access road and permanent structures, forces people to locate those items accurately as well. Doug responded that the requirement is not to pinpoint the location of features, but to provide a general idea of where the well is located in relation to the driveway or another structure. Greg suggested some clarification relating to that would be helpful. The Department will try to clarify this section.

Lynne Paretchan motioned to recommend approval the September 1st draft rules presented including comments made by GWAC members. Marilyn seconded the motion. There was no further discussion. The motion carried unanimously.

V. Division 340 and 382 Rules

Debbie Colbert, Administrator for Field Services, requested input from the committee regarding rulemaking for limited license fees under Division 340 rules and groundwater registration modifications under Division 382 rules. The overall intent of the rulemaking is to make these fees consistent with the 50% cost recovery policy that was discussed during the legislative session. Limited license fees are adopted by rule, so they were not specifically addressed in SB 788. Groundwater registration modification fees were increased in SB 788, but to be effective the new fees have to be adopted in rules.

Debbie explained that limited licenses are issued for fixed or short duration use of surface water, groundwater, or stored water for activities like road construction, road watering, or Aquifer Storage and Recovery (ASR) and Artificial Recharge (AR) testing. Marilyn Reeves asked about the definition of artificial recharge and if there are any in the state. Doug Woodcock explained that ASR is the process of taking surface water, injecting it underground, and recovering it for later use. AR is the process of injecting water underground to recharge aquifers. There are many ASR projects in eastern and northern Oregon. AR is primarily used in eastern Oregon.

Debbie informed the committee that there are about 4000 groundwater registrations in Oregon. These are groundwater uses (claims) that predate the 1955 groundwater code and have not been adjudicated by the court. Prior to 2005, there was no way for a registrant to drill a replacement well if the existing well failed, which could undermine the validity of their registration. Greg Kupillas asked if the bill allows the department to charge for any type of change. Debbie replied yes. Marilyn asked how frequently the department processes groundwater registrations and if the fee will recover the cost. Debbie explained the department receives approximately 13 a year and overall the fee would average a 50% cost recovery. John Stadel asked if previous fees were set according to cost recovery. Debbie responded the last time fees were set, the department was trying for a 30% cost recovery.

Marilyn motioned to recommend approval of the proposed changes to Division 340 and Division 382 rules. Greg stated that he is reluctant to support significant fee increases, however feels the department has done a good job in explaining the need for the increase. John asked if the department is increasing fees for limited licenses to compensate for fees not being charged for ASR/AR projects. Doug stated that fees are being increased to help compensate for a loss in the general fund which has paid for ASR/AR reviews. Tim brought Marilyn's motion back to table. Greg seconded the motion. There was no further discussion. The motion carried unanimously.

Meeting resumed at 11:35 – Lynne Paretchan has left meeting via conference call.

VI Integrated Water Resources Strategy - Briefing and Request for Input

Brenda Bateman, Senior Policy Coordinator with the Director's Office, presented information on Integrated Water Resources Strategy (IWRS) and requested comments about work plan document. (See Attached Notes)

Merilyn requested Brenda return in the spring to present information on where the process is.

VII Public Comment - Items not on the Agenda

Tim noted to the committee he has requested being on the Water Resources Commission November agenda.

Merilyn suggested the Department consider keeping valuable committee members whose terms are expired. Jerry responded that the direction the Department has received from the Commission is to limit members to two terms or six years.

The next meeting will need to be in January or February. The Department will send out an email of proposed dates for the next meeting as not all members are present to coordinate a good time.

Tim stated that during legislative sessions, he would like to see the committee meet more often perhaps by conference call to keep abreast of issues. Jerry noted that the challenge even if the committee was to meet monthly is how quickly things change during session. Jerry explained that the Department's 2011 legislative package will be developed next spring and that GWAC will be asked for input on groundwater related legislation. Doug reiterated that although it is valuable for GWAC to stay on top of issues, the committee as a body is not involved with the legislature.

Merilyn requested an update on regulating ground source heat issue. John stressed to the committee that regulations are needed regarding this issue.

Merilyn requested information from watermasters about issues they are being called to handle. Greg agreed that he is interested in the challenges watermasters are facing today.

The committee recognized and thanked John Stadel for his two terms of service.

Meeting adjourned