

MEETING MINUTES  
GROUND WATER ADVISORY COMMITTEE (GWAC)  
March 23, 2006  
Teleconference  
North Mall Office Building, 725 Summer St. N.E., Ste. A  
Salem, Oregon 97301

GWAC Members Present		Staff Present	Others
Barry Beyeler	Jim Mack Sr	Donn Miller	None
Paul Christensen	Tim Smith	Debbie Colbert	
Greg Kupillas	John Stadel		
Dave Graham	Merilyn Reeves		

- I. Call to Order – Paul Christensen, Chair
- II. Approval of Minutes - The 2/10/06 minutes were approved with several changes.
- III. 2007 Legislative Concept Development

Debbie Colbert, Senior Policy Coordinator, reviewed with GWAC the Department's anticipated rulemaking activities for 2006.

Debbie also discussed the Department's efforts and timelines for developing legislative concepts for the 2007 legislative session. For practicality, concepts currently have a narrow focus on the Governor's priorities, economic development, and regulatory streamlining. The Water Resources Commission held a retreat in early March that will allowed them to respond to staff suggestions and to develop their own. Staff will also seek input from stakeholder groups. This meeting with GWAC in March is part of this. The Department needs to submit concepts by April 3.

Merilyn was disappointed that sustainability was not one of the priorities. Debbie noted that the Governor recently issued an executive order on sustainability.

At the retreat, certain considerations applied to the legislative concepts. The first was whether it was the right thing to do. The second was could it get done during the session. Major concepts were thought best proposed by stakeholders.

One preliminary legislative concept would seek fee adjustments for four years by amending water right and transfer fee statutes. An approximate 30% fee increase would provide enough money to continue funding current staffing of 11 people in applications and transfers. Tim liked the fee concept that complexity of the application be strongly considered in the fee structure. Debbie said that cost recovery by fee covers only about 30% of the true cost to process applications and transfers. Merilyn thinks that the department needs greater funding to do its job and that fee increases are an appropriate part of that. Greg noted that the increase helps maintain the status quo and would not be able to bring about improvements. Answering Jim's question, Debbie said that the proposed increase would change the base fee but not the contractor's fee under receipts authority for expedited processing. All members voted in favor of the concept of fee increases. Several members think that complexity should bear on fees.

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Another concept relates to the well constructor continuing education committee and the program that this appointed, four-member committee creates with staff assistance. The preliminary concept proposes to remove the sunset clause in the continuing education committee statute. John supports continuing education but thinks that it is premature to take away the sunset. He would like to see it work a little longer. Paul added the insight that failure to change the statute will end not only the continuing education committee but, effectively, the continuing education program also. Marilyn noted that sunsets are placed in order to provide proof that a program works. When asked about the committee, Debbie explained that the Director appoints members. Paul noted that there have been provisions for reciprocal education with some neighboring states. Except for John who abstained, available GWAC members voted agreement with the removal of the sunset provision as set forth in the preliminary legislative concept. Debbie appreciated the discussion and learned some things about how the program functions.

A third concept would amend the ground water and surface water statutes to clarify that orders of the Commission are included in the presumption that a new use of water will ensure the public welfare, safety, and health. Currently, an application to use water must be consistent with four different items. One of these is that the use is consistent with "other rules" of the Commission. There is no such provision that it be consistent with orders of the commission. Debbie highlighted the example that an order may create a critical ground water area or withdraw a source of water from further appropriation but that such orders can't be used to deny a new application. In response to Tim's question, Debbie said that the presumption does not include an economic determination. Greg expressed his view that the amendments would provide for an efficiency to allow the department to get to the decision that it would otherwise on an application. All members voted to support the statutory amendments to clarify ORS 537.153(2) for surface water and ORS 537.621(2) for surface water. Marilyn asked that the committee be updated on the concept. Debbie said that she would do that.

Several members asked that the agenda for the May meeting include an update of the Sherwood-Dammasch-Wilsonville Ground Water Limited Area, discussion of ground water heat pump issues, and funding and activities of the driller continuing education committee.

#### IV. Public Comment

There was no public comment.

**Audiotapes of the entire meeting are available.**