

**Water Resources Commission
Teleconference
Salem, Oregon
September 2, 2009**

WRC Present by phone

Charlie Barlow
John Jackson
Ray Williams
John Roberts
Jeanne LeJeune

Staff Present

Phil Ward
Tom Paul
Cindy Smith
Jerry Rodgers
Tracy Louden

Others

Helen Moore
Jerry Schmidt
Lincoln Herman
Nathan Reitman

Written material submitted at this meeting is part of the official record and on file at the Oregon Water Resources Department, 725 Summer St. NE, Salem, Oregon 97301-1271. Audiotapes of the meeting are on file at the same address.

Acting Chair Charlie Barlow welcomed everyone to the teleconference meeting. The Commission introduced themselves and roll was taken to inform the Commission of who was in attendance for the teleconference meeting.

A. Amendments to OAR Chapter 690, Division 180, Temporary Rules Relating To The Recording of Exempt Groundwater Use

Tom Paul, Deputy Director, briefed the Commission on the request to adopt amendments to the temporary rules relating to the recording of exempt groundwater use. The proposed changes to the temporary rules change the effective date of the rule from July 1, 2009 to July 23, 2009, date of Governor's signature of Senate Bill 788 (2009 Laws).

The Commission adopted temporary rules (OAR 690 Division 180) to implement the exempt purpose recording portion of Senate Bill 788 during its meeting on July 30, 2009. The rules, as adopted, included an effective date of July 1, 2009.

The Commission and Department received a "Petition for Judicial Determination of Validity of Temporary Rule, OAR Chapter 690 Division 180", on August 19, 2009. The petition alleges that the Commission did not have the authority to establish an effective date prior to the date of Governor's signature, July 23, 2009.

Staff and the Attorney General's office have estimated that the cost of actual dollars and time to defend the July 1, 2009 effective date contained in the temporary rule would likely exceed the recording fees which would have been submitted prior to July 23, 2009. Based on the cost to the Department, staff are recommending that temporary rule, Division 180, be modified to apply to wells completed on or after July 23, 2009.

Commissioner Jackson moved approval of adoption of the amendments to the temporary rules, Chapter 690, Division 180; seconded by Commissioner Meloy. Voting for the motion: Commissioners Barlow, Jackson, Williams, Jackson, LeJeune and Roberts. Voting against the motion: None.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Cindy Smith
Commission Assistant