

Water Resources Commission
Meeting
Salem, Oregon
November 15, 2012

WRC Present

John Jackson, Chair
Charlie Barlow, Vice Chair
Mary Meloy
John Roberts
Jeanne LeJeune
Carol Whipple
Ray Williams

Staff Present

Phil Ward
Tom Paul
Brenda Bateman
Doug Woodcock
Dwight French
Barry Norris
Tracy Louden
Ivan Gall
Juno Pandian
Laura Wilke
Tim Wallin
Ruben Ochoa
Cindy Smith

Others

Kimberley Priestly

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.

Chair Jackson welcomed everyone to the meeting. Commissioners and staff introduced themselves to the audience.

A. Review of Split-Season Leasing Program and Legislative Concept

Dwight French, Water Right Services Division Administrator, provided an update of the Department's Split-Season Leasing Program, as required by rule (OAR Chapter 690, Division 77).

Commissioner Whipple asked that the program be somehow tied to the Integrated Water Resources Strategy.

Director Ward explained that the Split-Season Leasing Program fits into the Integrated Water Resources Strategy, and appreciated the reminder that staff should continue to make those references. He noted that an affirmative endorsement of the program by the Commission is timely and well taken.

Commissioner Roberts moved that the Commission continue to support the Instream Leasing Program, seconded by Commissioner LeJeune. Voting for the motion, Commissioners Jackson, Barlow, Meloy, Roberts, LeJeune, Whipple and Williams. Voting against the motion, none.

B. Update on the Columbia River-Umatilla Solutions Task Force

Barry Norris, State Engineer, provided an update on the Governor's Columbia River Umatilla Solutions Task Force. He explained the purpose of the Task Force is to find ways that Columbia River water can be diverted and used for economic development, while continuing to support salmon recovery in the Columbia River and

Umatilla River Basins. He explained that the taskforce had its first meeting in June and continues to work to identify various options.

Tom Paul, Deputy Director, provided an update on the Transactions Workgroup. He explained the need to have transactions that could move the water around to benefit those needing the water.

C. Information Regarding the U.S./Canada Columbia River Treaty and the Columbia River Treaty 2014/2024 Review Process

Ruben Ochoa, Water Policy Analyst, provided an update on the Columbia River Treaty. He explained the need to be involved in the Columbia River Treaty 2014-2024 Review Process fits clearly with the Integrated Water Resources Strategy to ensure that Oregon can meet its instream and out of stream water needs through long term water resources management.

D. Request for an Exception to the Willamette Basin Program by NRI, Inc. and Pyxis Labs, Applications G-17454, pursuant to ORS 536.295

Dwight French, Water Right Services Administrator, and Tim Wallin, Water Right Manager, presented a request from NRI, Inc. and Pyxis Labs for the Department's consideration of a water right application requesting a use not included in the Willamette Basin Program. The applicants assert that a basin-program exception is warranted on the basis that two of the possible criteria are satisfied. Mr. Wallin explained that Department staff believe that one of the criteria is satisfied and that the proposed use therefore qualifies for an exception. Staff recommended that the Commission approve the request by NRI, Inc. and Pyxis Labs for a basin-program exception because the use is largely non-consumptive in nature and not likely to be regulated for other water rights; and because the use is consistent with the general policies of the Willamette Basin Program.

Commissioner Williams moved to adopt the recommendation, seconded by Commissioner Barlow. Voting for the motion; Commissioner Williams, Barlow, Jackson, Meloy, Roberts, LeJeune and Whipple. Voting against the motion, none.

There being no further business, the meeting was adjourned.

Respectfully,

Brandi Elmer
Executive Assistant

Editors Note: The Powerpoint Presentations from both meeting days are now available online at: http://apps.wrd.state.or.us/apps/misc/wrd_notice_view/Default.aspx?notice_id=23

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Ivan Gall
Tim Wallin
Cindy Smith

Others

Kimberley Priestley
Peggy Lynch
Amanda Rich
Jim Myron
Jerry Schmidt
David Pilz
John DeVoe
Teresa Huntsinger
Mark Landauer

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Chair Jackson welcomed everyone to the meeting.

E. Approval of Minutes

The minutes of the August 2 and August 3, 2012 meeting were offered to the Commission for consideration.

Commissioner Williams moved to approve the August 2 and 3, 2012 minutes as submitted; seconded by Commissioner Meloy. Voting for the motion: Commissioners Roberts, LeJeune, Whipple, Meloy, Jackson, Williams and Barlow. Voting against the motion, none.

F. Commission Comments

Commissioner Whipple reported that she had an opportunity to serve as Hearings Officer for a couple of rulemaking hearings in Roseburg and Coos-Bay/North-Bend alongside Tim Wallin. No one from the public showed up to attend either of those hearings. She said she feels that it is important for the Commission, when possible, to get out and around the state, alongside the Department staff as much as possible.

Commissioner Roberts discussed his experience with serving as a Hearings Officer and suggested some changes as to how those Hearings take place in order to save Department time and resources. He also stated that he knows there would have to be significant changes to law in order to accommodate those suggestions, but he feels that it would be a good idea to take a look at those possibilities.

He also talked about his participation in the Southern Oregon Regional Solutions Advisory Committee. Some of the topics discussed within that forum include managing risk, and putting into place regulatory streamlining efforts. He also talked about the Federal Clean Water Act and the Permitting Programs and some new provisions being discussed to involve the states' responsibilities to assume that task.

Commissioner Roberts has spent some time with the new Watermaster in Klamath County, Scott White. He talked about the enormous amount of work that exists in that area and lack of administrative staff to help.

He provided an updated copy of the WISE Project and said that it continues to move forward.

Commissioner Roberts attended the Bear Creek Watershed Council Meeting where they were discussing regional solutions. One topic was new FEMA (Federal Emergency Management Agency), set-back requirement that may affect flood insurance. He mentioned that the Biological Opinion on the Rogue Basin is due out in late 2013.

Commissioner Meloy appreciated having dinner with Oregon Water Resources Congress and being able to socialize with the group.

Commissioner Barlow talked about carry over water levels in the Owyhee. However, for some of the other area's reservoirs he said it will take a good rainfall this winter to fill.

Commissioner LeJeune talked about her experience participating as a Hearings Officer for the Rulemaking Hearings in Tillamook and Lincoln City. She also talked about serving as a moderator for the Oregon Water Utility Council for their Lunch and Learn. She attended a Water Right Management Fee Meeting, facilitated by the Department.

Commissioner Williams talked about the need for the Water Right Management Fee. He also talked about being busy on his farm, and about the Columbia River Exchange.

Chair Jackson recently gave a presentation to the Tualatin River Watershed Council. He talked about the Water Managers Group in Washington County wanting to have discussion about the Integrated Water Resources Strategy. He said he will be calling to get that meeting scheduled. He talked about the OWEB Meeting and their long-term investment strategy. He talked about Cole Beaman being the new Watermaster in Hillsboro, Chair Jackson is glad to have Cole in that role.

G. Director's Report

Director Ward reviewed his written report with the Commission and responded to comments and questions.

H. Approval of 2013 Water Resources Commission Schedule

The Commission was asked to approve the 2013 Water Resources Commission Schedule.

Commissioner Williams made a motion to approve the 2013 Water Resources Commission Schedule, seconded by John Roberts. Voting for the motion, Commissioners Jackson, Barlow, Williams, Roberts, LeJeune, Whipple and Meloy. Voting against the motion, none.

I. Integrated Water Resources Strategy (IWRs) Implementation

Brenda Bateman, Senior Policy Coordinator and Alyssa Mucken, IWRs Policy Coordinator, shared the IWRs work products so far, as well as partner feedback, and updates to the 2013 Work Plan. Alyssa introduced Racquel Rancier, an intern working with the Department on Integrated Water Resources Management case studies from around the country and Joshua Spansail who was also a Department intern that helped to update

the state's water related permitting guide. Kirk Jarvie, Department of State Lands, presented this new 2012 Water-Related Permitting Guide to the Commission.

J. Legislative Preview – 2013 Legislative Session

Brenda Bateman, Senior Policy Coordinator, provided updates related to the composition of the Oregon Legislature and status of the Department's legislative concepts. Guest speakers invited to share some of their insights were: John Devoe, WaterWatch of Oregon; Katie Fast, Oregon Farm Bureau; Robin Freeman, League of Oregon Cities; David Pilz, Freshwater Trust; Teresa Huntsinger, Oregon Environmental Council; Mark Landauer, Special Districts Association of Oregon; Leslie Bach, The Nature Conservancy; Jeff Stone, Oregon Association of Nurseries; and Jim Welsh, Oregon Cattlemen's Association.

There was a lengthy discussion between the panel and the Commission.

K. 2013-15 Budget Update

Tracy Loudon, Administrative Services Administrator, provided an update on the Department's current financial situation and the development of the 2013-15 Budget.

Commissioner LeJeune asked that at a future Commission Meeting Department Staff show how the reduction in staff over time, as well as new efficiencies put in place, have affected the Department over time,.

L. Request for Adoption of Rules for the Five Coastal Basins – OAR 501-515, 516, 517 and 518

Dwight French, Water Rights Services Administrator, and Tim Wallin, Water Right Manager, presented a request to adopt final proposed rules; modernizing the Department's five coastal basin programs; removing obsolete text; noting withdrawn waters; updating reference to organization; and cleaning up grammar and errors. The recommendation was for the Commission to adopt the final proposed rules as modified by the staff report. Tim Wallin referenced some additional changes to the final proposed rules as referenced in Addendum 1. Proposing to modify the Final Proposed Rules for OAR Chapter 690, Divisions 501, 515, 516, 517 & 518 with multiple instances of a single change as follows: Change "ORS 536.220" to ORS 536.220, 536.300, 536.310 and 536.340. This change occurs in OAR Chapter 690, Division 501 (North Coast): 501-0005, Division 515 (Rogue): 515-0000(1)(a), 515-0010(1)(a), 515-0030(1)(a), 515-0040(1)(a), 515-0050(1)(a), 515-0060(1)(a), Division 516 (Umpqua): 516-0005(1), Division 517 (South Coast): none, Division 518 (Mid-Coast): 518-0010(1). Additionally, staff recommended modifying the final revision of 690-501-0005(1)(e) with the following change: change "reserved" to "classified."

Commissioner Whipple moved to approve the final proposed rules as modified by Addendum 1 dated November 16, 2012, seconded by Commissioner Williams. Voting for the motion, Commissioners Jackson, Barlow, Williams, Roberts, Meloy, LeJeune and Whipple. Voting against the motion: none.

M. Approval of Appointments to the Groundwater Advisory Committee

Ivan Gall, Groundwater Manger presented recommendations to fill three positions on the Groundwater Advisory Committee (GWAC). The nine-person citizen panel advises the Department and Commission on issues pertaining to groundwater and well construction policies.

The terms for Bill Blair, Bob Jones, and Lynne Paretchan expired on November 30th, 2012. Mr. Jones and Ms. Paretchan have completed their second terms and have reached the limitation of service on the committee. Mr. Blair is completing his first term. All three are stepping down from the committee.

A total of five individuals expressed interest in filling the three vacant positions. The candidate's qualifications provided a wide range of experience. The Department recommended the appointment of Kevin Kelty to replace Bill Blair in the Monitoring/Water Well Industry category, the appointment of Rod Rice to replace Bob Jones in the local government category; and the appointment of Said Amali to replace Lynne Paretchan in the Multiple Backgrounds Category. Terms for these three members began on December 1, 2012 and continued through November 30, 2015.

Commissioner Williams moved to approve the appointments of Kevin Kelty to replace Bill Blair, Rod Rice to replace Bob Jones, and Said Amali to replace Lynne Paretchan, seconded by Commissioner Barlow. Voting for the motion, Commissioners Jackson, Barlow, Roberts, Williams, Meloy, Whipple and LeJeune. Voting against the motion: none.

Director Ward suggested that the Chair write a letter of thanks to outgoing members for the volunteer service.

Director Ward said staff could brief the Commission on what items GWAC has been working on during a future Commission Meeting. Chair Jackson agreed that would be a good idea.

N. Public Comment

Peggy Lynch, League of Women Voters of Oregon, brought a copy of a study from the League of Women Voters of Oregon relating to coastal issues to share with the Commission. She also commented on budgetary issues and that the League of Women Voters supports the Department's proposed Water Management Fee.

Umatilla County Commissioner Dennis Doherty spoke regarding the budget challenges that face the state. He also talked about the importance of water to everybody and all different interests. He talked about a combined effort by all of the constituents to carry the message to the Legislature.

Peggy Lynch said that the panel of stakeholders that spoke earlier had all sent a letter to the Governor's Office asking for support for funding to continue for Natural Resource Agencies. She said it is a huge constituency and carries a very strong message.

O. Other Issues

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brandi Elmer
Executive Support