

**Water Resources Commission
Teleconference Meeting
Salem, Oregon
July 1, 2013**

WRC Present

John Jackson (in person)
John Roberts (phone)
Carol Whipple (phone)
Dennis Doherty (phone)
Jeanne LeJeune (phone)
Charlie Barlow (phone)

Staff Present

Phil Ward
Tom Paul
Cindy Smith
Dwight French
Doug Woodcock
Ruben Ochoa

Others

Kay Teisl
Amber McKinney
Nathan Rietmann
April Snell

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, staff and audience introduced themselves.

A. OAR Chapter 690, Division 305, Temporary Rules Implementing HB 2259, Schedule of Fees

This item was postponed until further notice.

B. Request for Adoption of Temporary Rules Granting Preference to Stockwatering and Human Consumption Use in Klamath County

Tom Paul, Deputy Director, presented a requested for adoption of temporary rules granting preferences to stockwatering and human consumption use in Klamath County.

The Klamath Basin above Upper Klamath Lake has experienced regulation to satisfy senior water rights for the first time. The regulation is the result of the Adjudicator filing the Final Order of Determination in the Klamath Adjudication and one of the worst droughts in recent history. Streamflows in the Basin are between 30% and 50% of average. Below normal snow pack, total precipitation and streamflows prompted the Governor to declare drought in Klamath County on April 18, 2013.

Irrigation water in the Klamath Basin above Upper Klamath Lake is primarily used for irrigation of pasture and hay production. Many of the water rights in the Basin include domestic and stock water along with irrigation. Some rely on these rights to meet their human consumption needs. In addition, tens of thousands of cattle use the pasture during the summer months. Stock water is largely supplied by the cattle drinking from irrigation ditches. Many, if not all of the irrigation ditches are being regulated off by the watermaster and assistants to satisfy a call by senior water right holders.

Landowners in the upper basin have been involved in stream restoration efforts. Most of these efforts have included the fencing of stream banks, blocking cattle from direct access to the stream for drinking. If stock are not allowed to water from irrigation ditches, fences or portions of fences may need to be removed to allow the stock to drink directly from the streams. Allowing stock to continue to drink from irrigation ditches will provide stock may access the water they need and will preserve riparian areas protected by fences.

The preference would allow water users to continue to divert and use water for stock water and human consumption purposes during the period of declared drought. OAR 690-19-0020(7) defines human consumption as water for drinking, cooking and sanitation. Without the preference, these uses are subject to regulation and surface water that would otherwise be used to meet these needs will not be available. A lack of water for human consumption or stock watering constitutes a serious harm to the public interest and the interest of the water users concerned. For some water users, there are no readily available alternative sources of water for either stock or human consumption.

Temporary Rule OAR 690, Division 22, proposes to grant a preference for stock and human consumption. The temporary rules can only be in effect for 180 days or for the duration of the declared drought, whichever is shorter. Executive Order 13-05 expires December 31, 2013. These rules would expire on December 27, 2013, 180 days following adoption, unless the Governor revokes the declared drought by a subsequent executive order.

Commissioner Whipple moved that the Commission adopt draft temporary rules OAR 690 Division 22, seconded by Commissioner Roberts. Voting for the motion, Commissioners Jackson, Barlow, Doherty, Roberts, LeJeune, and Whipple. Voting against the motion, none.

Commissioner Jackson asked Doug Woodcock, Field Services Administrator, to give a brief update to the Commission on how things are going for his staff down in the Klamath.

Woodcock said that on June 10, there was a Call for Water. The Call consisted of the instream water rights that the Klamath Tribes called on above the lake. Calls were also received from Fish and Wildlife Service, Klamath Project Irrigation Districts, and the Bureau of Reclamation. When this happens, the Watermaster then goes out and validates the call. The calls were valid in this case. The Watermaster and others from the Department looked at how regulation would be enacted. They determined that the most efficient way to take care of regulation was to start in the tributaries above the lake, where the instream rights are at the mouths of the small drainages and regulate for those specifically. This would allow the water to get further downstream and allow for more water to work with later.

Considering this is a drought year and the first year that regulation has happened like this, it is going well. They have had meetings with people in the basin, and articles in the newspaper. This does not come as a surprise to anyone in the Basin.

The Watermaster and staff are going door-to-door and explaining to people why they are being regulated off.

Woodcock commented that he heard from two reporters that, while the water users don't like what is happening, they are respectful of how the message is being delivered.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Cindy Smith
Commission Assistant