

**Water Resources Commission  
Meeting  
Hood River, Oregon  
August 21, 2014**

WRC Present

John Roberts, Chair  
Ray Williams, Vice-Chair  
Bruce Corn  
Carol Whipple  
Bob Baumgartner  
Dennis Doherty  
Jeanne LeJeune

Staff Present

Tom Paul  
Cindy Smith  
Brenda Bateman  
Racquel Rancier  
Dwight French  
Renee Moulun  
Jesse Ratcliffe  
Tracy Louden  
Doug Woodcock  
Ken Lite  
Kris Byrd  
Matt DeVore  
Mike Ladd

Others

Amber McKinney  
Katelin Stuart  
Lauren Smith  
Robbie Lapp  
Aera Atkins  
Dave Palais  
Martha Pagel  
Claire Frausto  
Alicia Ellis  
Rebecca Masor  
Liz Dickson  
Matthew Bristow  
Greg Kupillas  
Malia Kupillas

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. Staff reports and PowerPoint presentations are available on the Department's website.

Chair Roberts opened the meeting and announced that the Commission would be going into Executive Session.

After Executive Session, Chair Roberts called the General Session to order. He explained that the Commission met in Executive Session to consult with legal counsel regarding the Commission's legal rights and duties on current litigation or litigation likely to be filed, and to consider information or records exempt from public inspection.

Chair Roberts asked the Commission to introduce themselves.

**A. Consideration of the Exceptions and Issuance of Final Order In the Matter of Charles Moore, Water Well Constructor License #731.**

Matt Devore, Legal Counsel and Kris Byrd, Enforcement Manager, gave a background of the Matter of Charles Moore, Water Well Constructor License #731, and the alleged violations of water well construction standards. The Department found Mr. Moore in violation of water well construction standards in seven instances involving five wells, and proposed a civil penalty of \$1,000 per violation, and ordered that Mr. Moore bring the wells into compliance within 120 days. If he did not bring the wells into compliance, his license would be suspended. Mr. Moore submitted exceptions to both orders and requested leave to present oral arguments. At the May 2014 Commission meeting, the Commission appointed a subcommittee to consider the matter.

Devore summarized the efforts and findings of the subcommittee. The subcommittee's recommendation was not to allow oral argument. The subcommittee allowed Mr. Moore and the Department to submit written arguments in place of oral arguments and believed that provided sufficient opportunity for presenting evidence beyond what was already in the record. The subcommittee also recommended that the exceptions be denied and the Director's Proposed Final Order be adopted into the Commission's Final Order. The Department supported the subcommittee's recommendations.

Chair Roberts asked for questions or comments from the Commission. Commissioner Williams made a motion that the Commission deny Mr. Moore's request to present oral arguments. Seconded by Commissioner Corn. Voting for the motion: Commissioners Roberts, Williams, Whipple, Corn, LeJeune, Doherty, and Baumgartner. Voting against the motion, none.

Commissioner Corn made a motion that the Commission deny Mr. Moore's exceptions and enter the draft Final Order, adopting the findings and conclusions of the Director's Amended Proposed Final Order. Seconded by Commissioner Williams. Voting for the motion: Commissioners Roberts, Williams, Whipple, Corn, LeJeune, Doherty, and Baumgartner. Voting against the motion, none.

#### **B. Consideration of the Exceptions and Issuance of Final Order In the Matter of the Proposed Partial Cancellation of the Water Right Certificate 24625.**

Dwight French, Water Right Services Administrator, and Jesse Ratcliffe, Oregon Department of Justice, briefed the Commission on the exceptions and issuance of the Final Order in the Partial Cancellation of Water Right Certificate 24625. On June 18, 2012, affidavits were filed proposing a partial cancellation of Water Right Certificate 24625 for non-use. The ALJ issued a Proposed Order on December 10, 2013, concluding that no part of Certificate 24625 had been forfeited due to non-use. The Proponents filed exceptions to the Proposed Order. OWRD issued an Amended Proposed order on May 30, 2014. The Amended Proposed order did not change the Proposed Order's determination that no part of Certificate 24625 had been forfeited due to non-use. The Proponents filed exceptions to the Amended Proposed Order. OWRD prepared a Draft Final Order for the Commission's consideration.

Commissioner Williams made a motion that the Commission: adopt the Final Order presented by the Water Resources Department staff, which declares that no portion of the water right evidenced in Certificate 24625 has been forfeited due to non-use during the period in issue; direct Chair Roberts to sign the Final Order; and direct the Water Resources Department staff to serve copies of the signed Final Order as described in the Certificate of Service. Seconded by Commissioner Doherty. Voting for the motion: Commissioners Roberts, Williams, Whipple, Corn, LeJeune, Doherty, and Baumgartner. Voting against the motion, none.

Public Comment: Robbie Lapp, resident from Hood River, commented that the salmon in the hatchery should have a voice in the water they drink as they return to the Columbia River and that cancelling the water right would provide for the salmon.

#### **C. Hood River Basin WaterSMART Study**

Commissioner Les Perkins, Hood River County, and Niklas Christensen, Watershed Professionals Network, Inc., gave an overview of the results of the recent Hood River Bureau of Reclamation WaterSMART Basin Study. The study was prompted by the Planners of Hood River County, and funded through grants from Bureau of Reclamation and OWRD. As part of the study, seven individual assessments were completed that examined various aspects of water supply and demand, including

climate change, water conservation, water storage, and instream flows. The study recommendations included implementing irrigation efficiency upgrades, reducing or eliminating overflows and canal seepage in an irrigation district, evaluating expanded storage, refining some of the study modeling, implementing projects for summer streamflows, and collecting additional data in key areas.

**D. Commission Approval of Appointment to the Groundwater Advisory Committee**

Brenda Bateman, Technical Services Division Administrator, presented a recommendation to the Commission to fill a recently vacated position on the Groundwater Advisory Committee (GWAC). Rod Rice, an Administrator for Washington County, served in the “Multiple Backgrounds” Category for GWAC. He recently retired from his position, as well as GWAC. The Department recommended that the Commission appoint Tom Pattee, Groundwater and Source Water Protection Program Coordinator at the Oregon Health Authority, to complete the term, which continues through November 30, 2015.

Commissioner Williams made a motion to appoint Tom Pattee to GWAC effective immediately upon appointment through November 30, 2015. Seconded by Commissioner Doherty. Voting for the motion: Commissioners Roberts, Williams, Whipple, Corn, LeJeune, Doherty, and Baumgartner. Voting against the motion, none.

**E. Establishment of New State Scenic Waterways**

Dwight French, Water Rights Services Division Administrator, and Laurel Hillman, Oregon Department of Parks and Recreation, briefed the Commission on efforts to designate new scenic waterways in accordance with Governor Kitzhaber’s instructions to the Oregon Parks and Recreation Department. There was discussion on the background of the Oregon Scenic Waterways Act, the process of selecting and studying potential future Scenic Waterways, and the roles of Oregon Department of Parks and Recreation, and the Water Resources Commission.

Commission members asked several questions about criteria, and the role of the Commission.

Public Comment: Martha Pagel commented on scenic waterway designations and impacts on groundwater, suggesting that the Commission be aware of unintended impacts.

There being no further business, the meeting was adjourned.

Respectfully,

Lorri Cooper  
Exec. Administrative  
Support to the Director’s Office

**Water Resources Commission  
Meeting  
Hood River, Oregon  
August 22, 2014**

WRC Present

John Roberts, Chair  
Ray Williams, Vice-Chair  
Bruce Corn  
Carol Whipple  
Bob Baumgartner  
Dennis Doherty  
Jeanne LeJeune

Staff Present

Tom Paul  
Cindy Smith  
Tracy Louden  
Racquel Rancier  
Brenda Bateman  
Doug Woodcock  
Tracy Louden  
Mike Ladd

Others

Scott Walker  
Mark Landauer  
Lauren Smith  
Wes Morgan  
Mark McKinny  
Danette Faucera  
Chris Brun  
Robbie Lapp

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Chair Roberts called the meeting to order. The Commission introduced themselves, as did others in attendance.

**F. Approval of Minutes**

The minutes of the May 29 and 30, 2014 meeting were offered to the Commission for consideration.

Commissioner Williams moved to approve the May 29 and 30, 2014 minutes as submitted. Seconded by Commissioner Baumgartner. Voting for the motion: Commissioners Roberts, Williams, Whipple, Corn, LeJeune, Doherty, and Baumgartner. Voting against the motion, none.

**G. Commission Comments**

Commissioner Baumgartner talked about his continued work with the Environmental Protection Agency (EPA) relating to Integrated Planning with municipalities.

Commissioner LeJeune attended the Environmental Quality Commission (EQC) meeting in The Dalles June 18 and 19, 2014, as the Water Resources Commission liaison. She described the structure of the EQC and how it functions in comparison to the Commission. She also mentioned item the EQC addressed regarding ballast water in ships coming into Port of Portland. Jeanne suggested keeping tabs on such issues that also concern the Commission. She also noted that she was impressed with a presentation from Dave Anderson, Public Works Director from The Dalles about fire danger and watersheds, and hoped it could be brought to the Commission at some time in the future. The next EQC meeting will be in Medford with an agenda item on water quality, which Chair Roberts will attend. Jeanne said she would continue keeping the Commission aware of upcoming EQC meetings with water issues on the agenda and encouraged Commission members to attend those meetings in their areas.

Commissioner Williams met with Governor Kitzhaber in Pendleton and talked about the West Coast Infrastructure Exchange. There will be a briefing on this subject from Chris Taylor at the November WRC meeting.

Commissioner Doherty discussed Place-based Planning, and meetings he has attended. He wants the Commission to move forward and give the Association of Oregon Counties (AOC) some directives at their Annual Meeting in November. He gave kudos to Oregon Water Resource Congress (OWRC) on the tour.

Commissioner Corn talked about an article in the Capitol Press about water quality and dry bulb onion production. He also noted that the Malheur Extension office was due to be closed, but was saved. The Extension office and the Experiment station were critical in proving that the water was safe for irrigating onion crops. He appreciated agencies working together to maintain the economy of the area. He also discussed drought issues and commended Department staff for their quickness in issuing emergency well drilling and drought permits.

Commissioner Whipple said that it is very quiet in her area, although the fire danger is a high concern.

Commissioner Roberts noted that the Jackson County Experiment Station was threatened with closure, but a tax base was approved by the voters to keep it operational. He attended the OWEB meeting in July in The Dalles, as the Commission representative, where they gave out about \$9 million in grant funds. He has also been working with the Rogue Basin Coordinating Council on the merger of four local watershed councils. He has given several presentations on the Integrated Water Resource Strategy (IWRs) and a drought update to a Military Officers Association. He toured the WISE facilities with state agency representatives to help them understand the project, the funding needs, and the need for full-time staff for grant writing and coordination. The Governor's Roadshow, Business Oregon was in July, and he sat on an Economic Subgroup where the subject of water was high on the list of concerns.

## **H. Director's Report**

Acting Director Paul reviewed the Director's Report with the Commission and responded to comments and questions.

## **I. Legislative update: 2015 Legislative Concept Development**

Racquel Rancier, Senior Policy Coordinator, briefed the Commission on development of the Department's Legislative Concepts for the 2015 Legislative Session, and responded to comments and questions. She noted that the Annual Water Right Management Fee concept was modified to create a task force to focus on Water Resources Department funding and continue to build on the Commission's previous efforts.

## **J. Budget Update**

Tracy Loudon, Administrative Services Division Administrator discussed the development of the 2015-17 biennium agency requested budget, and responded to comments and questions.

The Agency Request Budget for the 2015-17 biennium was \$98.1 million. The \$4.3 million increase over the previous budget would primarily fund grant programs. There were no fee increases proposed in the Agency Request Budget. The Governor's Budget will be published on December 1, 2014.

**K. Water Conservation, Reuse and Storage Grant Program – Grant Funding for 2014 Grant Cycle**

Tracy Loudon, Administrative Services Division Administrator, briefed the Commission on the Water Conservation, Reuse and Storage Grant Program, providing background on the grant application review process. He then presented the 2014 Grant Award Recommendations, and asked the Commission to vote on the recommendations.

Chair Roberts asked for public comments on the grant recommendations. There were none.

Commissioner Williams made a motion to adopt staff funding recommendations, seconded by Commissioner Whipple. Voting for the motion: Commissioners Roberts, Williams, Whipple, Corn, Doherty, and Baumgartner. Abstaining, LeJeune.

**L. Informational Update on Developing Guidelines for Place-Based IWRS: Workshops and Public Comment Results**

Brenda Bateman, Technical Services Administrator, gave an update on feedback the Department received on place-based planning from workshops and written public comments. Brenda outlined common themes from the comments as follows:

**Geographic Boundaries:** Use existing geographic boundaries if possible, to generally have 18-20 planning areas and ensure there is state-wide coverage.

**Governance, Stakeholder & Public Involvement:** Include and coordinate with organizations already involved at the local level.

**Voluntary versus Mandatory:** Confirm that involvement is voluntary, and that communities would not be altering existing water rights.

**Existing Basin Plans:** Basin programs should not be the focus of this program, but could be used as a starting place.

**Role of State Agencies:** There was no consensus on the role of state agencies. Some felt technical assistance should be the primary role; others thought the State needs to play a strong leadership role.

**Funding:** The State should encourage place-based groups to develop a self-funding mechanism. There was concern that small projects would be lost. The ability to bundle projects was strongly supported.

The Department is taking the comments and input, and revising the guidelines. There is also a proposed funding package to pilot the place-based planning guidelines.

**M. Reservations of Water for Future Economic Development**

Jon Unger, Water Supply Development Coordinator, provided an overview on reservations of water for future economic development. The Oregon Department of Agriculture has reservations in five basins. These reservations of water will be automatically repealed, some as early as 2016, unless extended by rulemaking of the Water Resources Commission.

Katy Coba, Director of the Oregon Department of Agriculture, updated the Commission on their plan to request extensions on the existing reservations.

Public Comment: Chris Brun, Hood River Production Coordinator for the Confederated Tribes of Warm Springs (CTWS), shared information on basin projects that CTWS has been involved in, to restore stream flow and fish passage. The CTWS is concerned that their efforts to restore stream flows will be in vain if they are not protected near the mouth of the river. They are worried that the glaciers will be gone in 50 years, and that voluntary agreements will not be honored. The CTWS is concerned that in-stream water rights will be subordinated by reservations, and expressed that reservoir sites identified in the Hood River Basin may not be feasible. He stated that flows need to be protected through conservation.

**N. Public Comment**

Robbie Lapp thanked the Commission for coming to Hood River, and witnessing the beauty of the area. She commented on protecting the water supply, and sang a song to give a voice to the pure spring water.

**O. Other Business**

Acting Director asked the Commission to select a date for the September conference call regarding the Klamath drought rules. They agreed on the morning of September 25, 2014.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lorri Cooper  
Exec. Administrative  
Support to the Director's Office