

**Joint Water Resources Commission and  
Environmental Quality Commission Meeting  
Hermiston, Oregon  
August 18, 2016**

WRC Present

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

EQC Present

Jane O'Keefe  
Colleen Johnson  
Morgan Rider  
Melinda Eden

WRD Staff Present

Tom Byler  
Doug Woodcock  
Cindy Smith  
Racquel Rancier  
Kim Ogren  
Paul Hutter  
Alyssa Mucken  
Dwight French  
Ivan Gall  
Justin Iverson  
Greg Silbernagel  
Audrey Squires  
Kris Byrd  
Dwight French

DEQ Staff Present

Pete Shepherd  
Joni Hammond  
Greg Aldrich  
Don Butcher  
Randy Jones  
Smita Mehta  
Stephanie Caldera  
Jennifer Wigal  
Linda Hayes-Gorman  
Palmer Mason

Others

Dennis Doherty  
Russ Pelleberg  
Chris Augusfie  
Bill Elfering  
Dixie Echeverria  
Mike Bergstrom  
Ray Kopacz  
Greg Jarred  
Molly Reid  
Tyler Hansell  
Chris Marks  
Jerome Rosa  
Lauren Smith  
Kimberley Priestley  
Annette Kirkpatrick  
Jake Madison  
J.R. Cook  
Gibb Evans

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 called the meeting to order, and asked both Commissions to introduce themselves.

**JOINT COMMISSION MEETING:**

**A. Welcome and Introduction to Agency Initiatives**

Jane O'Keefe, Environmental Quality Commission (EQC) Chair, discussed what to expect when Boards and Commissions work together.

Pete Shephard, Interim Department of Environmental Quality (DEQ) Director, commended the Commissions for having a joint meeting, and how well the Natural Resources Agencies work together in Oregon.

Director Byler thanked the City of Hermiston, the West Extension Irrigation District, and the folks who put on the tour.

## **B. Overview of Oregon's 2012 Integrated Water Resources Strategy and Implementation**

Alyssa Mucken, IWRS Coordinator, and Jennifer Wigal, Water Quality Program Manager, DEQ, provided an overview of the 2012 Integrated Water Resources Strategy, the accomplishments of the last couple of years, and what to expect with the 2017 Integrated Water Resources Strategy.

Commissioner Baumgartner and Commissioner Rider (EQC) see opportunity for more progress in the area of Reuse. Baumgartner encouraged the Departments to be sure to evaluate the end of a project lessons learned and ways to improve processes.

## **C. Joint Commission Discussion on Opportunities and Challenges**

Commissioner LeJeune appreciated gaining a better understanding of DEQ's role in Oregon, and the challenges that face the EQC in contrast to the WRD's role, and WRC's challenges, and how policy decisions effect future decisions. LeJeune sees climate change issues as an opportunity for the joint Agencies and Commissions to work more effectively to address issues and plan for the future through the IWRS. LeJeune would like the Commissions to look at Conservation and Reuse as water supplies that need to be further developed and funded; and that the Commission members have a responsibility to advocate for budget dollars for these programs.

LeJeune supports the Liaison roles with EQC and thinks a similar role should be developed with Department of Agriculture and the Board of Ag.

Commissioner Colleen Johnson commended Stephanie Caldera and Cindy Smith for their excellent work staffing the Commission meetings. Johnson reported that their commission hires and evaluates the Department Director, which is different than most agencies. She also reported that Budget plays an important role, in that over the last couple of decades, Budget has decreased, but the regulatory actions and responsibilities of the Agency have increased.

Johnson enjoyed the liaison position because it gave her a better understanding of WRD and quantity versus quality, and her ability to bring that perspective to the EQC. She particularly likes the information and the progress that comes through the IWRS.

Commissioner Melinda Eden appreciates the work of WRD and the WRC, and recognizes that WRD and DEQ are competing for a diminishing pot of general fund money. The more the two agencies collaborate, the easier it will be to encourage legislators to allocate more general fund dollars for natural resources of Oregon.

Commissioner Williams appreciated the comments about reuse; and would like more emphasis on better use of winter water. Place based planning is a tool for getting best bang for the dollar, with ideas coming from the ground up, using local expertise.

Commission Corn appreciates meeting with DEQ and Commission. He sees a silver lining in the drought issue has sped up the focus of conservation possibilities. Collaboration between the natural resource agencies is critical to not duplicating efforts and being most efficient with resources.

Commissioner Morgan Rider suggests looking to other states on their reuse programs; and wonders if there might be opportunities in using the energy trust model to explore conservation efforts. Rider is concerned about the infrastructure needs and inadequacies.

Commissioner LeJeune emphasized place-based planning as the necessary tool for communities to develop projects that meet their specific needs; and that change will be most effective from the ground level up, not from the top down.

Commission Williams agrees that no one knows more about a particular watershed than the people who live there and gain their livelihood from it. Williams is a great fan of piping, but would like to see it work in conjunction with recharge.

#### **D. Water Efficiency and Technology**

Jake Madison, Northeast Oregon Water Users Association Board Member and President of Madison Ranches, gave a presentation on how agricultural producers are utilizing technology to increase water use efficiency; and responded to commissioner questions and comments.

#### **E. 2017 Update to Oregon's Integrated Water Resources Strategy**

Alyssa Mucken, IWRS Coordinator briefed the commission on recent activities to update Oregon's Integrated Water Resources Strategy.

Chair Roberts asked if there were adequate human resources available to complete the project by the deadline, and if the instream piece would be prominent. Mucken answered that there was adequate staff, but funds are limited, so the Agency does the best it can with the limited funds. She said that at the Bend and Coast public meetings people encouraged staff of the importance of maintaining instream flows.

Commissioner Baumgartner was impressed at the depth of knowledge staff member have, indicating the importance the Department is putting on these issues.

Commissioner LeJeune complimented the efforts that the Department puts into cultivating public interest and input; particularly with limited resources.

Director Byler added that he places high value on the conversations and open communication with residents, business owners, farmers and ranchers around the state.

Chair Roberts invited Senator Bill Hansell to address the Commission as to the state of the State.

Senator Hansell thanked the Commission for coming to the area, and gave his history as it pertains to agriculture and water issues. He asked for input from the Commission for ideas for economic development in the Umatilla basin area. He also encouraged using them as a role model for collaborative, cooperative work to move forward in development of an area. He also asked the Department and Commission to not put all of the risk upon the farmers.

Commissioner Williams asked Senator Hansell if there were a tax benefit option for water, as there is for energy to incentivize the private market in Oregon.

Commissioner LeJeune asked what kinds of things, other than the grants and loans that are available, are the risk taking the Senator would like to see happen. Hansell would like the production process sped up for the increased benefit.

Director Byler thanked the Senator for coming, for the great working relationship the department has with him and his office, and expressed his appreciation for the expertise he brings to the Legislature in the area of natural resources and water.

Commissioner LeJeune emphasized the need for education of individuals to understand the diverse needs of the different areas of the state, and how she values the tours the Commission takes.

Senator Hansell agreed, giving an example of Legislators taking tours in other parts of the state to get a perspective to make better legislative decisions.

**F. OAR Chapter 690 Division 504 – Request for Adoption of Rules to Extend Reservations and Make Other Modifications to the Hood River Basin Program**

Brenda Bateman, Technical Services Division Administrator, presented a request to modify the Hood River Basin Program rules, which include reclassifying the uses of the water and extending the reservations of water for economic development.

Commissioner Williams asked if modifications could be made at a later date without compromising the October sunset date. Bateman said an additional Commission meeting would have to be held between now and then; or else they would sunset and a new request for Reservations would have to be initiated.

Bateman pointed out two changes the Department recommends in the proposed rules that she identified today. One being Page 4, Item 5(c) to read” Documentation of consultation with any affection Indian Tribe...”, and the other being a correction of mis-numbering on Page 3.

Commissioner Corn made the motion to adopt the proposed rules in Attachment 2 as modified to fix the numbering in 690-504-0100 to read( 8), (9) , (10); and adding the words “Documentation of” at the beginning of 690.504.0100 (c). Seconded by Commissioner Williams. Voting in favor of the motion: Commissioners Whipple, Baumgartner, Roberts, Corn, LeJeune and Williams. Voting opposed: none.

Kimberley Priestley, WaterWatch, wanted to clarify for the record that when the Commission discussed this in regards to the Burnt River Reservations, it was under the temporary rules governing extensions at the time which did not include the directive in the final Division 79 rules that say that to extend the Reservation they must be in compliance with Commission rules. The concern is that the Hood River Reservation decision required reports, and by not doing the reports, the Department of Agriculture was not in compliance.

Chair Roberts answered that the reporting requirement by Department of Agriculture was discussed thoroughly at the time of the Burnt River Reservations rulemaking, and that is addressed in WaterWatch’s comments on this rulemaking.

Director Byler thanked Priestley for her comments, and recognizes that there are two different rulemakings, but the Commission had the larger policy discussion, and that going forward, a fresh start is given with tighter standards.

**G. OAR Chapter 690, Division 200, 205, 510, 215 and 204 – Request for Adoption of Rules to Update Well Construction Standards**

Brenda Bateman, Technical Services Division Administrator, and Kris Byrd, Well Enforcement Manager presented a request for adoption of permanent rules to provide clear standards and guidance when constructing, altering or abandoning water supply wells, monitoring wells, and geotechnical holes in Oregon; and responded to Commissioner questions and comments.

Commissioner Williams moved to adopt the final proposed rules as in Attachment 3. Seconded by Commissioner LeJeune. Voting in favor of the motion: Commissioners Whipple, Roberts, Corn, LeJeune and Williams. Abstaining: Commissioner Baumgartner. Voting opposed: none.

Commissioner Baumgartner explained that he abstained because he did not have time to read the report, and did not feel that he could make a judgement without thoroughly understanding the report, and asked that the Department provide staff reports on action items in a more timely fashion.

Director Byler explained that this report had bottle-necked in the Director’s office that caused the delay, and not the fault of the staff who created the report.

## **H. Approval of Minutes**

The minutes of the May 19 and 20, 2016 meeting were offered to the Commission for consideration.

Commissioner Baumgartner moved to approve the May 19, 2016 minutes as presented. Seconded by Commissioner Whipple. Voting for the motion: Voting in favor of the motion: Commissioners Whipple, Baumgartner, Roberts, Corn, LeJeune and Williams. Voting opposed: none.

Commissioner Corn moved to approve the May 20, 2016 minutes as presented. Seconded by Commissioner LeJeune. Voting for the motion: Voting in favor of the motion: Commissioners Whipple, Baumgartner, Roberts, Corn, LeJeune and Williams. Voting opposed: none.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lorri Cooper  
Executive Administrative Support to the Director's Office

**Water Resources Commission Meeting**  
**Hermiston, Oregon**  
**August 19, 2016**

WRC Present

John Roberts, Chair  
Bob Baumgartner, Vice Chair  
Bruce Corn  
Carol Whipple  
Bob Baumgartner  
Jeanne LeJeune

Staff Present

Tom Byler  
Cindy Smith  
Doug Woodcock  
Racquel Rancier  
Brenda Bateman  
Ivan Gall  
Kim Ogren  
Paul Hutter  
Curtis Cooley  
Paul Hendricks

Others

Lauren Smith  
Chris Marks  
J.R. Cook  
Dixie Echeverria  
Craig & Cindy Parks  
Maurice & Lucy Ziemer  
Glen Saul  
Paul Gelissen  
Dorothy Loveland  
Kevin & Patty Horn  
Gregg & Mary Buckallew  
Judy Vogt  
Christi Caldwell  
Chuck Wilcox  
Brian Wolcott  
Greg Nelson  
Doug Bennett  
Chris Augusfie  
Frank Mueller  
LeRoy Smart  
Bill Quick  
Lon Wadekemper

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**I. Commission Comments**

Commissioner Bruce Corn discussed handouts he provided; one showing historical prices of wheat, and the other water storage levels in his area. He also talked about the aging infrastructure, and the costs just to make repairs. He has noticed in this particular political cycle, there is no discussion of agriculture.

Commission Jeanne LeJeune provided the EQC liaison report: The EQC toured the Canyon Creek Wildfire site, and LeJeune suggested the WRC tour a wildfire site to see the effects of wildfire on water supply. EQC has used technology to tape and livestream meetings. LeJeune suggested WRC may be able to use technology in the future to allow the Commission to travel more of the state at lower costs.

This could be LeJeune's last meeting, and she addressed the Commission and recommended they keep the IWRS as a priority; to look into a water right management fee and other opportunities to ensure that the Department stay adequately funded; recognize that the opportunity to support programs and the Department. She suggests keeping the Willamette Reallocation front and center. She also suggests looking for opportunities for creating partnerships for merging of resources between municipalities and organizations to create better infrastructure. She also encourages liaisons with Department of Agriculture, and Department of Fish & Wildlife.

Commissioner Bob Baumgartner attended the hearing for the IWRS and was struck with the depth of knowledge and concern people have for water issues. He sees serious infrastructure needs across the board, including for agriculture, industry and high tech industry. He thinks Congress will be providing funds for infrastructure and recognizes that means there needs to be local seed money available for these projects also. The northwest region of the state is doing a lot of work with reuse of industrial water. He sees the EQC and the WRC having a lot of overlap in mission, and that it is good government to communicate and collaborate, and would like to see that partnership continue.

Commissioner LeJeune and Chair Roberts would like to see some information on the water demands and reuse at data centers that want to build plants in Oregon.

Commissioner Carol Whipple has a gaging station near her on the Umpqua River, and received a graph of the Energy Release Component and learned that the fire danger is greater this year than in 2015, and commented on how the west side of Oregon is drying out. Whipple has had a conversation with the new watermaster who replaced retiring Dave Williams. The new watermaster was very complimentary of the relationship of the regulated community and the outgoing watermaster, and it reflects the teamwork of the Field Services Division and the Department.

Commissioner Ray Williams thanked Commissioner LeJeune for her years of service to the Commission. He responded to Commissioner Whipple's comments about water levels, in that the 70 year average is so different than the 13 year average.

Chair John Roberts reported that his area will make it through the irrigation season in decent shape. The major concern is the high heat right as grapes and pears are in danger of sunburn issues. There are approximately 6,000 registered marijuana growers in Southern Oregon, and Roberts is interested in how things will develop. He attended the Medford IWRS Open House, and thought it a very good meeting, and people offered creative ideas. He asked the Commissioners to think about expanding the Commission Liaison opportunities, and have a discussion at the next meeting about that.

#### **J. Director's Report**

Director Byler expressed the Department's thanks to Commissioner Jeanne LeJeune for her work as a Commissioner. He thanked Dennis Doherty for his years of service for his service to the Commission and the Department.

He asked the Commission feedback if the Director's report was at a level of what they want to know about the activities of the Department.

Byler highlighted a few items in the report, and responded to Commissioner comments and questions.

Byler thanked Commissioners Williams and Baumgartner for their assistance on the draft report on the Disposition of State Water Rights.

#### **K. Budget Update**

Racquel Rancier, Senior Policy Coordinator, and Paul Hutter, Interim Administrative Services Administrator, briefed the commission on the 2017-19 Agency Request Budget, and responded to Commissioner questions and comments.

#### **L. Recent State Investments in Water Resources Studies, Planning and Projects**

Racquel Rancier, Senior Policy Coordinator, and Kim Ogren, Water Resources Development Program Coordinator, provided an overview of funding received in recent years to help Oregonians understand their water resources needs and develop solutions to meet those needs; and responded to Commissioner comments and questions.

**M. Authorization for Expending Remaining Place-Based Planning Funds**

Doug Woodcock, Deputy Director, and Kim Ogren Water Resources Development Program Coordinators presented options for expending the remaining place-based planning funds; and asked the Commission to authorize the expenditure of the remaining funds.

Commissioner Baumgartner asked that the Commission be briefed on lessons learned when they are formulated. Woodcock told the Commission that the lessons learned piece is necessary to present to the Legislature when asking for future funds.

Commissioner LeJeune wants the Department of the have flexibility to adjust the expenditures as needed for programs to be the most successful.

Commissioner Corn wants end results to be economic development, irrigation and municipal improvement and not just planning.

Commissioner LeJeune made a motion to authorize the Department to spend up to \$93,000 on the purposed identified in Section IV, with the addition of the modifying Item 1 to read “Provide additional financial assistance to all funded pilots as needs are identified. Seconded by Commissioner Williams. Voting in favor of the motion: Commissioners Whipple, Baumgartner, Roberts, Corn, LeJeune and Williams. Voting opposed: none.

**N. Update from Watermaster District 5 and Report on 2015 Field Regulation and Enforcement Activities.**

Ivan Gall, Field Services Division Administer reported on the 2015 field regulation and enforcement activities. Greg Silbernagel, District 5 Watermaster provided an overview of his district.

Commissioner LeJeune noted that the summer months are when field staff work night and day, and would like Gall and Director Byler to thank them on behalf of the Commission for their hard work.

**O. Public Comment**

Lauren Smith, Oregon Water Resources Congress, thanked the WRC for coming to Hermiston and taking the tour. Smith addressed the rulemaking coming up on Agriculture Reservations. She highly supports these reservations, and thinks that OWRC and the Oregon Farm Bureau do not think the reporting issue is a fatal flaw, and the subject has been discussed at length. OWRC does not agree with WaterWatch’s interpretation of the rules, and does not think that the Commission is in conflict with the rules by extending the Reservations. OWRC also thanks Commissioner LeJeune for her years of service on the Commission.

Dixie Echeverria, Cindy Parks, Lon Wadekemper, Paul Gelissen, Patty & Kevin Horn, and Bill Quick, Patrons of Westland Irrigation District, spoke about concerns with Central Project, and the management of the water source by Westland Irrigation District; and provided written comments.

J.R. Cook, Northeast Oregon Water Association (NOWA), echoed the appreciation for Jeanne LeJeune’s work on the Water Resources Commission and the Department, and thanked her for her support to the Umatilla Basin efforts.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Lorri Cooper  
Executive Administrative Support to the Director’s Office