

Water Resources Commission Meeting
Salem, Oregon
May 11, 2017

Minutes

WRC Present

John Roberts, Chair
Bob Baumgartner
Bruce Corn
Meg Reeves
Carol Whipple
Eric Quaempts

WRD Staff Present

Tom Byler
Racquel Rancier
Doug Woodcock
Lisa Snyder
Alyssa Mucken
Jen Woody
Dwight French
Ivan Gall
Justin Iverson
Kim Ogren
Brenda Bateman
Lyndsey Croghan
Harmony Burright
Cindy Smith
Renee Moulun
Machelle Bamberger
Kris Byrd
Chris Kowitz
Kerri Cope
Tim Wallin
Craig Kohanek

Others

Kimberley Priestley
Gordon Lyford
Peggy Lynch
Molly Reid
Lori Grant
April Snell
Lauren Smith
Sara Petrocine
Lindsay Thane
Tom Wolf
Malia Kupillas
John Stadel
Gregory Kupillas
Gary Key
Cindy Key
Gordon Moore
Chad Olsen
Megan George
Mateusz Perkowski
Clair Klock
Phil Brown
Bryan Burnham
Jerry Schmidt

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 Commissioners and the audience to introduce themselves.

A. 2017 Update to Oregon's Integrated Water Resources Strategy

Alyssa Mucken, IWRS Coordinator, briefed the Commission on the public review draft of Oregon's 2017 Integrated Water Resources Strategy. Mucken responded to Commissioner comments and questions.

Commissioner Corn commented that any time we can be pro-active and provide necessary repairs to aging infrastructure can potentially save billions of dollars; and that while improving the document is great, we must have a means of implementation on specific issues.

Commissioner Reeves asked if the Strategy was intended as an "ideal world" of what we do, and if the decision of which items to focus on is based on resources to implement them.

Chair Roberts responded that prioritizing the items is a challenge, and the strategic planning that the Department is starting will help, but is reliant on support from the Legislature.

Commissioner Baumgartner stated that one of the Commission's responsibilities is to garner support for the Strategy from other agencies. He also sees a direct tie-in to Placed-Based Planning, in that support should be driven by local actions.

Commissioner Reeves sees this as an opportunity to discuss shared responsibility for making things happen.

Commissioner Quaempts suggested that, in order to make this tractable, assign recommended actions to regions and develop a schedule, to gain the spatial and temporal components to communicate to the public and the legislature.

Chair Roberts would like to advocate for a communications person on staff at WRD to get information out about things like the IWRS.

Commissioner Corn commented on the recommended action for groundwater protections, and that it is a great example of different areas developing action plans that are bearing fruit. He likes local communities focusing on their needs, and getting ahead of the issue and getting good data.

Director Byler agreed, and added that these efforts take a lot of staff time, and is part of the conversation about capacity.

Chair Roberts asked if local watershed councils could be more involved in planning efforts. Mucken sees areas where watershed councils are getting involved in basin meetings. Byler added that soil and water conservation districts are also involved.

Commissioner Whipple asked if it is appropriate to encourage other boards and commissions to weigh in and make comments. Mucken has encouraged engagement from those groups, and some have provided input and comments.

Kimberley Priestley, WaterWatch of Oregon, expressed concerns about process and substance in the update of the Strategy. None of the conservation groups involved in the development of the original strategy were invited back for the revision; and she believes it was less efficient, and a lot of ideas concerning in-stream needs have not yet been discussed. She also feels that in-stream concerns brought up in meetings were not given enough time for discussion. It is also disturbing to her that directives in the 2012 Strategy are cut from the 2017 Draft Strategy, including the directive to prioritize agricultural water use efficiency, as an example. Some of the changes to the text of the 2017 Draft have serious implications to policy.

April Snell, Oregon Water Resources Congress, commended staff and PAG members for their work, and expressed support for the update.

Peggy Lynch, League of Women Voters of Oregon, spoke about the importance of the document, and shared how the League supports the IWRS and natural resources agencies before the Legislature.

B. Strategic Planning

Tom Byler, Director, and Kim Ogren, Senior Water Resource Development Advisor, briefed the Commission on the Department's efforts to initiate a strategic planning process for the agency.

Chair Roberts sees strategic planning as the baseline, and now we need to keep fine-tuning, and he would like to see a calendar to show progression of the effort to show the Legislature and others that there is a work plan, and it will make a better case for resources. He also thinks that if WRD takes the lead in this, other natural resources agencies that have a stake in the IWRS, will come along with their own strategic planning.

Commissioner Corn gave the example of the Harney Basin, and the results that come with deadlines, real data, and real direction. He sees the Department as being on a good path, and communication has been excellent.

Commissioner Quaempts commented that we should be clear to the public on the drivers of the planning. He also said that with the direction and mission of the IWRS, and the focus of WRD's responsibilities, we should consider how other agencies can reflect these goals.

Commissioner Whipple contemplated how the agency statutory requirements are being met and addressed as we plan into the future; how we meet our current obligations, and plan for the future with a lack of resources.

Commissioner Baumgartner would like to see communication more clear, in such programs as groundwater work plans, and strategic planning conducted in a way as to continue to address acute situations, but also be careful to not create competing plans.

Ogren asked the Commission: "Do you have advice as we embark on this effort? How will you know if you had a meaningful opportunity to engage in the process?"

Commissioner Reeves asked what the challenges are that are being addressed by the emphasis on internal communication? Byler responded that it is extremely important to the effort to have staff weigh-in from their perspective. Reeves suggested letting folks know what is being done with the feedback they have provided.

Chair Roberts said a subset of the Commission worked well in developing the original IWRS, and that it is important for a subset to be more engaged and report back to the rest of the group.

Commissioner Baumgartner concurred that a subset of the Commission should be involved, and that the Department is wise to use a consultant. Updates are important, and the Commission should weigh-in on what the priorities should be, and what we think the outcomes should be.

Peggy Lynch, League of Women Voters of Oregon, commented on the importance of engaging staff.

Chair Roberts asked Commissioners to think about volunteering to work on the strategic planning project.

C. Feasibility Study Grants (Water Conservation, Reuse and Storage Grant Program) – Funding Recommendations

Kim Ogren, Senior Water Resource Development Advisor presented the grant funding recommendations for the third grant cycle of the Feasibility Study Grants, and responded to Commissioner comments and questions.

Chad Olsen, City Manager, City of Carlton, assured the Commission that the City of Carlton is exploring all of its water supply options.

Commissioner Whipple moved to approve the funding recommendations on Table 1, Section 4 as presented in the staff report. Seconded by Commissioner Baumgartner. Voting for the motion: Commissioners Baumgartner, Quaempts, Corn, Whipple, Reeves, and Roberts. Voting against the motion: none. Motion passed. Absent: Commissioner Williams.

D. Request for Adoption of Rules, OAR Chapter 690, Division 507 to Classify Further Use of Groundwater for Exempt Use Only and Designate a Serious Water Management Problem Area

Brenda Bateman, Technical Services Division Administrator, and Justin Iverson, Groundwater Manager, briefed the Commission on rules to classify groundwater in the Walla Walla Subbasin for exempt uses only and to designate the basalt aquifers in the subbasin as a Serious Water Management Problem Area (SWMPA).

Commissioner Corn moved to adopt the Walla Walla Subbasin Program Rules as presented in Attachment 1 of the staff report. Seconded by Commissioner Quaempts. Voting for the motion: Commissioners Baumgartner, Quaempts, Corn, Whipple, Reeves, and Roberts. Voting against the motion: none. Motion passed. Absent: Commissioner Williams.

John Stadel, Arrow Drilling, and a member of the Groundwater Advisory Committee, stated that he voted for the proposed rules in the Committee. He found out more information afterward and changed his mind, and would not have supported the rules. He acknowledged problems with groundwater declines but thinks the Department is jumping the gun. He doesn't think there has been enough done to look into the reasons for the declines, particularly in the basalts.

Gary Key, Key Family Farms, and a senior water right holder in the basalt aquifer. He believes these rules are very needed in this community. He would like to see the water levels stabilize, and thanked the Commission for recognizing this is a serious problem.

Malia Kapillas, Pacific Hydro-Geology, suggested a change in management to account for senior water users needing to draw from another level in basalts, which historically have been considered the same source. She also addressed the economic impact of designating a SWMPA, and would like to see the State move forward with integrated strategies, and place-based planning to come up with a way to avoid the designation and still have the ability to collect data. She would like to see the watershed councils expanded to become water management districts.

Gregory Kapillas, Pacific Hydro-Geology, and Oregon Groundwater Association, thinks that there is not enough information about the groundwater conditions to put a moratorium on new wells in the area. The Groundwater Association had hoped to provide more detailed testimony prior to the Commission's decision. He sees a different perspective from the Walla Walla Watershed Council compared to the Department in the information about the alluvial system, and wonders why the Department is including the alluvial system in its rulemaking. The Groundwater Association is concerned about the lack of

understanding of the hydro-geology in the basalt aquifer system, and urged WRD to include a careful study of the contribution commingling wells are making to the water-level declines in the area. He also encouraged WRD to take advantage of the work of the Watershed Council in implementing the methods they have used in managing the alluvial aquifer system, and apply them in managing the basalt aquifer system.

Chair Roberts is very supportive of using watershed councils, and asked if they have the technical expertise to work through the issues to be of assistance in complex projects. Malia Kapillas responded with examples of experts they have consulted with in their projects.

Clair Klock, Klock Farm and Clackamas SWCD, supports the rules because of experience in other areas, as a farmer and a conservation expert. He encouraged the Department to look at cumulative effects of exempt use wells, as well as wells for other uses. Science of the day must be used, even if it is changed in the future. Metering is critical for managing any kind of resource. The cumulative effect of groundwater use on natural springs as it relates to wildlife and botanicals is a factor for bringing groundwater levels back to their historic levels.

E. Preview of Upcoming Rulemaking: Division 517 - South Coast Basin Program Rulemaking to Reclassify the Waters of the Smith River Watershed in Curry County

Racquel Rancier, Senior Policy Coordinator briefed the Commission on the upcoming rulemaking to consider classifying the surface waters of the Smith River Basin for instream uses, livestock and human consumption, and groundwater uses for exempt uses only.

Gordon Lyford, from O'Brien, Oregon, commented on the chronology of the rulemaking process, and expressed his frustration of the slowness of the process.

F. Preview of Upcoming Rulemaking: Divisions 54, 86, 87, 300, 310, 500

Dwight French, Water Right Services Division Administrator, and Mabelle Bamberger, Water Right Services Division Rules Coordinator, briefed the Commission on rulemaking efforts that cover six divisions relating to water rights.

Commissioner Baumgartner encouraged the Department to take as much time as necessary to review the rules so as to not have unintended consequences.

Chair Roberts asked who is responsible for the application to use reclaimed water. French responded that it would be the end user that submits an application, although the Department will want to know where the water came from through the application process.

Commissioner Corn asked if there would be a fee schedule. French answered that the Department doesn't authorize fees without authority from the Legislature. The Department's interest is not revenue, but in understanding where these uses are occurring and that the water is suitable for the use they want to make.

Commissioner Whipple voiced concerns about controversial situations, and gaps in understanding by the end user about waste solids and treated water reuse.

Commissioner Corn asked if this rulemaking was a high priority in light of the strategic planning discussion, or if it was housekeeping. French responded that there are several priorities, and that in water reuse, there are about 100 registrations, but only 30 are current. The Department of Environmental Quality (DEQ) estimates there are an additional 100-150 others that should be registered and are not, and

it is important for the Department to be aware of where those water uses are occurring. He stressed the importance of having clear standards.

Director Byler said it will remain to be seen how and when these items will be worked on, based on budget and staffing.

Commissioner Baumgartner spoke of the extensive requirements DEQ has for the application of reuse water, and that it is less of a matter of getting the information as it is managing the information. He encouraged the Department to work with DEQ to facilitate getting the information WRD needs.

G. Update on Division 215 Rulemaking – Back –Siphon Prevention Devices

Brenda Bateman, Technical Services Division Administrator, and Kris Byrd, Well Enforcement Manager, briefed the Commission on a future rulemaking in the Well Construction Program related to back-siphon prevention devices; and responded to Commissioner comments and questions.

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
Salem, Oregon
May 12, 2017**

WRC Present

John Roberts, Chair
Bob Baumgartner
Bruce Corn
Meg Reeves
Carol Whipple
Eric Quaempts

WRD Staff Present

Tom Byler
Racquel Rancier
Doug Woodcock
Lisa Snyder
Cindy Smith
Dwight French
Ivan Gall
Kim Ogren
Harmony Burrignt
Ken Stahr
Jon Unger
Craig Kohanek

Others

Kimberley Priestley
Gordon Lyford
Lauren Smith
Lori Grant
Bob Van Dyk
April Snell
Phil Brown
Tom Wolf
Lindsay Thane
Jeffrey Kee
Scott Ashford
Meleaeh Ashford

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Chair Roberts called the meeting to order.

H. Approval of Minutes

The minutes of the January 26 and 27, 2017 meeting were presented for Commission approval.

Commissioner Corn moved to approve the January 26, 2017 minutes as presented. Seconded by Commissioner Reeves. Voting in favor of the motion: Commissioners Roberts, Baumgartner, Corn, Reeves, Whipple, and Quaempts. Voting in opposition: none. Motion passed. Absent: Commissioner Williams.

Commissioner Reeves moved to approve the January 27, 2017 minutes as presented. Seconded by Commissioner Baumgartner. Voting in favor of the motion: Commissioners Roberts, Baumgartner, Corn, Reeves, Whipple, and Quaempts. Voting in opposition: none. Motion passed. Absent: Commissioner Williams.

I. Commission Comments

Commissioner Corn reported that it is a really good water year. The year to date is double a normal year, and all reservoirs are full and spilling. Owyhee recently had their annual Field Day with over 600 fifth graders, sponsored by the Irrigation District, Watershed Council, businesses and farms. He really likes the exposure the students have to all of this kind of education. Piping and conservation projects continue.

Commissioner Reeves joined the Willamette Reallocation Study meeting in February, and judging by the size of the crowd, there is a lot of interest by the public.

Commissioner Quaempts has been impressed by people participating in activities such as the RAC in Milton-Freewater, and for the Department staff's hard work and expertise with little resources.

Commissioner Whipple reported that natural systems are doing quite well.

Commissioner Baumgartner went to Washington D.C. recently to represent the National Association of Clean Water Agencies. A common theme was the need for infrastructure improvements and repairs. He also watched WRD staff take flow measurements on the Tualatin River. He was impressed on how much effort it takes to get good, accurate data. If we are going to invest in getting the data, it is important to utilize the data. There is plenty of water in his region. He commended Commissioner Corn on his efforts in Ontario with kids.

Chair Roberts reported that local Watershed Councils are doing similar events with kids. There is plenty of water in his area. The marijuana industry is doing well. He attended an Oregon Watershed Enhancement Board (OWEB) meeting in Salem April 24-26. His work with OWEB has been very interesting and impressive, and a good experience.

J. Director's Report

Director Byler briefed the Commission on Department business. He shared the activities that occurred on State Employee Recognition Day.

Commissioner Whipple encouraged the Department to be diligent in monitoring Grants and Loans to ensure proper management.

Doug Woodcock, Deputy Director, and Ivan Gall, Field Services Administrator, briefed the Commission on Klamath Regulation, and responded to Commissioner comments and questions.

K. Budget and Legislative Update

Lisa Snyder, Interim Administrative Services Division Administrator, and Racquel Rancier, Senior Policy Coordinator, briefed the Commission on the 2017 Legislative Session and provided an overview of the budget. Snyder, Rancier and Byler responded to Commissioner questions and comments.

L. Introduction to Water Measurement in Oregon

Ivan Gall, Field Services Administrator, and Ken Stahr, Hydrographics Manager presented an overview on water measurement in Oregon.

Commissioner Corn commented on how each measuring system is unique, how different measuring devices require different levels of calibration and maintenance, and has seen each used in his district for a different purpose. He noted the diversity of conditions that make measuring and reporting especially challenging. Director Byler agreed that staff have a challenging job in measuring and reporting in a state that is very complex and diverse.

Chair Roberts noted that staff to record data had been cut in previous budget cycles, and asked if data entry was caught up now that the position was reinstated. Stahr responded that it is, and in addition, compliance has gone up to about 75 percent just by having someone in that position to assist people in getting data in, and mailing reminders to users.

Commissioner Baumgartner asked Stahr how we are assured of accuracy of the data being provided. Stahr gave a couple of examples of indicators, and noted examples of challenges, such as simple math inaccuracies.

Lori Grant, Oregon Environmental Council, is pleased that the Commission has attention on measurement and reporting. OEC is actively promoting funding for the Department at the Legislature, and supports accurate data to make informed decisions. She urged the Commission to add an update to the measuring strategy to the upcoming agenda.

M. Public Comment

Jeffrey Kee, Stutzner Engineering & Forestry, LLC, advocated for the allocation of conserved water program. He believes allocation of conserved water is underutilized in Oregon, and thinks that if public money is spent on irrigation projects, there should be a requirement to review the project through this program. Kee also thanked Department staff for being helpful and responsive in his work with water rights.

Gordon Lyford, CWRE, enjoyed the presentation on water measurement. He suggested that there be some assurances that meters are installed properly. He also commented on the Secretary of State's Audit Report, in that it left out the human factor, and under-recognized what a good job the Department does.

Scott Ashford, Corvallis, raised some concerns about transparency, and there appears to be flaws in the public process, and lack of oversight by the Department to the small property owner.

Commissioner Quaempts commented how he enjoyed the report on water measurement, and the benefits of the data on management and policy decisions, and encouraged the Department to continue to work on communicating well to better serve the people.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Lorri Cooper
Executive Administrative Support to the Director's Office