

WATER RESOURCES COMMISSION

WORK SESSION/MEETING

SPRINGFIELD

SEPTEMBER 20, 1990

MINUTES

Commission members present:

Lorna Stickel, Chair
Cliff Bentz
Jim Howland
Hadley Akins
Mike Jewett
Roger Bachman

Commission members absent:

Dierdre Malarkey

Water Resources Staff

Bill Young
Jan Shaw
Bev Hayes
Steve Sanders
Becky Kreag
Fred Lissner
Bud Bartels
John Borden
Greg Beaman
Steve Brutscher
Doug Parrow
Sam Allison
Mike Mattick
Tom Kline
Juno Trump
Amin Wahab
Gene McGinnis
Steve Applegate

Others

Audrey Simmons
David Moon
Walt Trimmer
Jan Boettcher
Jim Myron

The staff reports presented at this meeting, which contain the Director's recommendations mentioned in these minutes, are on file in the Office of the Director of the Water Resources Department, 3850 Portland Road, NE, Salem, Oregon. Written information submitted at this

meeting is hereby made a part of this record and is on file at the above address. Audiocassette recording tapes of the meeting are also on file in the Water Resources Department office.

1. REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING ON THE PROPOSED SANDY BASIN PROGRAM AND PLAN

The Sandy River Basin is located in northwest Oregon, entirely within the boundaries of Multnomah and Clackamas Counties. It is bounded by the Columbia River to the north, the Hood and Deschutes Basins to the east and the Willamette Basin to the south and west. The Sandy Basin is slightly more than 582 square miles (373,400 acres) in area. The Sandy River is the major outlet of the basin to the Columbia River. It originates on the upper slopes of Mt. Hood, which reaches an elevation of 11,345 feet above sea level. After flowing for 56 miles, the Sandy River joins the Columbia River near the city of Troutdale. The Sandy River and its tributaries drain 508 square miles (325,000 acres). The remaining area is drained by smaller streams that flow directly into the Columbia River.

The waters of the Sandy River Basin are extensively protected in favor of instream, recreational and scenic values. The protection is achieved through legislative withdrawals, state scenic waterway and national wild and scenic river designations, and the Columbia Gorge legislation. About 70 percent of the 582-square-mile land area of the Sandy Basin is in federal ownership. As a result, land and water resource development in the basin remains limited. Population in the basin is sparse. The city of Sandy, which straddles the Willamette-Sandy Basin boundary, is the largest population center.

Agricultural development is limited and projected to remain that way into the next century. The major consumptive use of water from the Sandy River Basin is for municipal purposes in the Portland metropolitan area. The state Legislature granted the City of Portland exclusive rights to the Bull Run and Little Sandy Rivers in 1909. A number of other streams are also withdrawn from further appropriation by statute to protect fisheries and scenic values in the basin.

For management purposes, the Sandy River Basin has traditionally been considered part of the adjacent Willamette River Basin. The Willamette River Basin program, however, pays little attention to the Sandy. When adopted, the draft Sandy Basin program and plan proposed for hearing by this report will be the first such documents dealing with the Sandy as a separate basin.

Director's Recommendation

The staff recommended that:

1. The Commission authorize a public hearing on the Sandy River Basin draft plan and program.
2. The Commission assign a Commission member to conduct the hearing.
3. The hearing be held at Gresham, 7:30 p.m., October 30, 1990.

Steve Brutscher, Basin Planning Coordinator, summarized the three Sandy Basin planning documents. The report is comprised of the discussion papers on the separate issues covered.

The issue papers identify problems, provide background data, propose policy language, describe management alternatives and recommend the preferred management options.

The plan summarizes the issues and restates the policies and recommended management options from the report. If applicable, one or more guidelines to implement the management option are listed. The guidelines may identify the responsible agency(ies) and timeframe in which the action should occur. The plan is advisory and not binding on other agencies.

The administrative rules (commonly called the "program") implement the management options and guidelines from the plan falling within the Commission's jurisdiction. The rules have the force of law and are binding on all public and private entities.

The Commission reviewed the draft rules page by page. They suggested that policy (1) on page two be amended to say that limits on future water appropriation in the Sandy apply to surface water except for surface water that was stored.

On page three, Objective (3), to minimize surface water-groundwater hydraulic interference problems, raised a number of concerns. The Commission questioned if existing surface water-groundwater hydraulic interference rules would affect future domestic and other "exempt use" wells. Chair Stickel wondered how great the potential demand for groundwater by exempt type uses was in the Sandy Basin. She believed potential groundwater demand might be great in the gravels along the Salmon River. She suggested contacting Clackamas County on this point. Chair Stickel was supported by the other Commissioner's in saying statutorily exempt uses should not be subject to the hydraulic interconnection rules.

In section (2) of the Groundwater Classification rule on page five, the Commission directed that a map showing the Sandy - Boring Groundwater Management Area be included in the rules. Commissioners Bentz and Jewett raised a number of questions about the Department's authority to condition groundwater permits to require water use monitoring and water level measuring as proposed in the Special Permit Conditions rule on pages five and six. In section (3), paragraph (c) of the Special Permit Conditions rule on page 6, the Commission directed that professional or registered land surveyors be added to the list of individuals qualified to measure well water levels.

Brutscher explained why an alternative groundwater rule had been included for the Commission's review. He said the alternative rule reflected a different management philosophy; one which was more restrictive of development but less burdensome on the Department and the landowner from a management and compliance perspective. He asked if the Commission had a preference. The Commission concurred that both the recommended and alternative language should be put before the public for comment.

The Commission had fewer comments on the plan. Chair Stickel suggested that municipal water supply be added to the preferred uses listed in the water allocation policy on page four. Chair Stickel also directed staff to include in voluntary measure (1) on page 10, the Portland Water Bureau's conservation planning as an activity in which the Commission should participate. Chair Stickel returned to the rules directing staff to add a provision to require a conservation plan with any new municipal application for surface water in the Sandy Basin.

It was MOVED by Jim Howland and seconded by Mike Jewett to authorize a public hearing on the proposed rules, as amended. The motion passed unanimously. Commissioner Bentz again

asked staff to reflect in the hearing notice the Commission's special interest in public comments on the potential for domestic well development in the basin and where it is most likely to occur, the impact of the special groundwater permit conditions on landowners, and which of the groundwater rule alternatives is best suited to manage groundwater in the Sandy Basin.

Lorna Stickel volunteered to conduct the hearing.

2. STATUS REPORT ON THE WATER WELL CONSTRUCTION PROGRAM

The Well Construction Program licenses water well and monitoring well constructors, enforces standards for well construction and maintains the repository of well logs for wells constructed in Oregon. This report addressed these activities as well as the impacts of legislation enacted in 1989 which required fees on well construction to finance well inspections. Also discussed were new responsibilities prompted by the Commission's recent approval of monitoring well rules.

Director's Recommendation

This was an informational report and no action was required by the Commission. Staff invited any suggestions for program operation or improvement the Commission had to offer.

The Commission discussed the importance of acquiring equipment needed for inspecting the construction of a well. No formal action was taken.

3. STATUS OF MT. HOOD IRRIGATION DISTRICT'S APPLICATION FOR THE USE OF CONSERVED WATER

On June 28, 1989, the Department received from the Mt. Hood Irrigation District (MHID) an application for the use of conserved water under the provisions of Senate Bill 24, passed by the 1987 Legislature. The application described a proposal to reduce water usage by replacing a system of earthen canals, antiquated pipes and inefficient diversion structures with a buried mainline supplying pressurized water to each farm in the district.

A preliminary review of that application revealed several deficiencies. The District agreed to resubmit their application with corrections and additional information. The revised application was received on November 27, 1989. On January 8, 1990, the Soil Conservation Service (SCS) provided additional information, on behalf of the applicant, to clarify several points.

The legislation and rules establishing this program describe a procedure in which the proposal comes before the Commission twice before the applicant acquires the ability to use conserved water.

In the first appearance, the applicant requests that the percentages of conserved water which will be allocated to the applicant and the state be determined. This determination would normally be made by the Commission prior to the applicant making any changes in the use of water. Therefore, the applicant could judge the feasibility of going forward with the conservation measure before committing funds and energy to a program with little return. This application differs from what we anticipated because the MHID was committed to making the physical

improvements when the application was submitted and the structural changes are now complete.

The Department shared a draft evaluation with MHID that found a limited quantity of conserved water. MHID asked that they be allowed to furnish additional information on conserved water.

After the Department receives that information, the evaluation will be subject to public review and a determination by the Commission of the percent of conserved water to be allocated to the applicant. Action is expected early next year.

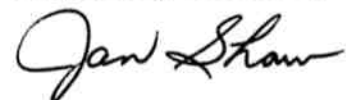
Director's Recommendation

The Director's draft evaluation was presented for the Commission's information. No action was necessary.

The Commission took no formal action on this item.

There being no further business, the meeting was adjourned.

Respectfully submitted,



JAN SHAW
Commission Assistant

JS:dkh

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