

WATER RESOURCES COMMISSION

MEETING

SALEM

FEBRUARY 1, 1991

MINUTES

Commission members present:

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

Water Resources Staff

Bill Young
Jan Shaw
Weisha Mize
Steve Sanders
John Borden
Tom Kline
Amin Wahab
Barry Norris
Mike Mattick
Bud Bartels
Steve Applegate
Bev Hayes
Tom Paul
Jan Koehler
Rick Bastasch
Fred Lissner
Becky Kreag

Others

Jim Myron
Steve Carlson
Lewie Stahancyk
Doug Breese
Dean Davis
James Davis
Karen Russell
Marjo Nelson
Steve Houston
Greg Merritt
Jim McPhetridge
Bonnie Craig
James Puckett
David Moon
Alice Propes
David Small
Doug Myers
James Contois
Audrey Simmons
Teal Kinamun
Jan Boettcher
Carl Dutli
Hugh Moore

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.

A. MINUTES OF THE DECEMBER 6 AND 7 WRC WORK SESSION AND MEETING.

It was MOVED by Didi Malarkey, seconded by Cliff Bentz, and passed unanimously to approve the minutes as submitted.

B. REQUEST FOR AUTHORIZATION TO CONDUCT A PUBLIC HEARING ON PROPOSED AMENDMENT OF OAR 690-01-041(1), OAR 690-11-080(1), 690-15-080(1) & (2), 690-18-050(3), 690-76-020(2), 690-77-025(4) and 030(1) (b), and 690-82-040.

At its June 22, 1990, meeting, the Commission adopted procedural rule 690-01-041 concerning proposed and final orders and filing of exceptions. In subsection (1), parties were given 60 days in which to file exceptions to proposed orders. The practice of the Department and Commission prior to adoption of this rule was to provide 30 days for filing exceptions. The 60-day provision was a typographical error on the part of the author, who had intended to provide a 30-day period in this rule.

The Commission discussed another procedural matter relating to time frames for public comment on applications at its December work session. Following discussion of concerns raised by Water for Life regarding notice and opportunity for public involvement in instream water right applications, the Commission directed staff to prepare draft rule amendments to extend the comment period for all water use applications for 30 to 60 days.

Director's Recommendation

Staff recommended the Commission authorize a hearing on the proposed amendments of OAR 690-01-041(1) 690-11-080(1) & (2), 690-18-050(3), 690-76-020(2), 690-77-025(4), 030(1)(b), and 690-82-040.

It was MOVED by Roger Bachman, seconded by Hadley Akins, and passed unanimously to approve the Director's recommendation.

C. REQUEST FOR APPROVAL OF A PROCESS TO EXAMINE DEPARTMENT RULES RELATED TO PUBLIC REVIEW OF APPLICATIONS.

On December 3, 1990, the Department received a letter from Karl G. Anuta, president of the Northwest Environmental Defense Center. The letter concerned the Department's rules on public involvement. He requested clarification on the meaning of identical and similar words used in the various administrative rule divisions. Mr. Anuta pointed out the potential for inconsistent interpretations of these rules and recommended the Department undertake rulemaking to resolve these ambiguities.

Director's Recommendation

Staff recommended the Commission approve the process to review the Department's public involvement rules.

Staff proposed a comprehensive review of all WRD rules pertaining to public involvement. Following the legislative session, a proposal would be shared with a work group composed of representatives of various interest groups who regularly participate in Department activities. This group could help refine the proposal before taking it to the Commission for formal hearing authorization.

It was MOVED BY Cliff Bentz, and seconded by Mike Jewett, to approve the Director's recommendation. The motion passed unanimously.

D. REQUEST FOR APPROVAL OF THE CONSERVATION ADVISORY COMMITTEE CHARTER

The Commission approved the conservation policy and implementing strategies during its December meeting. One of the strategies approved was organization of an ongoing Conservation Advisory Committee. Staff prepared a draft charter for the new committee which described the duties and responsibilities of the committee, procedures for appointing the committee and other organization matters.

Director's Recommendation

The staff recommended that the Commission approve the course of action being pursued by the Department.

It was MOVED BY Jim Howland, and seconded by Cliff Bentz to accept the Director's recommendation with the following amendments:

Page 1 of the charter:

- "2. ...shall serve terms of [one] two calendar years."
- "3. ...in consultation with the Commission Chair and with concurrence of the Commission, shall appoint..."

Page 2 of the charter :

- "1. ...may be called by a majority of the Committee,..."

([Bracketed] language is to be deleted; underlined language is to be added.)

The motion passed unanimously.

E. REQUEST FOR APPROVAL OF PROPOSED REVISION OF THE STANDARD CONSERVATION CONDITION FOR NEW WATER USE PERMITS FOR MUNICIPAL USE

At its September 21, 1990, meeting, the Commission approved the issuance of a water use permit to the City of Union. The Commission also instructed staff at that time to include a special conservation condition on that permit as well as all future permits for municipal use. Permit G-11115 contains the same condition as had been included in an earlier permit (G-10923) issued to the City of Wilsonville.

The condition requires the city to prepare a report for the Commission outlining the city's conservation program within one year of the date the permit was issued. The city was also required to present the Commission with a timetable for pursuing a long-term water supply within this same time period.

During the December 7, 1990, Commission meeting, it was noted that the newly-adopted conservation policy, OAR 690-410-060(2)(b), would require major water suppliers to prepare water management plans to standards to be determined in future rulemaking. The Commission then instructed staff to revise the language in the standard conservation condition to be added to future municipal permits.

Director's Recommendation

The staff requested approval of the suggested new wording for the municipal conservation condition and asked for Commission comments regarding this issue.

The Commission accepted the wording offered by the staff for the new "standard" municipal conservation condition, with one change:

"Within one year...schedules, standards and procedures for water conservation management plans by water suppliers..."

(Underlined language to be added.)

In addition, the Commission clarified that they wanted to retain the second "standard" municipal condition which requires, within one year of permit issuance, a plan/timetable be submitted to the Commission describing the city's planning for securing a long-term water supply.

The matter was approved by general consensus among the Commission.

F. PUBLIC COMMENT

Hugh Moore and Carl Dutli, Ochoco Irrigation District, objected to the release of Crooked River water from the Prineville Reservoir for the purpose of maintaining fisheries. With the release of the water, they said, the pool is down to less than 1/3 full and with the meager snowpack this year, there is little chance of filling the reservoir.

Moore and Dutli urged the Department to work with the Bureau of Reclamation to resolve this situation during this near-drought period. They asked the Department and Commission not to lose sight of the importance of agriculture in the Ochoco Valley and the impact it has on the economic stability of the area.

Lewie Stahancyk recalled when the Crooked River hardly had a drop in it and that that was when the dam-building project was initiated. Now, he said, there is more water than ever. Stahancyk thought that the storage and release practices water rights the Bureau of Reclamation now has are not reasonable and that the Bureau should be held to its allocation.

Steve Carlson, chair of Crook County Soil and Conservation District, said that many new water right applications have been filed recently in the Ochoco drainage. He thought that the flows requested were much more than have ever been in the streams.

He said that snow surveys in the Crooked River drainage show that there is only about 30% of normal snowpack which poses serious problems for water users in the area.

The Director offered that staff is currently responding to a letter from Ochoco Irrigation District about storage at and releases from the Prineville Reservoir. When available, the copies of the letter will be given to the Commission. Staff is investigating what the permit allows; what are the beneficial uses; and, is the water being applied to those beneficial uses?

The Commission expressed interest in having top-ranking Bureau of Reclamation representatives and OID officials return to a WRC meeting to discuss the facts and recommend solutions.

G. COMMISSION COMMENTS

Didi Malarkey said that the Governor's Watershed Enhancement Board had met the week before and had authorized a number of projects extending into September 1991. Two of the projects were located on the John Day River.

Malarkey distributed to the Commission a draft watershed survey ("A Survey of Natural Resource Inventory, Monitoring, and Data Base Programs Useful in Understanding Watersheds in Oregon") prepared by the Department of Environmental Quality for GWEB. She said that the report being prepared on the John Day stream restoration program will be revised in March.

Cliff Bentz asked to have Commission work sessions conducted in a more structured fashion with specific goals so that decisions can be reached by the end of each session. He also asked that an agenda be prepared for work sessions with an action plan to work from during those sessions.

Jim Howland asked how the Commission would follow the legislative activity through the legislative session. He also asked why the Commission was receiving so many bills which seemingly are of no interest to the Department. Bev Hayes described the method the Department uses in distributing and tracking bills. The Commission asked to begin Monday morning conference calls through the session so that they can keep up with the progress of bills of interest.

In connection with a possible meeting with the Bureau of Reclamation on the Ochoco matter, Howland asked if the Corps of Engineers should not be included as well. The Department will look at this issue and get back to the Commission with an answer.

Roger Bachman asked the Director to address in his remarks the following:

The Port of Morrow application for water use from the Columbia River and one on Squaw Creek.

The general status of water rights backlogs.

The situation on the Powder River.

The latest developments in the FBC Salmon Farm matter on the Pistol River.

Bachman reported that he had conducted a hearing in St. Helens on the Lammi Sand and Gravel matter on OK Creek. One interesting thing that came out of that session, he said, was that the application dated back from the 1950's for domestic use. Some people questioned why it is now being used for industrial purposes. Bachman thought that the Department should have kept them better informed on the allowed uses.

Bachman reported that he had met with a rancher concerning the economics of irrigation agriculture, particularly cattle and sheep ranching. He said he would distribute to the Commission a report as part of their continuing education. He is convinced, he said, that there is opportunity in this area for putting water back in streams.

Bachman said that he had been working to understand the Hermiston economic development proposal and related local water issues and displayed a map of the area to illustrate his points.

Hadley Akins had a few comments in connection with Roger Bachman's presentation.

Mike Jewett mentioned that there were a number of local committees in the Rogue River area. Some of the committees are:

Drought and conservation policy: Jewett is a member of this group and will continue to meet with them.

Conservation subcommittee: The City of Ashland has contracted for a sophisticated conservation study, and he is on the subcommittee connected with that study.

The Grants Pass Irrigation District permit committee: This committee continues to meet and has concluded an inventory of their resources in the area.

Jewett reported that the Elk Creek Dam situation has flared up again.