

WATER RESOURCES COMMISSION

WORK SESSION

SALEM

APRIL 18, 1991

MINUTES

Commission members present:

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

Water Resources Staff

Bill Young
Jan Shaw
Becky Kreag
Steve Sanders
Mike Ladd
Bob Main
Kent Searles
John Borden
Fred Lissner
Doug Parrow
Barry Norris
Steve Applegate
Roberta Jortner
Donn Miller
Sam Allison
Amin Wahab
Steve Brown
Tom Paul
George Robison

Others

Sen. Dick Springer
Sen. Larry Hill
Jan Boettcher
Jill Zarnowitz
Gene Clemens
Kevin Coulton
John D. Miller
Don Meyer
Leo Gysin
Dan Wilson
Marjo Nelson
Tom and Audrey Simmons
Bill Porfily
John Jackson
Janet Goetze
Karen Russell
Doug Myers
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.

2. INFORMATIONAL REPORT: WATER MEASUREMENT

The Water Resources Commission requested a briefing on water measurement for several reasons. These included questions about the accuracy of water measurements and the need for more water measuring devices now that the Department has moved from water allocation into water management.

Recent discussions centering on water use reporting, including reporting by the Department in the case of instream rights, have contributed to the need for more information on water measurement. As water management problem areas are identified, how water measurement will be accomplished will be an important element of area management plans.

The Department's current budget proposal to discontinue participation in the United States Geological Survey cooperative stream gaging program has prompted discussion of how that streamflow information will be obtained, who will be operating gaging stations and to what standards the stations will be operated.

The staff's report and presentation provided information on the costs and feasibility of water measurement and when it is advisable to require water management. The staff presentation discussed statutory water measuring requirements; presented a video tape on water measurement and gave technical and cost data on measuring equipment; briefed the Commission on the upper Deschutes River water management system; presented a cooperative pilot project with Oregon Fish and Wildlife on fish screens and measuring devices; and discussed water measurement problems and applications.

Director's Recommendation

This was an informational report and no Commission action was required.

Senator Larry Hill took this opportunity to meet face to face with the Commission members and staff. He said he has had a longstanding interest in water. It appears, he said, that water will be the limited resource in the future. Competing demands on water will put more pressure on the resource.

Hill discussed five topics of interest to him. They were waste, headgates, measurements, screening, and management for beneficial use of water.

The Commission, said Hill, is responsible for good management of water in the state. The term "waste" is hard to define, he said, and he encouraged the Commission to revise some of the definitions.

He expressed a great deal of concern about waste. Hill said he thought that irrigators are using between twice and three times the amount of water that appears to be necessary to irrigate the irrigable land in Oregon, and he thought that the wastage was unacceptable. Hill said he felt that measurement is useful in this circumstance to monitor the use of the water and to calculate what the wastage is.

Hill had some comments on Fish & Wildlife's report on fish screening. On the Deschutes River, Hill claimed that 13,000 fish were collected in a fish trap at a diversion site in only two trips in one season. Incidents like this convinced him that the pressure on fish resources is rising.

Fish and Wildlife has been restrained in its fish screening capability, Hill said. They have the independent authority to require screening, but they have not chosen to utilize it so far. Hill urged the Department to work with Fish and Wildlife to move screening projects ahead.

In connection with ORS 540.310, Hill said the statute requires that diversions have headgates. The Department has the authority to enforce that statute, he said, and to require certain styles of headgates.

Sen. Dick Springer said that growth and demand pressures will increase in the near future. We will pay a price, he said, for failing to plan for the protection of our natural resources. Springer underscored Sen. Hill's comments.

Springer said that it is essential that the state address water issues, including fish screening, determining how we value water, and public investments in water quality and use.

The question is, can we move fast enough to make these changes before the system breaks down? Will the public feel that we have not exercised our authorities or met their expectations? Springer was confident that we would meet with a great upheaval in making the necessary changes in the future.

Springer said that he appreciated the opportunity to meet and talk with the Commission. He hoped that his legislative committee could continue to work together with the Department and the Commission throughout the session and during the interim.

Sen. Hill mentioned a number of court cases regarding threatened and endangered species and beneficial uses of water. We will be facing more challenges in the next ten years than ever before, Hill thought. Citizens want the state to protect the resources and the industries, so we have a thankless job to do. The Legislature desires to build a cooperative relationship with the agency and the Commission to minimize what could become an antagonistic one.

Both senators offered to meet over lunch or at some other time to further understand the Commission's philosophy and methods for making decisions and perspectives.

John Miller, who has a family-owned farm in the Willamette Valley, represented a group from Eola and the South Salem hills area. The group is made up of people who might be affected by the Department's proposed rules. Miller asked that interim guidelines be put in place for judging certain water right applications. He urged the Department to put new applications on hold or require agency employees to warn applicants about the area's water problems before they apply. Miller urged the staff to gather accurate and firm data before making a determination of a problem and cutting people off from a supply of water.

Don Myer, owner of an orchard and nursery in West Salem, said that he had not received a permit for water that he had applied for last July. He complained that the four-year provision in the rules would not allow orchardists to develop their crops because of the long period of time it takes to establish an orchard.

Chair Stickel polled the Commission about amending the proposed rules dealing with pending applications. The Commission asked the staff to use the lunch hour to develop language which would include resource protection conditions and come back with their recommendations.

The Director said that the Department should study applications from these two areas and develop recommended conditions, including metering. The Department should alert future applicants that the agency cannot not make any judgments on new applications until a boundary is established around the area. The Commission agreed.

1. REQUEST FOR AUTHORIZATION TO HOLD PUBLIC HEARINGS ON THE PROPOSED WILLAMETTE BASIN PLAN AND RULES, OAR CHAPTER 690, DIVISION 502.

The staff presented a report to the Commission at its work session on March 7. The Commission discussed the allocation and groundwater issues and provided further direction to staff. Since a number of attachments to the report were incomplete and/or required further discussion before hearing authorization, the Commission postponed hearing authorization until its April meeting. The staff was directed to prepare a written summary of the discussion topics and complete the various planning documents prior to the April meeting. On March 18, staff mailed a written summary of the March 8 work session and a brief discussion of topics to be discussed at the April 18 work session to the Commission.

The basin rules and plan were completed and proposed for hearing authorization.

The staff summarized all oral and written comments on the water allocation discussion paper. Summary and staff response to all other comments, and all of the written comments were presented to the Commission at the March work session. All the discussion papers except the allocation discussion paper were also presented to the Commission at that work session. The allocation discussion paper was distributed separately prior to the April 18 work session.

Director's Recommendation

The staff recommended that the Commission:

1. Review the proposed rules, plan and water allocation comments summary and staff response.
2. Authorize staff to hold four public hearings on the draft Willamette Basin plan and rules.
3. Attend the first hearing scheduled on May 30, 1991, in Salem.
4. Identify Commission members interested in conducting any of the remaining three hearings in Portland, Eugene and Corvallis.

Staff made presentations on proposed rules and strategies for surface water allocation, coordination with the Corps on reservoir operation in the basin, municipal and domestic water supplies, and conservation. The Commission had lengthy discussions on the water availability-based methodology used to draft the proposed surface water classifications. The discussion focused on the use of 80 percent exceedance flow rates and combined minimum streamflows in determining the amount of water available for further appropriation. The Commission ultimately approved the draft rules and plan for public hearing.

Staff also mentioned that due to water quality problems in the basin, DEQ had requested the Department to delay processing surface water permit applications. The Commission directed staff to delay processing those permit applications to use surface water from the Willamette basin submitted after April 18, 1991, until adoption of the rules. The Commission also heard from citizens concerned about the status of pending applications to use water from Columbia River Basalt Group aquifers in the South Salem Hills proposed groundwater management area. After discussion, the Commission directed staff to process those applications submitted as of April 18, 1991, for groundwater use in the Parrett Mountain, Chehalem Mountain, South Salem Hills and Eola Hills proposed management areas under current rules.

The Commission expressed strong support for development of an agreement with the Corps regarding operation of the Willamette Basin reservoir system. The Commission generally concurred with staff's proposal for coordination with the Corps, as well as for municipal water supplies and conservation. Staff was directed to proceed with public hearings as directed during the Commission's conference call of April 15, 1991.

Mike Jewett MOVED to send the basin plan out for hearing, along with the amendments made during the day's deliberations. Roger Bachman seconded the motion which passed unanimously.

There being no further business, the work session was adjourned.

Respectfully submitted,

A handwritten signature in black ink that reads "Jan Shaw". The signature is written in a cursive, flowing style.

Jan Shaw
Commission Assistant

JS:jz
A:0017J