

## MEMORANDUM

TO: Water Resources Commission

FROM: Paul Cleary, Director

SUBJECT: Water Resources Commission Meeting  
Agenda Item D, November 20, 2003

### **Addendum to Staff Report on Amity Hills/Walnut Hill Ground Water Limited Area**

On November 3, 2003, the Department re-opened the public comment period on the proposed adoption of rules establishing the Amity Hills/Walnut Hill Ground Water Limited Area (OAR Chapter 690, Division 502). The comment period was re-opened for the purpose of allowing written testimony to be submitted addressing whether “other options should be considered for achieving the rule’s substantive goals while reducing negative economic impact of the rule on business.” (House Bill 3120, 2003 Legislature).

The re-opened public comment period closed on Monday November 17, 2003. Six written comments were submitted and are attached for the Commission’s review. Among other things, the six commentors expressed concern that the rules as proposed for public comment would have a negative economic impact on business because the rules would preclude new agricultural use, particularly the development of vineyards. Five of the six commentors, including the Yamhill County Board of Commissioners, urged the Commission to provide for limited new agricultural use by allowing drip irrigation, particularly for the establishment of new vineyards.

Based on this recent input, staff are providing the Commission an additional alternative action to consider. The alternative action is in **bold** below.

The Commission may consider the following alternative actions:

1. Adopt the final proposed rules to amend OAR Chapter 690, Division 502, to establish the Amity Hills/Walnut Hill Ground Water Limited Area (Attachment 1).
2. Adopt amended final proposed rules.
3. Not adopt rules and request that the Department further evaluate the issues.
4. **Adopt final proposed rules similar to those in Attachment 1 but further modify 690-502-0210 to provide for new limited irrigation use from the Columbia River Basalt aquifers under a limited license pursuant to ORS 537.143(6) (See Attachment 5 attached to this memo).**

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3 **WATER RESOURCES DEPARTMENT**

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5 **DIVISION 502**

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7 **WILLAMETTE BASIN PROGRAM**

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10 **690-502-0210**

11 **Amity Hills/Walnut Hill Ground Water Limited Area**

12 **(1) Ground water in the Columbia River Basalt Group ~~and marine sediment~~ aquifers in the**  
13 **Amity Hills/Walnut Hill Ground Water Limited Area is classified for exempt uses and**  
14 **irrigation only. Irrigation use shall be limited to use under a limited license pursuant to ORS**  
15 **537.143 and for the sole purpose of providing water necessary to establish a crop for which no**  
16 **further irrigation will be required after the crop is established. Irrigation use under this rule**  
17 **shall be further limited to drip or equally efficient irrigation and an annual duty of one acre-**  
18 **foot per acre per year.**

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20 **(2) The Amity Hills/Walnut Hill Ground Water Limited Area is as described and shown in**  
21 **Exhibit 12.**

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**Bold** indicates proposed new text.

~~Strikeout~~ in brackets [ ] indicates text proposed to be deleted.

*Italics* and ~~strikeout~~ indicate text proposed to be deleted from the 8/1/03 Hearing Draft

*Italics* and underline indicate text proposed to be added to the 8/1/03 Hearing Draft