

## **HOUSE COMMITTEE ON WATER**

**March 30, 2005 Hearing Room 357**

**1:00 P.M. Tapes 58 - 59**

**MEMBERS PRESENT: Rep. Bob Jenson, Chair**

**Rep. Jackie Dingfelder, Vice-Chair**

**Rep. Phil Barnhart**

**Rep. Alan Brown**

**Rep. Billy Dalto**

**Rep. Carolyn Tomei**

**MEMBER EXCUSED: Rep. Jerry Krummel, Vice-Chair**

**STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator**

**Elizabeth Howe, Committee Assistant**

### **MEASURES/ISSUES HEARD:**

**HB 3038 – Public Hearing**

**HB 2600 – Public Hearing**

**These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.**

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
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**TAPE 58, A**

002	Chair Jenson	Calls the meeting to order at 1:06 p.m. Opens as a subcommittee. Opens a public hearing on HB 3038.
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**HB 3038 – PUBLIC HEARING**

025	Chair Jenson	Opens as the full committee.
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031	Karen Russell	Senior Staff Attorney, WaterWatch. Submits written testimony <b>(EXHIBIT A)</b> and proposed amendments <b>(EXHIBIT B)</b> and testifies in opposition to HB 3038. Testifies in opposition to the -1 amendments <b>(EXHIBIT C)</b> .
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056	Chair Jenson	Comments on inconsistent tenure rule.
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068	Russell	Discusses long-term permits. Submits -2 amendments <b>(EXHIBIT D)</b> .
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123	Rep. Tomei	Questions where -2 amendments refer to issue she is addressing.
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130	Russell	Points to issues she is addressing in the amendments.
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164	Chair Jenson	States that issue relates to two different waters.
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166	Russell	Comments on what HB 3038 will allow if it passes in its original form or with -1 amendments.
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250	Paul Eckley	City of Salem. Submits written testimony <b>(EXHIBIT E)</b> and testifies in support of HB 3038.
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320	Eckley	Continues testimony on Salem's water service.
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378	Rep. Dingfelder	Questions how many surface water rights are certificated.
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385	Eckley	Responds that none of them are certificated. Continues testimony on water management and conservation plan.
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**TAPE 59, A**

030	Eckley	Continues testimony on repairs, and benchmarks.
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046	Rep. Dingfelder	Questions pricing.
047	Eckley	Describes cost of service study and change of rate structure. Continues testimony on Salem's water plans.
107	Eckley	Addresses resource issues for water systems infrastructures.
125	Rep. Tomei	Inquires if Salem has any problems with the -2 amendments.
131	Eckley	Suggests that ten years is not enough time to complete construction.
135	Patrick Griffiths	City of Bend. Submits written testimony ( <b>EXHIBIT F</b> ) and testifies in support of HB 3038.
198	Griffiths	Continues testimony on Bend's conservation plans.
263	Rep. Tomei	Questions the difference between water surfaces and water meters.
267	Griffiths	Explains how Bend metered their residential customers.
290	Rep. Dingfelder	Questions water management and conservation plan regarding benchmarks in statute.
300	Griffiths	Comments that every water provider and clientele is different. Suggests that flexibility is needed as conditions change.
354	Rep. Dingfelder	Asks if it is necessary to have benchmarks in law rather than rule.
373	Griffiths	Remarks that the rules being in statute may not make a difference.
389	Rep. Barnhart	Comments on the theme of water use per household declining, and questions if continued decline is predicted.
403	Griffiths	Describes why rules are put in place.

**TAPE 58, B**

005	Doug Riggs	City of Bend. Submits written testimony <b>(EXHIBIT G)</b> and testifies in support of HB 3038.
050	Rebecca Giesen	City of Portland. Submits written testimony on behalf of Tom Potter, Mayor of Portland <b>(EXHIBIT H)</b> and testifies in support of HB 3038.
120	Rep. Tomei	Questions how the state should address small towns with a substantial number of water rights.
143	Riggs	Suggests that the Water Resources Department (WRD) will have a better answer. Comments that larger and smaller cities need to manage and conserve water.
170	Rep. Dingfelder	Thanks the leadership in Central Oregon for conservation planning.
180	Chair Jenson	Inquires about cost. Remarks that the amount is significant.
185	Griffiths	Addresses cost of metering Bend and the need for balanced planning.
215	Chair Jenson	Notes written testimony submitted by Les Helgeson with the Native Fish Society <b>(EXHIBIT I)</b> .
224	Scott Ashcom	Oregon Agricultural Alliance (OAA). Submits written testimony <b>(EXHIBIT J)</b> and testifies in support of OAA proposed amendments.
267	Chair Jenson	Questions if OAA amendments were proposed to HB 3038 work group.
273	Ashcom	Relates that OAA was not invited to the work group, and states that their amendments are in answer to the -1 amendments.
280	Rep. Dingfelder	Questions if OAA members are subject to the same administrative rules governing conservation as municipalities.
287	Ashcom	Discusses forfeiture for farmers and impracticality of conservation plans for irrigators verses municipalities.
336	Paul Katen	Salmon/Drift Creek Watershed Council. Testifies in opposition to HB 3038.

## **TAPE 59, B**

014	Katen	Continues testimony regarding Lincoln City's lack of interest in public opinion.
050	Rep. Brown	Requests written testimony.
052	Katen	Offers to submit testimony to staff.
054	Liz Frankel	League of Women Voters of Oregon (LWVOR). Offers to submit written testimony <b>(EXHIBIT K)</b> . Testifies in opposition to HB 3038.
098	Chair Jenson	Questions how the LWVOR came to their position.
100	Frankel	Offers to include the information in her testimony.
103	Chair Jenson	Closes public hearing on HB 3038. Opens a public hearing on HB 2600.

## **HB 2600 – PUBLIC HEARING**

128	Willie Tiffany	League of Oregon Cities (LOC). Testifies as neutral on HB 2600.
166	Karen Russell	Senior Staff Attorney, WaterWatch. Submits written testimony <b>(EXHIBIT L)</b> and testifies in opposition to HB 2600.
225	Adam Sussman	Senior Policy Coordinator, Water Resources Department (WRD). Offers to work during the interim on the issues with HB 2600.
241	Chair Jenson	Closes public hearing on HB 2600.
245	Sandy Thiele-Cirka	Administrator. Mentions supplemental testimony from Richard Glick from the City of Bend on HB 3038 <b>(EXHIBIT M)</b> and a chart in response to HB 3038, regarding permits in Portland from Sue Schneider, Portland Office of Government Relations <b>(EXHIBIT N)</b> .
260	Chair Jenson	Announces field trip to hatchery at Fall Creek and informational hearing at the Alsea Grange Hall.

265	Thiele-Cirka	Explains details about field trip.
270	Chair Jenson	Adjourns the meeting at 2:50 p.m.

#### **EXHIBIT SUMMARY**

- A. HB 3038, written testimony, Karen Russell, 9 pp
- B. HB 3038, proposed amendments, Karen Russell, 7 pp
- C. HB 3038, -1 amendments, staff, 9 pp
- D. HB 3038, -2 amendments, staff, 11 pp
- E. HB 3038, written testimony, Paul Eckley, 15 pp
- F. HB 3038, written testimony, Patrick Griffiths, 7 pp
- G. HB 3038, written testimony, Doug Riggs, 7 pp
- H. HB 3038, written testimony of Tom Potter, Rebecca Giesen, 2 pp
  - I. HB 3038, written testimony of Les Helgesen, staff, 2 pp
  - J. HB 3038, written testimony, Scott Ashcom, 1 p
- K. HB 3038, written testimony, Liz Frankel,
- L. HB 2600, written testimony, Karen Russell, 4 pp
- M. HB 3038, supplemental testimony from Richard Glick, staff, 2 pp
- N. HB 3038, chart from Susan Schneider, staff, 1 p