

HOUSE COMMITTEE ON WATER

June 01, 2005 Hearing Room 357

1:00 P.M. Tapes 96 - 98

MEMBERS PRESENT: Rep. Bob Jenson, Chair

Rep. Jerry Krummel, Vice-Chair

Rep. Jackie Dingfelder, Vice-Chair

Rep. Phil Barnhart

Rep. Alan Brown

Rep. Billy Dalto

Rep. Carolyn Tomei

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Pamella Andersen, Committee Assistant

MEASURES/ISSUES HEARD:

HB 3104 – Public Hearing

SB 731 – 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.

TAPE/#	Speaker	Comments
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TAPE 96, A		
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004	Chair Jenson	
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Calls the meeting to order at 1:05 p.m. Opens a public hearing on HB 3104.

HB 3104 – PUBLIC HEARING

013	Rep. Brian Boquist	House District 23. Testifies in support of HB 3104. Discusses intent of the bill. Relates history of the bill and persons involved in development. Explains how the bill will work and how the -1 amendments (exhibit a) will impact the bill.
061	Chair Jenson	Inquires if the Parks Department offered reasons for their uncertainties.
064	Rep. Boquist	Reports the Department's concerns related to their statutory authority and the degree to which the project enhanced parks. Notes the bill gives the Department permissive authority.
088	Chair Jenson	Questions which council the bill is referring to.
095	Rep. Boquist	Responds Mid-Willamette Valley Council of Governments.
100	Chair Jenson	Inquires which Parks Department is being discussed.
103	Rep. Boquist	Relates the Oregon Parks and Recreation Department is being discussed.
131	Mike Propes	Polk County Commissioner. Submits and reviews a report in support of HB 3104 (exhibit b). Relates the parks along the Willamette River that will be impacted by the bill. Notes loss of recreational opportunities on the river due to the sandbars. Discusses the county boats that patrol the river. Explains what dredging will involve in this case and its benefit to fish. Relates how shallow the Willamette River is in some areas. Believes resulting royalties from the river will benefit the state and return funds initially invested.
248	Rep. Barnhart	References letter from the Willamette Queen included in exhibit b . Inquires when the river was last dredged.
262	Propes	Reports the river was dredged extensively until the 1970's. Comments the bill is addressing a different kind of dredging. Expresses concern with the possibility of the locks closing.

286	Rep. Barnhart	Questions where Irish Bend is and why discussion doesn't include dredging the extra 36 miles.
295	Propes	Relates Irish Bend is south of Corvallis, six miles from Harrisburg. Notes there is no opposition to dredging that far if there is interest.
316	Rep. Dingfelder	Questions the availability of federal funds.
322	Propes	References the federal bills in the back of exhibit b which refer to the Willamette. States the bills indicate available funds.
350	Rep. Dingfelder	Inquires if the federal funds are in addition to the proposed plans.
354	Propes	States it will require both federal and state funds to complete the project.
361	Rep. Dingfelder	Questions what permits are involved.
366	Propes	Reports permits are required from both state and federal agencies, and it takes about two to three years to acquire them.
398	Tim Wood	Director, Oregon Parks and Recreation Department. Testifies in opposition to HB 3104. Addresses the bill as written and does not include the proposed amendment.

TAPE 97, A

003	Wood	Continues testimony. Questions the constitutionality of using lottery funds for this purpose, and how competitive this project is against other requesting funds. Clarifies opposition is to the bill as originally written. Notes possible support if clarification is included participation is through a grant program.
036	Rep. Krummel	Inquires why a grant program is needed when the Council of Governments is responsible to determine funding sources.
053	Wood	Discusses current bill provisions relative to funding. Notes if the project is managed as a grant program, it will compete with other projects for available funding based on its merits.

073	Rep. Boquist	Notes the bill authorizes the Council of Governments to compete for a limited amount of funds.
097	Chair Jenson	Requests Boquist and Wood resolve the grant issue with an amendment.
110	Ray Godfrey	Citizen. Testifies in support of HB 3104. Addresses past dredging operations and the failure to remove fill, which later returned to the river. Suggests fill be allowed to be used elsewhere to prevent it washing back into the river channel.
158	Chair Jenson	Asks about permitting issues and timelines.
150	Jeannette Holman	Department of State Lands (DSL). Relates details of the two permits required, noting the Corps of Engineers permit will take considerably longer than ninety days.
180	Chair Jenson	Asks if a single DSL permit will cover the full river length of the project.
185	Holman	Confirms if a single application is used, yes.
191	Rep. Tomei	Questions why dredging is necessary.
194	Holman	Reports as sand and gravel wash downstream, they settle, creating sandbars.
205	Rep. Tomei	Inquires regarding the impact of dams on rivers.
211	Holman	Responds she will research and provide that information.
214	Rep. Tomei	Comments the river was navigable before Oregonians began dredging it.
221	Chair Jenson	Speculates on impacts of modern society.
264	Richard Chesbrough	Captain, Willamette Queen sternwheeler. Relates history of river boats running from Salem to Eugene on the Willamette River (1850-1916). Notes the rocks between Corvallis and Eugene. Notes the

possibility of the Corps of Engineers closing the Willamette Falls Locks and the negative impact on future industry.

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| 325 | Rep. Barnhart | Inquires whether this would make a change in transportation type to barge. |
| 333 | Chesbrough | Confirms, yes. Notes the types of products that could be shipped in that manner, reducing the number of big trucks on the roads. |
| 360 | Chair Jenson | Carries over the work session on HB 3104 to the Friday meeting. Closes the public hearing on HB 3104. Opens a work session on SB 731. |

SB 731 – PUBLIC HEARING

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| 377 | Sen. Doug Whitsett | Senate District 28. Testifies in opposition to SB 731. Relates the value of land in eastern Oregon with and without the water rights. Notes SB 731 might reduce the authority of the Water Resources Department (WRD). Relates the possibility of confusion over how to determine the value of water rights. Explains logic. |
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TAPE 96, B

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| 002 | Rep. Jackie Dingfelder | House District 45. Testifies in support of SB 731. Discusses water use measurement and the importance of the issue. Notes the state has allocated more water than it has. Relates changes to the bill since originally drafted. Elaborates on stakeholders in the bill. States the bill has become a voluntary cost-share program. Notes value of awareness of usage. Discusses Water Measurement Fund which is almost depleted. |
| 094 | Rep. Tomei | Inquires which water basins are required to report usage, now. |
| 099 | Rep. Dingfelder | Defers to WRD. Mentions priority basins. |
| 101 | Rep. Krummel | Questions the incentive to spend the money to participate in the program. |
| 110 | Rep. Dingfelder | States the program is for those who want to do the right thing. Relates some land owners really want to know how much they are using. Notes the goal is more water available for all users. |

108	Rep. Krummel	Questions if someone doesn't measure, how they know they have or have not exceeded their allotment.
148	Rep. Dingfelder	Notes other measurement devices are available depending on the type of irrigation technique being used.
162	Rep. Krummel	Reads portion of the bill related to department authority. Requests explanation.
170	Rep. Dingfelder	States the read language was included per the request of the Oregon Water Resources Congress.
198	Adam Sussman	Water Resources Department. Discusses purpose of provision questioned by Rep. Krummel. Submits and reviews written testimony in support of SB 731 (exhibit c).
215	Chair Jenson	Clarifies concern.
221	Sussman	Explains his understanding of the provision, noting if WRD wants to expand their regulatory tools, they will return to the legislature.
235	Rep. Dingfelder	Confirms Sussman's statement reflects the legislative intent of the bill. Notes possibility of including further wording.
241	Rep. Barnhart	Inquires if WRD's existing authority allows them to adopt new, or expand existing tools. Questions whether the Department is using its existing authority to capacity.
258	Sussman	States WRD has varying statutory authority, which it exercises. Lists authority tools.
275	Chair Jenson	Inquires about special and irrigation districts.
277	Sussman	Clarifies.
284	Chair Jenson	Requests clarification regarding those presently required to measure water use.
290	Sussman	Confirms those presently required to measure water.

308	Rep. Tomei	Inquires what proportion of water users is being referenced.
311	Sussman	Replies eight percent of the water right holders, but about forty percent of the water use. Continues testimony. Notes WRD's mandate. States water use measurement is happening, now. Relates results of surveys of those not required to monitor use. WRD supports the collaborative, voluntary cost-share approach.
361	Rep. Krummel	Inquires if there is a fiscal impact statement.
368	Sussman	Relates the various fiscal impact statements that have been generated for this bill. Notes recent changes could be carried out within existing WRD budget resources.
376	Rep. Krummel	Questions what WRD will no longer be doing in order to implement this program.
396	Sussman	Relates under current law the department has already been engaged in doing these types of activities.
416	Rep. Krummel	Requests further clarification.

TAPE 97, B

010	Phil Ward	Director, Water Resources Department. Reports the bill folds into the department's overall strategy. States over the long term, resources will need to be found to replenish the Water Measurement Fund to assist the land-owner community.
047	Doug Myers	WaterWatch. Testifies in support of SB 731 as amended. Relates a commodity cannot be managed if it is not being measuring. Notes this bill is for people who just want to do the right thing.
080	Richard Kosesan	Water for Life. Testifies in opposition to SB 731. Reviews statutory provisions related to the bill (exhibit d). Discusses current related administrative rules. Believes the authority currently exists to require water use controlling and measuring devices. States concern over the precedents being set and the possible first step toward mandatory measuring and possible fee-for-water use. Recommends development of a structure for determining people who would be willing to participate in voluntary measuring. Discusses irrigated agriculture and the concerns of those in that category.

164	Rep. Barnhart	Questions the statute distributed by Kosesan (exhibit d).
174	Kosesan	States his belief the Department currently has authority to require measuring.
184	Rep. Barnhart	Comments the bill appears to require less than what the authority of the Department already allows them to require.
191	Kosesan	Relates the question is not of specific, individual people being required to measure, but concern with the beginning of a process where measuring is mandated and reporting required, leading to a fee or charge being levied. Notes the significant costs of some measuring devices.
227	Glen Stonebrink	Oregon Cattlemen's Association (OCA). Testifies in opposition to SB 731. States the legislation is unnecessary. Notes the OCA did not vote for the amendment, although they attended the meetings. Relates the associated costs could discourage irrigation and thus reduce food production. Believes the bill is headed toward water metering. Discusses encouraging off-stream impoundments.
309	Jim Welsh	Oregon State Grange. Testifies in opposition to SB 731. Concurs with the testimony of Kosesan and Stonebrink.
340	Rep. Krummel	Returns to his earlier question of how an irrigator knows how much water they are using if they are not measuring.
360	Stonebrink	Relates the work of ditch masters and discusses historic use determinations. Mentions the electric bill for those who pump water, which can provide an estimate of use.
417	Rep. Tomei	Inquires who might be hurt by this bill if it is voluntary.
426	Stonebrink	References line 20's language, "focus on water users."
436	Rep. Tomei	Interjects the impact of the program being voluntary.
439	Stonebrink	Insists there is another motive.

TAPE 98, A

003	Chair Jenson	Relates the perception some people are exploiting the resources they have, and measuring would verify and vindicate those who aren't.
019	Welsh	Questions the need for the bill. Notes the Grange supports conservation education and techniques.
033	Stonebrink	Discusses native grasses which preclude flood irrigating and require a higher wall of water, which runs back into the stream further down, and the impact of this on irrigators.
051	Chair Jenson	Closes the public hearing on SB 731. Moves remainder of the agenda to the Friday meeting. Adjourns the meeting at 3:00 p.m.

EXHIBIT SUMMARY

- A. **HB 3104, -1 amendments, staff, 1 p**
- B. **HB 3104, Willamette River Dredging Report, Mike Propes, 26 pp**
- C. **SB 731, written testimony, Adam Sussman, 2 pp**
- D. **SB 731, Oregon Revised Statutes, Richard Kosesan, 5 pp**