

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

April 16, 1999 Hearing Room D

1:00 P.M. Tapes 113 - 115

MEMBERS PRESENT: Rep. Jim Welsh, Chair

Rep. Jackie Taylor, Vice-Chair

Rep. Jason Atkinson

Rep. Richard Devlin

Rep. Juley Gianella

Rep. Deborah Kafoury

Rep. Jeff Kruse

Rep. Jeff Merkley

Rep. Susan Morgan

STAFF PRESENT: Kristina McNitt, Administrator

Danielle Hamilton, Administrative Support

MEASURE HEARD: HB 3062 Public Hearing

HB 3065 Public Hearing

HB 3075 Public Hearing

HB 3076 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
TAPE 113, A		
004	Rep. Taylor	Calls meeting to order at 1:20 p.m. Notes that the committee is convening as a subcommittee for the purpose of taking public testimony. Opens public hearing

		on HB 3062, HB 3065, HB 3075, and HB 3076.
<u>HB 3062, HB 3065, HB 3075, and HB 3076 PUBLIC HEARING</u>		
012	Rep. Carl Wilson	House District 41. Introduces the purpose of HB 3062.
049	Dennis Becklin	Grants Pass Irrigation District (GPID). Testifies in support of HB 3062 (EXHIBIT A) . Discusses the theory of natural flow and provides examples.
100	Becklin	Continues to discuss the theory of natural flow. Provides overview of the graph on page two of EXHIBIT A .
150	Becklin	Comments on how HB 3062 will improve the natural flow process. Presents the graph on page three of EXHIBIT A .
200	Becklin	Continues testimony in support of HB 3062 by discussing "stored flow."
230	Chair Taylor	Explains there is now a full committee.
278		Staff distributes (EXHIBIT M) .
280	Becklin	Testifies in support of HB 3065 (EXHIBIT B) . Discusses Savage Rapids Dam. Comments on information gained from the David Newton Report, commissioned by the GPID.
340	Becklin	Continues testimony in support of HB 3065.
390	Becklin	Discusses the efforts of the GPID to conserve water. Points out quotes on page six of EXHIBIT B .
TAPE 114, A		
011	Becklin	Continues testimony in support of HB 3065. States that without the supplemental water from GPID there will be a large number of people from Southern Oregon lacking water.
014	Chair Taylor	Asks how many households are served by GPID.
016	Becklin	Answers that he is not just referring to the patrons of GPID, but those with wells that deepened on the aquifers created by GPID's irrigation system.
042	Rep. Morgan	Asks for clarification on the purpose for reduction of water rights after they have

		been granted.
048	Becklin	Explains the reasoning behind the reduction.
074	Becklin	Testifies in support of HB 3075 (EXHIBIT C). Discusses his involvement with the Savage Rapids Dam Task Force (SRDTF).
135	Becklin	Continues to discuss SRDTF. Reads from page eight of EXHIBIT C .
185	Becklin	Continues to testify on HB 3075.
230	Christopher Coble	General Counsel, GPID. Testifies in support of HB 3065 and HB 3075. Discusses the supplemental water right permit.
290	Coble	Provides context as to how GPID felt that the removal of Savage Rapids Dam (SRD) was a conditional requirement.
340	Coble	Discusses the conditions made by GPID in order for them to agree to remove SRD.
390	Coble	Cites three reasons why the SRD has not been removed by GPID.
TAPE 113, B		
018	Henry Rodgers	Ashland, Rogue Fly Fishers. Testifies in opposition to HB 3062, HB 3065 and HB 3075. Discusses his history as a fly fisherman.
070	Rodgers	Comments on his experience working on the SRD.
101	John MacDiarmid	Central Point. Testifies in opposition to HB 3065 and HB 3075.
150	MacDiarmid	States that he does not want GPID to loose its water right, but to eliminate the fish mortality that is caused by conversion.
163	Rep. Gianella	Asks Mac Diarmid how many years he has been farming.
164	MacDiarmid	Answers ten years.
167	Rep. Gianella	Asks how many acres.
170	Mac Diarmid	Answers twelve acres.

172	Rep. Gianella	Asks Mac Diarmid how many years he worked for the Water Resources Department.
174	Mac Diarmid	Answers that he did not work for the Water Resources Department. Clarifies that he worked in the water industry as an consultant for ten years.
178	Reed Benson	Executive Director, Water Watch. Testifies in opposition to HB 3065, HB 3062, and HB 3075. Introduces Bob Hunter.
190	Bob Hunter	Attorney, Water Watch. Testifies in opposition to HB 3065, HB 3062, and HB 3075 (EXHIBITS D, E, F, G). Expresses concerns with HB 3062 and states that it lacks accountability. Discusses complications with redefining "stored" water as "natural flow" water.
240	Hunter	Comments on the possible desire of GPID to purchase stored water behind Lost Creek Reservoir.
252	Hunter	Discusses water availability for appropriation.
283	Benson	States that there are significant problems with HB 3062. Expresses concerns with assuming if water is being stored it could be used for irrigation.
340	Hunter	Notes that he is testifying on behalf of Water Watch and Trout Unlimited. Addresses opposition to HB 3065 and HB 3075. Expresses concerns with statutorily creating water rights. Outlines written testimony EXHIBIT D .
390	Hunter	States that HB 3065 and HB 3075 discourage cooperative processes. Discusses GPID's agreement to remove SRD.
TAPE 114, B		
004	Rep. Gianella	Asks how GPID would come up with the funding for dam removal if the community is opposed to it.
008	Hunter	Answers part of GPID "due" diligence requirement was to educate the community to seek support. Questions why GPID did not come to the legislature to ask for support in removing SRD.
012	Rep. Gianella	Asks Hunter for clarification on his statements.
018	Hunter	Clarifies statements.
040	Rep. Gianella	Asks who funds the removal of SRD.

044	Hunter	Answers that the original plan was grants from Federal Financing for Dam Removal. Points out that the main failure to move forward with the plan was that GPID breached its commitment to support the funding package.
048	Rep. Gianella	Asks in what way GPID breaches their commitment.
050	Hunter	Explains the commitment.
061	Rep. Ginaella	Asks who pays for dam removal.
063	Hunter	Answers that he does not know who pays for it, yet. States that the point is that it was GPID's responsibility to build support and get the funding.
110	Hunter	Discusses EXXHIBIT F . Comments on the opinions of the fishery agencies that have looked at SRD.
158	Hunter	Outlines the environmental and economic impacts of SRD. Reiterates that failure to grant GPID water rights will not cause a disaster in the community. Discusses EXHIBIT G .
170	Benson	Discusses the Water Resources decision to channel GPID's water right.
182	Martha Pagel	Water Resources Department (WRD). Testifies in opposition to HB 3062, HB 3065, and HB 3075 (EXHIBITS H, I, J). States that HB 3062 could jeopardize the rights of those that have stored water. Discusses the purpose of stored water. Outlines WRD's process for determining water availability.
260	Pagel	Points out that EXHIBITS I, J provide some background of WRD's decision making process relating to the denial of GPID's water rights. Expresses concern that HB 3065 may take the authority to issue water rights out of the hands of WRD and place it in the hands of the legislature. Discusses the SRD task force.
308	Chair Taylor	Closes public hearing on HB 3062, HB 3065, and HB 3075.
320	Becklin	Sport Fish Heritage. Testifies in support of HB 3076. Outlines written testimony (EXHIBIT K).
380	Becklin	Provides overview of the graph on page two of EXHIBIT K .
TAPE 115, A		
045	Becklin	Comments on peer review.

063	Rep. Taylor	Asks for an explanation of peer review.
065	Becklin	Explains the process of peer review.
085	Dick Pedersen	Manager of Standard and Assessment, Department of Environmental Quality (DEQ). Testifies in opposition to HB 3076 (EXHIBIT L). Discusses DEQ's requirements to review data relating to waters that are impaired under the Federal Clean Water Act. Defines "waters that are impaired."
127	Rep. Morgan	Asks if the TMDLs have been done in the Rogue River Basin Drainage.
129	Pedersen	Answers no, not that he is aware of.
132	Rep. Morgan	Asks where the Rouge River Basin is on the schedule for having a TMDL done.
139	Pedersen	Answers in the year 2004. Continues testimony in opposition of HB 3076.
168	Chair Taylor	Closes public hearing on HB 3076 and adjourns at 3:20.

Submitted By, Reviewed By,

Danielle Hamilton, Jennifer Peck,
Administrative Support Committee Coordinator

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EXHIBIT SUMMARY

A ñ HB 3062, written testimony, Dennis Becklin, 4 pp.

B ñ HB 3065, written testimony, Dennis Becklin, 9 pp.

C ñ HB 3075, written testimony, Dennis Becklin, 9 pp.

D ñ HB 3065 and HB 3075, written testimony, Bob Hunter, 17 pp.

E ñ HB 3062, written testimony, Bob Hunter, 2 pp.

F- HB 3065 and HB 3075, letter, Bob Hunter, 2 pp.

G ñ HB 3065 and HB 3075, written material, Bob Hunter, 3 pp.

H ñ HB 3062, written testimony, Martha Pagel, 4 pp.

I ñ HB 3065, written testimony, Martha Pagel, 5 pp.

J ñ HB 3075, written testimony, Martha Pagel, 5 pp.

K ñ HB 3076, written testimony, Dennis Becklin, 14 pp.

L ñ HB 3076, written testimony, Dick Pedersen, 3 pp.

M ñ HB 3065, HB 3075, and HB 3062, written materials, staff, 2 pp.