

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

HOUSE COMMITTEE ON
WATER POLICY

Hearing Room
Tapes - 3 A.

MEMBERS PRESENT:

Rep. Chuck Norris, Chair
Rep. Tim Josi, Vice-Chair
Rep. Avel Gordly
Rep. John Watt
Rep. Jim Welsh

STAFF PRESENT:

Pat Zwick, Committee Administrator
Gail E. Boesch, Committee Assistant

MEASURES HEARD:

Overview of Water Rights System and Water Resources Department's Strategic Plan
Overview of HB 2184 - Allows transfer of decreed water rights and certain supplemental permits.
Interest Group Comments

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TAPE , A

006 CHAIR NORRIS: Brings the committee to order.

- Announcements and Introductions.
- Submits Committee Rules for approval.

134 MOTION: REP. JOSI: Moves the ADOPTION OF COMMITTEE RULES.

144 REP. GORDLY: Calls attention to the 100 mile witness rule.

157 VOTE: HEARING NO OBJECTIONS, THE COMMITTEE RULES ARE ADOPTED.

164 MARTHA PAGEL, DIRECTOR OF WATER RESOURCES DEPARTMENT (WRD): Introduces two 15 minute slide presentations.

189 CHAIR NORRIS: Requests personal introductions from audience.

203 RICK BASTASCH , WATER RESOURCES DEPT.: (Exhibit A) Gives slide

presentation regarding water rights, terms of water use for state.

246 Basin plans, beneficial uses. 18 major basins.

266 Water rights application process, issuance of certificate of water
right/ cancellation.

283 Dispute process.

290 Water regulation.

310 History.

330 Instream water rights overview.

362 Commission structure.

390 The WRD League.

TAPE 2A

004 BASTASCH: Slide presentation continues/Water management.(Exhibit A)

020 Budget, staff size.

038 Agency mission statement.

047 CHAIR NORRIS : Opens the floor to questions.

052 REP. WATT: Asks that Ms. Pagel identify WRD Oregon benchmarks.

058 PAGEL: " There are several Oregon benchmarks that relate to water
quality, watersheds , miles of stream habitat that are in good
condition...We have a greater role in ground water quality than in surface
water where DEQ has a stronger role and relating to habitat protection and
watershed.."

064 REP. WATT: Requests that performance measurements to those Oregon
benchmarks on the last biennium be provided.

068 PAGEL: Agrees, explains availability of information.

072 REP. GORDLY: Requests example of "quasi municipal".

078 PAGEL: Defines quasi municipal.

090 REP. JOSI: Questions minimum stream flow.

098 BASTASCH: Defines minimum stream flow.

113 REP. JOSI: Question regarding obtaining water right certificate. Requests
"good thorough airing at some time"; maybe a complete hearing time
regarding dealing with applications and backlog.

134 CHAIR NORRIS: That will be a key issue of the committee.

141 BASTASCH: Second slide presentation, (Exhibit C), Water Resources
Strategic Plan.

180 WRD's Major Bill (HB 2184).

193 Option packages.

200 Water Supply Option Package.

245 Governor's Watershed Enhancement Board (GWEB) watershed option package.

255 Overview of strategy.

342 CHAIR NORRIS: Thanks Department for presentation and opens the floor to questions.

351 REP. JOSI: Questions \$7.8 million budget for GWEB watershed health.

356 PAGEL: Answers, referring to \$10 million lottery funded budget (current biennium). Governor has proposed reducing new watershed budget to about \$5 million next biennium. \$7.8 million includes carryover from current budget.

Some monies already dedicated, carryover as well as to projects in Grand Ronde Basin, so about \$3 million is carryover, the remainder is reduced. Continuation of the watershed health program leaves about \$4 million for grants to local watershed councils, reduces staff from 22 to about 6.

387 REP. JOSI: Asks if proposal will be in bill form.

388 PAGEL: Yes, part of the budget bill.

390 REP. JOSI: Inquires if agency has plan review of how program has worked, and how to improve on it.

392 PAGEL: Trying to give as objective a view as possible. Gives brief explanation.

TAPE 1, B

005 REP. JOSI: Repeats concerns for detail on issue.

012 CHAIR NORRIS: Thinks the Governor (& transition team) is looking at different approach to the watershed health issue; not sure of format. GWEB, Strategic Water Management Group (SWMG) might look different in their proposal.

018 PAGEL: A lot of room for improving mechanics of program; we're all willing to do that.

027 REP. JOSI: Suggests WRD might look to federal government for money for programs.

030 PAGEL: Our program has received a lot of national attention.

040 REP. JOSI: Recounts frustrations from last session regarding lack of information.

044 CHAIR NORRIS : Regarding local voluntary watershed council, "basic policy is broadly accepted and firmly in place"... "nuts and bolts" are up for grabs.

052 MARTHA PAGEL, WRD/ BETH PETRINO: (Exhibit D). Submits and paraphrases testimony giving overview of HB 2184 and urging committee support.

080 Discusses transfer of primary water right and supplemental water right.

Bill will deal with primary and supplemental water right transfer at same time

100 REP. JOSI: Questions if it is allowed now.

120 PAGEL: It's not covered under current law, seems to be a gap - WRD wants very clear direction that we can initiate the review of the supplemental right.

125 REP. JOSI: Suggests that she means during the time of application.

128 PAGEL: Yes. Referencing Exhibit D, Ms. Pagel continues with page 2, sections 2 & 3, POD (point of diversion) transfers for hydraulic connection.

140 CHAIR NORRIS: (Exhibit D) Line 40, page 2, question about terminology of withdrawal.

159 PAGEL: Refers to Exhibit D, Section 46, temporary transfers. For benefit of out of stream users. Simplified version from last Session. Cheaper and easier to implement.

170 REP. JOSI: Remind me what happened to that piece of legislation.

175 PAGEL: Passed in the House; did not pass on the Senate side (HB 2580). Continues, describes limited license and temporary water use, section 7, Exhibit D.

196 REP. JOSI: Requests example of kinds of uses that are not limited.

202 PAGEL: Gives example of enforcement setting, one that WRD specifically had in mind. Limited license allows some flexibility.

210 REP. JOSI: States that it buys them some time to "get out of bind".

216 PAGEL: Agrees.

218 BETH PETRINO, WRD: Further clarifies intent of limited license in respect to city water uses / testing projects. Law currently does not allow cities to get limited licenses.

224 PAGEL: (Exhibit D) , Section 8, Livestock Watering Exemption.

240 Section 9, Allocation of Conserved Water.

250 Section 10 , Water Supply Fund and Lottery Appropriation.

257 Section 11. Task Force on Water Management Funding. Long term funding and water supply needs. WRD envisions task force to examine issues & report back to next Session.

288 CHAIR NORRIS: Shares information on Governor's thoughts on use of 95-97 lottery revenues: 68.5% for education; 3.2% for natural resources. Suggests that Speaker doesn't like task forces.

300 PAGEL: Concludes presentation.

302 REP. WELSH: Referring to Exhibit D, questions Section 8 and WRD's intent regarding livestock watering and incentives regarding storing instream water so livestock would not use stream for watering.

316 PAGEL: States that the incentive is owners would not be required to get a water right permit.

328 CHAIR NORRIS: Explains that cattlemen are currently required to get a water right permit to store stream water away from water source.

333 REP. WATT: Question about livestock watering and physical requirements of bill regarding distance of trough to water, fencing to protect streams.

342 PETRINO: Explains there is a list of conditions included. Does not

include fencing requirement. Requires enclosed pipe system with automatic shutoff.

360 REP. WATT: Questions what to do if cattle don't like the trough.

365 PETRINO: Allows that possibility exists. WRD feels exemption is better than current law; without it, cattle have to be in creek to drink. Exemption offers opportunity to protect creek.

382 REP. JOSI: Discusses lack of fencing regulation, considers that the thought was that ranchers would "go the extra mile" and install fencing on their own to keep cows from stream.

392 PETRINO: Agrees. Innovative solutions are possible. Looking for something that works better.

403 PAGEL: Adds that obviously, a fence would protect the stream. Concern that cost of fence would be disincentive.

TAPE 2,B

005 CHAIR NORRIS: Announces HB 2184 will be up for Public Hearing on Thursday, 1/19/95.

018 DOUG MYERS, WATERWATCH: Comments regarding schedule conflict with Senate water committee. Introduces Mr. Benson, staff attorney .

032 REED BENSON, WATERWATCH: (Exhibit E) Summarizes submitted exhibit.

048 REP. JOSI: Requests further elaboration on group's focus on in-stream improvements.

060 BENSON: Provides explanation of priorities; in-stream flow.

062 REP. JOSI: Suggests branching out to include in-stream habitat for fish.

065 BENSON: States that might be one of their three major objectives. Resumes overview of Exhibit E.

119 CHAIR NORRIS: Requests the term 'environmentalists' not be preempted.

126 BENSON: Resumes reading Exhibit E, considers HB 2184 a "major disappointment".

133 CHAIR NORRIS Queries if this is testimony intended for the Public Hearing.

139 BENSON: No, we will have more on Thursday.

170 BENSON: Concludes reading. (Exhibit E)

174 REP. GORDLY: Requests more information about Water Watch organization.

181 BENSON: Answers: Non-profit organization since 1986, not a membership organization; board of 11, staff of 5.

191 REP. JOSI: Questions source of funding.

193 BENSON: Primarily foundations.

195 REP. JOSI: Requests further detail.

197 BENSON: Will provide information.

198 CHAIR NORRIS: Requests list of directors be included with information.

200 MYERS: Adds: Founded in 1986 by Tom and Audrey Simmons. Both have withdrawn from organization.

214 REP. GORDLY: Questions if they're still "active players".

220 BENSON: Responds that the Simmons have their own organizations; they have their own interests separate from Water Watch.

230 GORDLY: Explains need for background information.

232 BENSON: Apologizes, explains assumption of notoriety of group.

237 JAN BOETTCHER, EXECUTIVE DIRECTOR, WATER RESOURCES CONGRESS: Introduces Water Resources Congress and Exhibit F.

280 BOETTCHER: (Exhibit F). Gives summary of expedited water rights process.

334 CHAIR NORRIS: States that list of bills referenced are out in LC form; House and Senate has made a division on some of these. (Exhibit F).

352 PETE TEST, OREGON FARM BUREAU: Testimony (Exhibit G), continues with overview of contents. Farm Bureau is concerned with the backlog of water right applications.

TAPE 3, A

007 PETE TEST: Continues summary of Exhibit G.

036 CHAIR NORRIS: Rep. Watt is excused. (Leaves for another meeting.)

038 SCOTT ASHCOM, OREGON NURSERYMEN'S ASSOCIATION: Gives examples of WRD actions which he feels exceeds the Department's authority and other actions which he considers to be problems.

159 REP. WELSH: Inquires about numbers of applications in litigation.

164 PAGEL: Sent out technical reviews on 4000 of 5000 applications. Sixty percent are receiving objections.

172 REP. WELSH: Requests more information for reason for objections.

178 PAGEL: Concurs. Can supply letter originally submitted to Emergency Board last session.

180 ASHCOM: Offers additional information to be submitted later.

185 RICHARD KOESAN, WATER FOR LIFE: Presented group's position regarding screening provisions for water diversion; cost sharing program sunsets at the end of this biennium.

204 CHAIR NORRIS: Questions whether bill is in works to extend sunset.

206 KOESAN: We're working on it. Continues with discussion of ponds issue and livestock watering. Concludes.

254 JIM MYRON, OREGON TROUT: Submits Exhibit H regarding goals for legislature.

280 GIL RIDDELL, ASSOCIATION of OREGON COUNTIES (AOC): Speaks from Exhibit I, regarding AOC Policy and focus.

320 CHAIR NORRIS: Question regarding storage and the roles counties could play.

331 RIDDELL: Suggests use of Comprehensive Land Use plan. Continues with

presentation

351 CHAIR NORRIS: Thanks those who made presentations. Explains schedule conflict with Senate committee, and effort to change House Water Policy meeting time to 3 pm. May be looking at work group concept again on some issues.

402 CHAIR NORRIS ADJOURNS MEETING AT 3:50 pm.

Submitted by, Reviewed by,

Gail E. Boesch Pat Zwick
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - Committee Rules - Staff - 2 pages.
- B - Testimony (Slide presentation) - WRD - 7 pages (Department Overview)
- C - Testimony (Slide presentation) - WRD - 5 pages (Strategic Plan)
- D - Testimony on HB 2184 - Pagel, WRD - 5 pages
- E - Testimony from Reed Benson, Water watch - 8 pages.
- F - Testimony from Jan Boettcher, Oregon Water Resources Congress - 7 pages.
- G - Testimony from Pete Test, Oregon Farm Bureau - 1 page
- H - Testimony from Jim Myron, Oregon Trout - 1 page.
- I - Testimony from Gil Riddell, Association of Oregon Counties - 2 pages.