

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 , 7

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:

HB 2096 - Public Hearing and Possible Work Session
Informational Meeting
Briefings: Water Rights Backlog
Watershed Health
Storage
Water Resources Department

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TAPE 6, A

005 CHAIR NORRIS: Calls the meeting to order at 1:32 pm.
- Announcements
- Meeting time will move to 3 pm, effective next week.

Opens Public Hearing on HB 2096.

Witnesses: Ed Graham, Board of Geologists
Heidi Anderson, Oregon Association of Surveyors

028 STAFF ZWICK: Introduces HB 2096.

047 ED GRAHAM, ADMINISTRATOR, OREGON BOARD OF GEOLOGIST EXAMINERS: Presents background history leading to formulation of HB 2096, explains reasoning for inclusion of geologists as Certified Water Rights Examiners (CWRE). States that the examination required adequately covers technical expertise necessary to perform as CWRE.

090 REP. WATT: Questions if amendments are anticipated, and nature of opposition to bill, if any.

094 GRAHAM: Reports concern by registered professional land surveyors that geologists may not be qualified. Suggests an amendment to clarify the fact

that engineers and surveyors perform different functions within certification. Offers examples of those functions.

120 REP. WATT: Questions potential for geologists to do tasks for which they are not qualified.

140 GRAHAM: Professional code of conduct would prevent it. Practice issue is set out in ORS 672.

14 8 CHAIR NORRIS: Discusses lines 10 - 12, bill, examinations for certification. Questions what education of geologists includes regarding land surveying.

165 GRAHAM: Explains education of geologists and applicability to land measurement. Notes restrictive clauses in scope of practice regarding land surveying.

181 CHAIR NORRIS: Questions why registered geologists want to become CWRE's.

186 GRAHAM: Very small number of geologists involved in this process of water rights. Offers statistics.

198 HEIDI ANDERSON, PROFESSIONAL LAND SURVEYORS OF OREGON: Shares concern about training level of geologists, ability to perform technical tasks. Supports amendment defining general areas of responsibility of geologists, engineers and surveyors.

229 REP. GORDLY: Questions whether concern comes from "turf issue".

242 ANDERSON: Amendment would prevent conflict.

249 CHAIR NORRIS: Requests definition of nature of amendment.

254 GRAHAM: Direct reference to scope of practice set out in ORS 672 might satisfy concerns of surveyors.

270 CHAIR NORRIS: Requests suggestions regarding placement of amendment in bill.

278 GRAHAM: Somewhere between lines 5 and 6.

288 ANDERSON: Suggests that committee conceptually adopt ORS 672 as amendment; legislative counsel could put it in bill.

300 GRAHAM: Suggests amendment read, "as the practices are defined by ORS 672"

313 REP. WELSH: Questions whether inclusion of geologist will improve water rights examining process.

320 GRAHAM: Will add another registered professional group with entirely different spectrum of expertise.

347 CHAIR NORRIS: Geologist's expertise could be valuable in terms of water

storage issues and impoundments.

355 GRAHAM: Agrees. Offers further testimony regarding the CWRE examination.

370 REP. JOSI: Questions whether land surveyors and engineers are subjected to the same type of test.

380 GRAHAM: Clarifies that the certification test for CWRE is the same for everybody (engineers, geologists, surveyors).

389 REP. WELSH: Questions amounts in fiscal impact statement.

399 GRAHAM: Responds. Fee already in place.

404 STAFF ZWICK: Presents clarification from Legislative Fiscal. Collection of fees would cover expenses.

TAPE 7,A

004 BETH PATRINO, Water Resources Department: No objections or challenges to bill or amendment as discussed.

007 REP. WATT: Requests example of what Certified Water Rights Examiner does.

012 GRAHAM: Offers his understanding of purpose and process of water rights examination.

035 REP. WATT: Asks for further clarification.

040 CHAIR NORRIS: Explains that the typical water right application needs to be accompanied by report from CWRE.

Closes Public Hearing on HB 2096.
Opens Work Session on HB 2096

045 MOTION: REP. JOSI: Moves to ADOPT conceptual amendment to HB 2096 on line 6 that will insert the words after the word "geologist" that say "as the practices are defined by ORS Chapter 672."

VOTE : In a roll call vote, all members are present and vote AYE.

055 MOTION: REP. JOSI: Moves that HB 2096 , AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members are present and vote AYE.

REP. WELSH will lead discussion on the Floor.

065 CHAIR NORRIS: Calls for recess till 3 pm., due to schedule conflict.

CHAIR NORRIS: Reconvenes meeting at 3:03 pm

082 MARTHA PAGEL, DIRECTOR, WATER RESOURCE DEPARTMENT: (EXHIBIT A)
Outlines strategic plan and missions statement and various issues faced by WRD.

114 REP. JOSI: Requests clarification of non-structural storage.

117 PAGEL: Defines non-structural storage. Continues discussion of Water Resource Department mission statement.

171 - Refers to Strategic Plan regarding management priorities, legislative proposals and budget proposals; water supply incentives; cost sharing, conservation. Purchase of water for instream rights.

202 BOB DEVYLDERE, INFORMATION SERVICES, WATER RESOURCES DEPARTMENT (WRD): Gives presentation on Water Availability Program for storage for selected basins, using visual aids (maps).

250 CHAIR NORRIS: Inquires whether WRD is attempting to identify potential storage sites.

257 PAGEL: Attempting to identify storage capacity.

260 CHAIR NORRIS: Suggests other agencies may provide information to help identify storage sites.

267 DEVYLDERE: About 1100 proposed sites identified via other agencies' information. Habitat issues identified with other agencies' help.

300 CHAIR NORRIS: Questions whether public presentations or hearings are planned.

320 PAGEL: Responds with overview of current processes allowing more opportunity for public hearings and input.

338 REP. TARNO: Questions if local watershed councils will be involved in decision making process.

345 PAGEL: Local governments and local watershed councils will be active participants.

352 REP. TARNO: Shares personal observations that local watershed councils have worked very effectively in utilizing funds set aside for riparian enhancement.

382 REP. TARNO: Questions whether Bureau of Land Management (BLM) and Forest Service are being involved in discussions regarding impoundment

408 PAGEL: Definitely would be future partners.

TAPE 6, B

008 PAGEL: (Exhibits B & C). Offers general review of backlog problems, technical reviews and objections.

060 REP. JOSI: Questions sources of objections.

065 REED MARBUT, ADMINISTRATOR OF WATER RIGHTS AND ADJUDICATION DIVISION, WRD: Enumerates objectors: applicants, public interest groups and other agencies.

079 PAGEL: Continues, (Exhibit B). Notes focus on solution strategies.

094 - Current process doesn't seem to be working well from any perspective.

Need to streamline.

- Discussing with advisory group on methods and ideas
- Looking at 2 tiered approach - response to applicant (quick), then final draft/order.
- Governor's budget does include temporary staffing for WRD.
- Need to reduce controversy, recognize supply alternatives and limitations.

135 CHAIR NORRIS: Asks what led to initial backlog problem.

140 MARBUT: Several items; drought, increasing population, profile of water rights.

161 PAGEL: Problem not only includes increase in applications, but also delays in processing.

169 REP. TARNO: Offers additional reasons for delays related to influx of applications from Oregon Department of Fish & Wildlife for in-stream water rights

185 CHAIR NORRIS: Questions if availability of water is issue.

189 MARBUT: Explains results of technical reviews and determination of water availability.

206 PAGEL: Notes technical review statistics.

218 REP. JOSI: Solicits comment on Rep. Tarno's experiences on south coast.

225 MARBUT: Explains instream water right applications and effect on backlog.

258 REP. GORDLY: Questions whether WRD is on target referenced in Exhibit B.

267 MARBOT: Yes, ahead of target; further elaborates.

283 REP. GORDLY: During interim WRD reported to Emergency Board, questions if they now would report to this committee.

299 CHAIR NORRIS: Resource issues are referred to Ways & Means, policy issues to this committee.

302 PAGEL: This committee will likely receive bills regarding processing of applications.

323 - Submits Exhibits D & E; Overview on watershed health.

380 MARY LOU SOSCIA, MANAGER, WATERSHED HEALTH PROGRAM: Emphasizes successes of program in last year.

404 CHAIR NORRIS: Requests examples of projects.

410 SOSCIA: Calls attention to examples noted in Exhibit E. Cites other examples.

TAPE 7 B

023 - Local watershed council meetings inspiring.

030 SOSCIA: - Discusses watershed action plans, Watershed Health Forum. (Exhibit E)

050 CHAIR NORRIS: Questions Ms. Pagel regarding Governor's transition team recommendations.

056 PAGEL: WRD is working closely with team. Governor's Watershed Enhancement Board (GWEB) would make funding decisions rather than Strategic Water Management Board Group (SWMG). More funding for grants, less for staffing.

103 CHAIR NORRIS: Adjourns at 4:00 pm.

Submitted by, Reviewed by,

Gail E. Boesch Pat Zwick
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - Water Supply Program, Water Resources Department (WRD), 1 page
- B - Letters to the State Emergency Board re: Technical Reviews, WRD, 5 pages
- C - Water Rights Application Backlog, WRD, 1 page
- D - Watershed Health, WRD, 1 page
- E - Funding Breakdown and other detail, Watershed Health Program, WRD, 26
pages