

HOUSE COMMITTEE ON  
WATER POLICY

Hearing Room  
Tapes - 20 A

MEMBERS PRESENT:

Rep. Chuck Norris, Chair  
Rep. Tim Josi, Vice-Chair  
Rep. Avel Gordly  
Rep. Veral Tarno  
Rep. Jim Welsh

STAFF PRESENT:

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

MEASURES HEARD:

HB 2395 - Public Hearing  
HB 2375 - Public Hearing  
HB 2471 - Public Hearing

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.

TAPE , A

005 CHAIR NORRIS: Calls the meeting to order at 3:00 PM.

Opens Public Hearing on HB 2395

Witnesses: Rep. Larry Wells

Donald A. Still

Scott Ashcom, Oregon Association of Nurserymen

Jerry Schmidt, Oregon Association of Realtors

Jan Boettcher, private citizen

Gil Riddell, Association of Oregon Counties

Gayle Killam, Oregon Environmental Council

Martha O. Pagel, Water Resources Department

019 STAFF ZWICK: Presents overview and summary of HB 2395, which reduces the amount of ground water use that is exempt from requirement to obtain water right permit for single or group domestic purposes to 500 gallons a day per domestic unit.

030 REP. WELLS: Sponsor of bill, provides further comments regarding history leading up to bill.

050 DONALD A. STILL: Submits and reads from Exhibit B, in support of HB

2395.

118 CHAIR NORRIS: Questions if Mr. Still lives on his farm.

126 STILL: Yes, explains his water use and how he conserves it; estimates he uses 150 gallons per day.

165 CHAIR NORRIS: Asks if he uses the same well to water livestock and flowers.

173 STILL: Included. Don't plant a vast lawn.

182 REP. TARNO: Comments about gallons per day vs. family size and use. Curious where 500 gal. figure comes from.

297 REP. WELLS: Average use in Jefferson is 400 - 500 gallons per day; 500 gallon limit in bill is for domestic use only, not for watering or livestock.

- Motive of bill is conservation message.

359 REP. TARNO: Expresses concern that 500 gallon limit is not realistic. Comments regarding house loan requirements for well volume. (5 gal min/4hrs per Jerry Schmidt.)

380 REP. WELLS: Comments that the figure of 1000 gallons had been discussed, can adjust HB 2395 by amendment.

395 CHAIR NORRIS: Clarifies that bill refers to in-house domestic use only.

TAPE 19, A

001 SCOTT ASHCOM, OREGON ASSOCIATION OF NURSERYMEN: Discusses Wilsonville area and water rights problems for farm dwellings in highly populated areas; states policy position of the Association.

046 JERRY SCHMIDT, OREGON ASSOCIATION OF REALTORS: Submits Exhibit C in opposition to HB 2395.

096 - Expresses concerns regarding group domestic users.

120 - Suggests sizing water right by peak days, not average days.

130 - Install a meter to enforce; cost is prohibitive.

- Watch out for land use issues.

161 JAN BOETTCHER, PRIVATE CITIZEN: Look at single vs. group groundwater users. Fooling ourselves about unlimited use of water; need something in statute to allow meters in future. That time has already come in South Salem.

230 GIL RIDDELL, ASSOCIATION OF OREGON COUNTIES: Notes "intersection between water policy and land use planning". Lack of information on groundwater is frustrating. Feels 500 gallons is low. Curious about enforcement of amount of use.

260 GAYLE KILLAM, OREGON ENVIRONMENTAL COUNCIL: Advocates elimination of all exempt water uses. Supports HB 2395 " as a good effort toward recognizing the connection and scarcity of ground and surface water sources".

- Comments to issue of enforcement.

- Suggests permits for wells.

315 CHAIR NORRIS: Requests clarification regarding permits for wells; retroactive to existing wells, or future wells only.

323 KILLUM: Should include existing wells as a good start.

333 MARTHA O. PAGEL, WATER RESOURCE DEPARTMENT: Submits Exhibit D generally supporting HB 2395.  
400 - 750 to 1000 gallons per day more realistic figure for family use.

TAPE 18, B

005 PAGEL: Continues discussion of HB 2395. Discusses conflicts and land use planning mentioned by Mr. Schmidt.

020 CHAIR NORRIS: Questions enforcement of 1000 gallon cap.

038 Staff submits Exhibit E from Kevin Hanway, Oregon Association of Water Utilities and Special Districts Association of Oregon, opposing HB 2395.

056 CHAIR NORRIS:  
Closes Public Hearing on HB 2395  
Opens Public Hearing on HB 2375  
Witnesses: Jan Boettcher, Oregon Water Resources Congress  
Mark Madison, Water Rights Examiner, CH2mHill  
Richard Kosesan, Water for Life  
Mark Nelson, Water for Life  
Jill Zarnowitz, Oregon Department of Fish & Wildlife  
Ves Garner, Oregon Farm Bureau Federation  
Martha Pagel, Water Resources Department

060 STAFF: Presents overview of HB 2375, which would allow the use of reclaimed water from industrial sources without the requirement to obtain a permit.

085 JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS: Speaks in support of HB 2375. Submits Exhibit F.

132 MARK MADISON, CH2M HILL: Water Rights Examiner. Discusses reuse program; proposed bill amends municipal reuse to include industrial reuse. Supports the bill as amended by Water Resources Congress.  
183 - New legislation will allow programs to move forward.

251 RICHARD KOSESAN, WATER FOR LIFE: Expresses concern for protection of downstream users; proposes modifications.  
270 - Reclaimed water from municipal as well as industrial source.  
280 - Calls for narrowing of definition of "industrial source".

284 REP. JOSI: Explain narrowing of definition of industrial sources.

290 KOSESAN: Wants narrowed definition to set parameters of industrial source.  
300 - Appears that use of reclaimed water is widespread in Oregon. By law , any person using reclaimed water is required to file a notice of intent to use it. According to WRD, no one has registered their water use.

342 REP. JOSI: Questions whether lack of notification of use of industrial reclaimed water jeopardizes the user's existing water rights under existing law.

355 KOSESAN: Current law is absent of penalty provisions for use of

reclaimed water.

372 MARK NELSON, WATER FOR LIFE: Clarifies existing law. Concern is for downstream user, if the user of reclaimed water is using both 100% of their

water right plus reclaimed water, then downstream user is being harmed.

428. - Presents amendment which designates reclaimed water as separate quantity additional to water right.

TAPE 19, B

005 CHAIR NORRIS: Requests clarification regarding defining industrial purposes by providing a detailed listing.

015 NELSON: Responds that industrial purposes should be listed and limited to the "known users", such as food processors.  
- Offers amendments by next meeting.

040 JILL ZARNOWITZ, OREGON DEPARTMENT OF FISH & WILDLIFE (ODF&W): Generally supports HB 2375, supports changes requested by Water for Life and Water Resources Congress. Submits Exhibit K.

059 REP. JOSI: Questions whether ODF&W is concerned about aggregate use quantities?

063 ZARNOWITZ: "We believe that (the bill) would provide a review of the reclaimed water being removed from a stream"; ODF&W could determine impact on fish & wildlife.

085 MARK MADISON, CH2MHILL: Concerned that bill may be amended and lose it's effect. Supports OWRC amendments. Bill is good for food processing operations. Discusses "rate and duty".

120 - Common practice to apply waste water at a rate & duty that exceed those of water rights.

133 REP. TARNO: Questions how it's determined who will be getting extra water.

175 VES GARNER, OREGON FARM BUREAU FEDERATION: Supports OWRC amendments and HB 2375. May also support Water for Life proposal.

195 MARTHA PAGEL, WRD: Supports HB 2375, supports proposed amendments. Submits Exhibit G.

CHAIR NORRIS: Excuses himself from the meeting to take an important call on related business. Vice Chair Josi presides.

266 VICE CHAIR JOSI  
Closes Public Hearing on HB 2375  
Opens Public Hearing on HB 2471  
Witnesses: Jan Boettcher, OWRC  
Martha Pagel, Water Resources Department  
Gayle Killam, Oregon Environmental Council  
Jim Myron, Oregon Trout

280 STAFF: Presents overview of HB 2471, which allows public body funding conservation measure and applicant to determine by mutual agreement, the percentage of conserved water to be allocated to the state. (Exhibit H)

- 290 JAN BOETTCHER: Testifies in support of HB 2471. Submits Exhibit I.
- 330 MARTHA PAGEL, WRD: Generally supports HB 2471, submits Exhibit J.  
Suggests adjustment to bill.
- 394 V. CHAIR JOSI: Suggests Martha put together amendment language.
- 420 GAYLE KILLAM, OREGON ENVIRONMENTAL COUNCIL: Opposes HB 2471.  
Concerns about public funding and financing long term capital investments.

Public cost may exceed public benefits.

TAPE 20, A

- 024 JIM MYRON, OREGON TROUT: Opposes HB 2471 as currently written.
- 045 VICE CHAIR JOSI:  
Closes the Public Hearing on HB 2471.
- ADJOURNS THE MEETING AT 4:57 pm.
- Submitted by, Reviewed by,

Gail E. Boesch Pat Zwick  
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - HB 2395, Staff Measure Summary -- Pat Zwick, Committee Administrator --  
1 page.
- B - Testimony on HB 2395 -- Donald A. Still -- 2 pages.
- C - Testimony in Opposition of HB 2395 -- Jerry Schmidt, Oregon Association  
of Realtors --  
1 page.
- D - Testimony on HB 2395 -- Martha O. Pagel, Director, Water Resources  
Department (WRD)-- 1 page.
- E - Testimony on HB 2395 -- Kevin Hanway, Oregon Association of Water  
Utilities and Special Districts Association -- 1 page.
- F - Testimony on HB 2375 -- Jan Boettcher, Executive Director, Water  
Resources Congress -- 4 pages.
- G - Testimony on HB 2375 -- Martha O. Pagel, WRD -- 1 page.
- H - HB 2471, Staff Measure Summary -- Pat Zwick, Committee Administrator --  
4 pages.
- I - Testimony on HB 2471 -- Jan Boettcher, Water Resources Congress -- 1  
page.
- J - Testimony on HB 2471 -- Martha O. Pagel, WRD - 1 page.
- K - Statement on HB 2375 -- Jill Zarnowitz -- 1 page.