

HOUSE COMMITTEE ON
WATER POLICY

Hearing Room
Tapes - 22

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 2470 - Public Hearing
HB 2545 - 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: Opens the meeting at 3:00 pm -- notes the birthday of REP.

GORDLY.

Opens the PUBLIC HEARING on HB 2470

Witnesses: Kip Lombard, Oregon Water Resources Congress

Jan Boettcher, Oregon Water Resources Congress

Jerry Schmidt, Oregon Association of Realtors

Fred Van Natta, Oregon State Homebuilders Association

Kelly Ross, Oregon Association of Realtors

Chuck Pearson, Oregon Association of County Engineers and Surveyors

Burton Weast, Special Districts Association of Oregon

009 STAFF: Presents overview of HB 2470, Exhibit A.

045 CHAIR NORRIS: Offers personal experience relative to bill.

060 KIP LOMBARD, OREGON WATER RESOURCES CONGRESS: Submits Exhibit B, and
summarizes HB 2470, supporting the bill and suggesting amendments to it.

101 REP. JOSI: Questions whether it takes both parties (District and
landowner) to agree on transfer of water right.

105 LOMBARD: Yes; discusses statutory liens.

113 REP. JOSI: Requests examples.

117 LOMBARD: Provides example from his district; creation of statutory liens.

150 - Under current irrigation district code, refers to Exhibit B, required to exclude land or take it out of district. (when subdividing into 3 lots or more). If district and developer agree, the developer can install an underground pipeline

182 REP. JOSI: Questions if pipeline is another (additional) source of water.

185 LOMBARD: Yes; elaborates that landowners are still being billed for water they're not receiving; explains water service charges.

225 - Protection of district facilities.

268 - Prior plat approval; lists his points from Exhibit B.

290 - Defines partitions vs. subdivisions.

300 - Discusses proposed amendment to HB 2470.

356 REP. JOSI: Question about properties that haven't been excluded from district.

362 LOMBARD: Medford has excluded 600 accounts since direct billing has alerted consumers to water service charges.

380 REP. JOSI: Questions purpose of bill to clarify its intent.

390 REP. WELSH: Please clarify initial responsibility.

TAPE 22 A

029 JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS: Discusses reduction of liability to realtors.

041 JERRY SCHMIDT, OREGON ASSOCIATION OF REALTORS: Admits the bill is outside of his area of expertise. Bill comes before their committees tomorrow.

055 FRED VAN NATTA, OREGON STATE HOMEBUILDERS ASSOCIATION: Discusses zoning and subdivisions; problems with partitions being included. Issues ought to

be resolved at local government level. Concern with system, "almost an ambush system". Would like an opportunity to meet with proponents of bill to work out differences.

141 KELLY ROSS, OREGON ASSOCIATION OF REALTORS: Feels adjustments to bill are reasonable and workable. Explain principles, seems that bill causes problems with efficient processing.

162 CHUCK PEARSON, OREGON ASSOCIATION OF COUNTY ENGINEERS AND SURVEYORS: Recounts reasons for opposing similar legislation in previous sessions.

210 - Should be addressed at preliminary plan stage; simple to include any district at that time.

226 - Substantially delaying 250 - 300 plats per year.

265 CHAIR NORRIS: Requests further clarification of testimony.

270 PEARSON: Emphasizes the tentative planning stage. Three people required to sign final plats - surveyor, assessor and the Board of County

Commissioners.

323 - Comments that final signature authority doesn't have to be granted to all agencies.

341 REP. JOSI: Questions "final signature authority".

365 BURTON WEAST, SPECIAL DISTRICTS ASSOCIATION OF OREGON: Supports HB 2470. Willing to work out issues.

TAPE 21, B

017 STAFF: Submits "No Fiscal Impact" statement to update Exhibit A.

060 Closes Public Hearing on HB 2470

061 Opens Public Hearing on HB 2545
 Witnesses: Nancy Rockwell, Parks and Recreation Department
 Steve Brutscher, Parks and Recreation Department
 Martha O. Pagel, Water Resources Department
 Jan Boettcher, Oregon Water Resources Congress
 Jim Myron, Oregon Trout
 Jeff Curtis, WaterWatch
 Louise Bilheimer, Pacific Rivers Council

072 CHAIR NORRIS: Requests that Public Hearing on HB 2375 be held off to a later date.

083 STAFF ZWICK: Presents overview on HB 2545, Exhibit C.

110 - Submits for the record faxed testimony from Gayle Killam, Oregon Environmental Council, Exhibit D.

118 NANCY ROCKWELL, PARKS AND RECREATION DEPARTMENT DEPUTY DIRECTOR: Submits Exhibit E, opposing language of bill. Concerned about onslaught of water rights applications.

190 REP. TARNO: Question about \$10 million figure in exhibit and meaning of "our past transgressions".

220 STEVE BRUTSCHER, PARKS & RECREATION DEPARTMENT: Notes concerns about reopening scenic waterways. Discusses instream water rights, rush to extract protected flows.

265 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Submits Exhibit F, and summarizes , opposing the current form of HB 2545.

322 -Gap in current level of protection. Addressing hardship needs.

53 PAGEL: Refers to Exhibit F, and comments regarding groundwater aspects and scenic waterways. Would like to approach those issues in a unified package.

380 CHAIR NORRIS: Questions Ms. Pagel if passage of HB 2545 would result in an avalanche of applications.

385 PAGEL: Responds, probably so; provides further information.

400 JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS: Supports the process of converting the Diack flows to instream water rights. Notes distinctions between Diack river flows and scenic river flows.

445 - Wants just one process on books. "Our concern is the tributaries above the scenic waterways, not the scenic waterways".

TAPE 22, B

030 JIM MYRON, OREGON TROUT: Submits Exhibit G, briefly summarizes. Opposes
HB 2545 as written.

052 JEFF CURTIS, OREGON WATERWATCH:
Expresses concerns about recreational flows, not addressed in HB 2545.
Submits Exhibit H from Oregon Guides and Packers, opposing the bill as
written.

100 LOUISE BILHEIMER, PACIFIC RIVERS COUNCIL: Submits Exhibit I, expressing
concerns about HB 2545 as written. Expresses concerns about allowing
additional consumptive uses on scenic waterways.

150 CHAIR NORRIS: Closes PUBLIC HEARING on HB 2545

205 CHAIR NORRIS: ADJOURNS the meeting at 4:41 pm.

Submitted by, Reviewed by,

Gail E. Boesch Pat Zwick
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - HB 2470, Staff Measure Summary-- Pat Zwick, Committee Administrator -- 4
pages.
B - Testimony on HB 2470 -- Kip Lombard, Oregon Water Resources Congress --
7 pages.
C - HB 2545, Staff Measure Summary -- Pat Zwick, Committee Administrator --
3 pages.
D - Testimony on HB 2545 -- Gayle Killam, Oregon Environmental Council -- 1
page.
E - Testimony on HB 2545 -- Nancy Rockwell, Parks and Recreation Department
-- 1 page.
F - Testimony on HB 2545 -- Martha O. Pagel, Director, Water Resources
Department --
2 pages.
G - Testimony on HB 2545 -- Jim Myron, Oregon Trout -- 2 pages.
H - Testimony on HB 2545 -- Joe Rohleder, Oregon Guides and Packers -- 1
page.
I - Testimony on HB 2545 -- Louise Bilheimer, State Conservation
Coordinator, The Pacific Rivers Council -- 1 page.