

HOUSE COMMITTEE ON  
WATER POLICY

Hearing Room

Tapes - 29

MEMBERS PRESENT:

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

STAFF PRESENT:

Mark Bauer, Committee Administrator  
Gail E. Boesch, Committee Assistant

MEASURES HEARD:

HB 2375 - Work Session  
SB 263 - Public Hearing and Work Session  
HB 2544 - Public Hearing  
HB 2747 - 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 2:06 PM.

010 CHAIR NORRIS: Explains need to reconsider HB 2375 due to food processing  
plants that will be tapping into municipal water, such as the Columbia  
River, a surface water source.

MOTION: REP. GORDLY: Moves that the rules be suspended for the purpose of  
reconsidering the vote on HB 2375.

025 Discussion follows.

VOTE: In a roll call vote, REPS. GORDLY, JOSI, TARNO AND NORRIS vote AYE.  
REP. WELSH votes NO.

CHAIR NORRIS: The motion CARRIES and the rules have been suspended.

MOTION: REP. JOSI: Moves that the vote by which HB 2375 was sent to the  
Floor with a DO PASS recommendation, BE RECONSIDERED.

VOTE: In a roll call vote, all members are present and vote AYE.  
085 CHAIR NORRIS: The motion CARRIES and the vote has been reconsidered.

Opens the Work Session on HB 2375

093 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: For industrial users receiving

water from municipal source, through municipal water right, if the plant has waste water it wants to dispose through this program, it can happen under current law. Questions if HB 2375 changes that. The wording of the amendments seems ambiguous, confusing, needs to be clarified.

157 - Submits Exhibit A, an amended version of HB 2375

214 - Continues, line 19 - 24. Reviews changes point by point.

250 REP. TARNO: Questions amendment on page 1, sec. 2, strike-out of "municipal source".

258 TOM PAUL, WATER RESOURCES DEPARTMENT: Reclaimed water is already defined under section 1.

278 REP. TARNO: Questions possibility of application for water right for reuse. If this law passes, would client still have to come to you for a permit.

290 PAUL: Responds, no permit process through the Department.

TAPE 27, A

003 REP. WELSH: Questions effect of use of reuse water on original water right.

020 PAUL: Could be using both sources, DEQ says reuse water cannot exceed agronomic rates.

035 PAGEL: When law first created, created special benefits. Elaborates.

040 REP. JOSI: Additional benefit extends only groundwater used under industrial water right, still tied to groundwater.

056 CHAIR NORRIS: Cites Exhibit A,

100 Closes the Work Session on HB 2375  
Opens the Public Hearing on SB 263  
Witnesses: Kip Lombard, Oregon Water Resources Congress

122 KIP LOMBARD, OREGON WATER RESOURCES CONGRESS: Doesn't agree that SB 263 necessarily makes the irrigation law more understandable.  
- Only has problems with language on bonding and financing. Otherwise, supports SB 263.  
- Perceives bill as topical rewrite, nothing more.

163 REP. JOSI: Questions whether SB 263 is a worthwhile endeavor.

232 CHAIR NORRIS: Closes the Public hearing on SB 263  
Opens the Work Session on SB 263

MOTION: REP. TARNO: MOVES that SB 263 be sent to the Floor with a DO PASS recommendation.

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

REP. JOSI will lead the discussion on the Floor.

254 CHAIR NORRIS: Opens the Public Hearing on HB 2544.  
Witnesses: Kip Lombard, Oregon Water Resources Congress (OWRC)  
Jan Boettcher, OWRC  
Martha Pagel, Water Resources Department (WRD)  
Tom Paul, WRD

272 STAFF BAUER: Presents an overview of HB 2544, Exhibit B.

280 KIP LOMBARD, OREGON WATER RESOURCES CONGRESS: Submits Exhibit C, briefly summarizes and offers amendments to HB 2544.

TAPE 26, B

008 CHAIR NORRIS: Questions line 7, pg. 2; Clarification of votes in a recall election.

032 REP. GORDLY: Requests definition of the term "members".

036 LOMBARD: Defines who may vote in an irrigation district election.

076 CHAIR NORRIS: Questions the purpose of sealing the ballots for six months.

100 LOMBARD: Don't have electronic ballots in this kind of vote (discussing stringing the ballots). Paper ballots have to be kept; sounds archaic, may be some protection in it.

125 REP. GORDLY: Questions how many acres are irrigated in Oregon.

144 LOMBARD: Will supply information . Continues, section 8, interest rates on delinquent accounts.  
1.33%/month suggested.

219 LOMBARD: Asks that HB 2544 be effective in September.  
- Apparently no provision that addresses the situation where you have a director that no longer qualifies as a director. No statutory requirement that directors maintain the qualifications that got them the directorship in the first place.

258 - Finally, discusses SB 263. Inconsistencies remain in the bill.

300 JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS: Clarifies the intent of HB 2544.

340 LOMBARD: Can have amendments to you in one week.

350 MARTHA PAGEL, WATER RESOURCES DEPARTMENT; TOM PAUL, WATER MANAGER, NW REGION: Submits Exhibit D, and expresses concerns about changes to conservation plans. Willing to work on adjusting bill.

405 REP. TARNO: Questions if there has been an Environmental Impact Study.

410 PAGEL: Not at state level, don't know about federal.

TAPE 27, B

009 CHAIR NORRIS: Wonders if this would be an issue of concern to the Department.

015 PAUL: Not sure what you've asked.

Discussion on language in bill, regarding the subject of irrigation.

030 CHAIR NORRIS: Questions the complexity of irrigation plans.

033 PAGEL: Responds, very complex.

065 BOETTCHER:. Continues, HB 2991, last minute amendment on the Senate side

that put in conservation plan language.

075 CHAIR NORRIS: Ponders adverse impact if we take out conservation language.

085 PAGEL: Responds.

108 CHAIR NORRIS: What if the district served prior notice -- 60 days for reply.

111 PAGEL: Notice is still required.

167 DOUG MYERS, WATERWATCH: Submits Exhibit E, generally supporting HB 2544, except for section 9. Reads from Exhibit.

240 CHAIR NORRIS: Reviews Exhibit F, from Pete Test, Oregon Farm Bureau, supporting HB 2544.

270 LOMBARD: OWRC would oppose the changes suggested in Exhibit F, due to deletion of weighted voting provisions.

295 BOETTCHER: Weighted voting was a compromise agreed to in 1993.

303 CHAIR NORRIS: Closes Public Hearing on HB 2544.

RECESSED 5 MINS. Reconvenes the meeting at 4:05 PM

TAPE 28, A

001 CHAIR NORRIS: Opens the Public Hearing on HB 2747

Witnesses: Mack Kearns, Oregon Wheat Growers League  
Jan Boettcher, ORWC  
Martha Pagel, WRD  
Jim Myron, Oregon Trout  
Doug Myers, WaterWatch  
Tom O'Connor, Eugene Water and Electric Board  
Kip Lombard, ORWC

STAFF BAUER: Presents overview of HB 2747.

014 MACK KEARNS, OREGON WHEAT GROWERS LEAGUE: Concerns of Eastern Oregon residents about water rules. Technical correctness. Supports passage of HB 2747.

035 CHAIR NORRIS: Questions regions and if they match up with water district regions.

046 KEARNS: Explains water, rainfall, comparison of regions - different scenarios of water needs and availability.

060 CHAIR NORRIS: Clarifies problems with current Water Resources Commission membership, example of 2 representatives from Portland.

069 JAN BOETTCHER, OWRC: Supports HB 2747, one more step to tie water basins and watershed councils; promotes decentralization of department activities, more interactivity with constituents. Submits Exhibit G, a map of watermaster districts.

119 REP. JOSI: Questions comparison with a congressional district map.

132 BOETTCHER: No representation for the southwestern region.

140 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Submits Exhibit H, supporting HB 2747. Comments regarding the balance or lack of it for the different

districts. General openness to look at geographic representation.

155 - Choice of chair, acknowledgement of Governor's authority. Ability to appoint a chair helps to establish a relationship;

- Prohibition of more than one term service; standard practice can continue occupying positions until successor is appointed or confirmed. Quorum and voting problems can arise.

212 CHAIR NORRIS: Proposes changing the number of members, suggests nine members might handle population imbalance.

229 PAGEL: Likes seven members; big state, still have geographic representation and yet recognize population centers.

238 REP. JOSI: Comments on testimony heard, that needs are different by area; notes concerns whether somebody from coast would recognize and understand problems of another geographic region.

268 PAGEL: Majority of decisions are unanimous.(as opposed to regionally weighted).

300 JIM MYRON, OREGON TROUT: Submits Exhibit I, in opposition to HB 2747.

379 DOUG MYERS, WATERWATCH: Testifies in opposition to HB 2747. Referring to Exhibit H, likes the current set up.

TAPE 29, A

014 TOM O'CONNOR, EUGENE WATER AND ELECTRIC BOARD, SPRINGFIELD UTILITY BOARD: Testifies about concerns regarding lumping the Willamette Valley into one area.

039 KIP LOMBARD: Commissioners bring knowledge of particular area; doesn't think population based appointment is best. Perspective knowledge and understanding of region is valuable to appointment.

125 CHAIR NORRIS: Closes the Public Hearing on HB 2747

ADJOURNS the meeting at 4:45 PM.

Submitted by, Reviewed by,

Gail E. Boesch Mark Bauer  
Committee Assistant Committee Administrator

#### EXHIBIT SUMMARY:

A - Hand Engrossed HB 2375 -- Martha Pagel, Water Resources Department -- 1

page

B - HB 2544, Staff Measure Summary and Notice of Possible Revenue Impact --

Pat Zwick, Committee Administrator -- 2 pages

C - Testimony on HB 2544 -- Kip Lombard, Oregon Water Resources Congress -- 4 pages

D - Testimony on HB 2544 -- Martha Pagel, Water Resources Department -- 1 page

E - Testimony on HB 2544 -- Doug Myers, WaterWatch of Oregon -- 2 pages

F - Testimony on HB 2544 -- Pete Test, Oregon Farm Bureau Federation -- 1

page

G - Watermaster District map -- Jan Boettcher, Oregon Water Resources  
Congress -- 1 page

H - Testimony on HB 2747 -- Martha Pagel, Water Resources Department -- 2  
pages

I - Testimony on HB 2747 -- Jim Myron, Oregon Trout -- 1 page

J - HB 2747, Staff Measure Summary -- Pat Zwick, Committee Administrator --  
1 page