

HOUSE COMMITTEE ON
WATER POLICY

Hearing Room
Tapes - 73, 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 2917 - Work Session
HB 3183 - Work Session
HB 2375 - Work Session
HB 2721 - Work Session
HB 2422 - Work Session
SB 1030 - Public Hearing and Work Session

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

004 CHAIR NORRIS: Calls the meeting to order at 2:01 PM.

Opens the Public Hearing on SB 1030
Witnesses: Noel Groshong, Umpqua Basin Water Association
Kevin Hanway, Western Advocates
Beth Patrino, Water Resources Department

030 NOEL GROSHONG, WESTERN ADVOCATES: Submits Exhibit A, and testifies in support of SB 1030.

075 CHAIR NORRIS: Tell us about your operation.

080 GROSHONG: Domestic commercial and industrial provider; large in terms of a rural system. Take water from the N. Umpqua River and treat it.

098 REP. JOSI: Reads from ORS regarding water system, to clarify for his own concerns.

105 KEVIN HANWAY: Asking to amend their boundaries; does not increase the amount of water that can be appropriated. Clarifies bill.

127 BETH PATRINO, WATER RESOURCES DEPARTMENT: Agrees with description of bill, supports SB 1030.

Closes the Public Hearing on SB 1030
Opens the Work Session on SB 1030

MOTION: REP. TARNO : Moves that SB 1030 be sent to the Floor with a DO PASS recommendation.

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

CHAIR NORRIS: The motion CARRIES.

REP. WELSH will lead the discussion on the Floor.

145 CHAIR NORRIS: Closes the Work Session on SB 1030.
Opens the Work Session on HB 2721

170 SUE HALLETT, LEGISLATIVE AIDE TO REP. WELSH: Testifies regarding the sunset clause, discussed with several parties and the Governor. Final agreement was no sunset on the gold panning portion of the bill, but a two year cutoff to 12/31/97 on the dredging.

198 REP. JOSI: Questions how long the permit is good for.

203 HALLETT: Discusses 700J permit, did not want to write bill to terminate that permit.

232 REP. JOSI: If you wrote a permit under these amendments, would it terminate on 12/31/97?

240 JOHN LILLY, ASST. DIRECTOR, DIVISION OF STATE LANDS: Clarifies that a 700 J permit is a DEQ permit. Discusses removal fill permit issued by DSL, which would be limited by this bill.

255 REP. JOSI: Questions DSL's interpretation of cutoff; wanted to be sure the bill included the spirit of the sunset.

General discussion

275 CHAIR NORRIS: Rephrases amending language to assure the 12/31/97 cutoff date.

288 HALLETT: Shares the Park & Recreation Department's concern that the DSL has the authority to regulate any conflicts between recreational users, and offers LC's assurance that it is so.

327 SEN. BILL DWYER: Supports HB 2721. Re: -3 amendments, not sure whether they are needed. Doesn't like the sunset, will work with the next Session to delete it.

TAPE 72, A

004 JAQUIE GREENLEAF, PARKS AND REC: Submits -3 amendments, and explains the reasons for them. Exhibit B.

018 MOTION: REP. TARNO: Moves the -2 amendments to HB 2721, BE ADOPTED.

CHAIR NORRIS: Hearing no objections, the amendments are ADOPTED.

025 MOTION: REP. JOSI: Moves the -3 amendments to HB 2721, BE ADOPTED.

CHAIR NORRIS:: Asks for objections.

REP. WELSH: I object.

Discussion follows.

053 REP. WELSH: No problem with "impede boating"; doesn't like time frame stated. Suggests 8am to 6 pm.

072 MOTION: REP. TARNO: Moves the -3 amendments as conceptually amended, BE ADOPTED..

VOTE: Hearing no objections, the conceptually amended -3 amendments are ADOPTED.

145 MOTION: REP.WELSH: Moves the - 1 amendments to HB 2721, BE ADOPTED.

VOTE: Hearing no objections, the -1 amendments are ADOPTED.

169 Closes the Work Session on HB 2721

177 Opens the Work Session on HB 2917

185 VES GARNER, OREGON FARM BUREAU: Shares his personal background as a Polk County Farmer; Submits Exhibit C, and reads from it, providing background information leading to amending language for HB 2917.

282 - Summarizes that there are times of the year that farmers need water, when it is not legal to get it.

339 GARNER: Discusses the work group; WaterWatch did not agree to the amendments or to the need for them.

351 - The -5 amendments, extends the season in the subbasin. Gives overview of the amendments, Exhibit D.

377 PETE TEST, OREGON FARM BUREAU FEDERATION: We've gone as far as we can go.

385 GARNER: Strike "petition" and replace with "requested"; strike "in the petition" , line 22.

TAPE 71, B

005 REED MARBUT, WATER RESOURCES DEPARTMENT: Reports on the work group meetings, agrees with all amending language as discussed. Suggests addition on line 16, "diversion and" after Water. Encourages passage of the

bill.

025 DOUG MYERS, WATERWATCH: Supports the Department's amendments. Suggests consideration of pollution abatement.

MOTION: REP. JOSI: Moves the -5 amendments, with conceptual amendments to HB 2917, BE ADOPTED.

067 MOTION: REP JOSI: Moves that HB 2917, 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.

CHAIR NORRIS: The motion CARRIES.

REP. JOSI will lead the discussion on the Floor.

085 CHAIR NORRIS: Closes the Work Session on HB 2917
Opens the Work Session on HB 3183

090 STAFF: Presents overview and -2 amendments.

110 KEVIN HANWAY, WESTERN ADVOCATES: Discusses the -2 amendments.

160 CHAIR NORRIS: Question about protecting integrity of aquifer, referring to water quality.

175 HANWAY: That is the intent of Section 3.

General discussion of injection to recharge aquifer.

195 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Raises the question regarding page 4 of amendments, lines 24-26, requirement of new water right. If SB 674 is approved, might slightly change the way we approve this. Do we want

to handle on Senate side or make language more general?

- Line 23, delete "under"; line 24, delete ORS 536.170(5); after "application", insert " in the same manner as any new water right application"

285 FRED LISSNER, WRD: Further clarifies amending intent. Further amends the amending language.

333 - Notes typo page 5, line 19, paragraph b of this subsection.

355 MOTION: REP. JOSI: Moves the -2 amendments with changes as noted by committee, BE ADOPTED.

VOTE: Hearing no objections, the amendments are ADOPTED.

MOTION: REP. JOSI: Moves HB 3183 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.

CHAIR NORRIS: The motion CARRIES.

REP. GORDLY will lead the discussion on the Floor.

410 CHAIR NORRIS: Closes the Work Session on HB 3183

Calls a 5 minute recess.

TAPE 72, B

003 CHAIR NORRIS: Reconvenes the meeting at 3:35 PM
Opens the Work Session on HB 2422

010 REP. TARNO: Introduces amendments to HB 2422.

045 CHAIR NORRIS: Closes Work Session on HB 2422
Opens Work Session on HB 2375.

052 JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS: Submits Exhibit E,
amendments to HB 2375, and reads them, clarifying language as needed.

121 - If anyone wants to use reclaimed water after this date, they would
have to get a permit. Regulated by policy adopted by the state.

140 - Offers statistics of reclaimed water use in the Umatilla Basin. Notes
confusion regarding reclaimed water, calls for consistency.

180 - Defines vertical forfeiture.

200 REP. TARNO: Questions how many are using reclaimed water.

204 BOETTCHER: Describes how complex determining that information would be.

265 REP. GORDLY: Questions why can't the public know who is using reclaimed
water.

279 BOETTCHER: Information comes from food processors.
Comments there was supposed to be a rulemaking in 1991; it never happened.

People don't know this legislation exists.

326 REP. TARNO: How do we know there is not a forfeiture problem if we don't
know who is receiving the reclaimed water?

340 CHAIR NORRIS: Clarifies the key issues. Expresses concerns about
protecting the processors, calls for "breathing room".

370 REP. JOSI: Are the people using reclaimed water, doing it knowing a
permit was necessary? Is there blatant disregard for the law? Don't think
that is the case.

390 CHAIR NORRIS: I think that the feeling was once a DEQ permit was issued,
everything was all right.

TAPE 73, A

012 REP. GORDLY: Questions effect on tribes in basin.

017 REP. TARNO: Questions if a person using reclaimed water needs a permit.

025 BOETTCHER: Explains the confusion regarding permitting reclaimed water.

030 MARTHA PAGEL: The confusion is due to who and how the water is intended
to be used. Whenever you take water from one piece of land and put it on

another piece of land, a permit is required. I don't think that applies here, where a factory is first using the water and then passing it on to another user.

070 CHAIR NORRIS: Are you comfortable with the proposed section 3 here today?

077 PAGEL: We were comfortable with the original bill, and have no concerns with these changes.

100 - Further discusses, I can see a reason not to go through a permitting process; on the other hand, if there's no way to relieve someone of the need to get a water right requirement, do it now rather than hold back for two years. It is a policy call for the legislature to make; there are some legitimate policy reasons that we can identify for simplifying the process.

144 CHAIR NORRIS: Closes the Work Session on HB 2375

ADJOURNS the meeting at 4:20 PM.

Submitted by, Reviewed by,

Gail E. Boesch Pat Zwick
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - Testimony on SB 1030 -- Noel Groshong, Umpqua Basin Water Association -- 1 page
- B - HB 2721, Proposed Amendments (-3) -- Staff -- 1 page
- C - Testimony on HB 2917 -- Ves. Garner, Oregon Farm Bureau Federation -- 9 pages
- D - HB 2917, Proposed Amendments (-5) -- Staff -- 2 pages
- E - Testimony on HB 2375 -- Jan Boettcher, Oregon Water Resources Congress -- 3 pages