

SENATE COMMITTEE ON
WATER & LAND USE

February 1, 1995 Hearing Room B
1:00 P.M. Tapes 20 - 21

MEMBERS PRESENT:

Sen. Rod Johnson, Chair
Sen. Neil Bryant
Sen. Ron Cease
Sen. Bill Dwyer
Sen. Bob Kintigh

STAFF PRESENT:

Karen Quigley, Committee Counsel
Kimberly Shadley, Committee Assistant
Mitch Hack, Senate Floor Staff

MEASURES HEARD:

SB 294
SB 297
SB 298

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 20, SIDE A

005 CHAIR JOHNSON Calls the hearing to order. (1:08 p m)

PUBLIC HEARING ON SB 294

Witnesses: Scott Ashcom, Oregon Association of Nurserymen
 Martha Pagel, Director, Water Resources Department
 Jim Myron, Oregon Trout
 Jeff Curtis, Water Watch of Oregon
 Doug Myers, Water Watch of Oregon
 Jan Boettcher, Oregon Water resources Congress

012 SCOTT ASHCOM, OREGON ASSOCIATION OF NURSERYMEN Testifies in support of
 SB 294, submits written testimony, (EXHIBIT A).

052 ASHCOM: (In response to Chair Johnson) Approximately 60% of the
appropriate water right
review boards have had objections filed to them
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CHAIR JOHNSON Has there been a change in the number of applications
objected to?

 ASHCOM They date from mid 1992 to this date

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SEN. DWYER: The 80% rule was to speed up the backlog, not add to it.
... With the 50% rule wouldn't less people qualify?

080 ASHCOM: No, refers to written testimony.

 ... Continues with written testimony, see Exhibit A.

108 SEN. BRYANT: In 1993 wasn't the Water Resources budget held up until
some applications
 were withdrawn?

 ASHCOM: Yes; the bill before you contains HB 3203, (1993).

 SEN. CEASE: Is this for new nurserymen so they can get water?

 ASHCOM: No, the issue is if an applicant for a water right for any purpose
can get a response.

 SEN. CEASE: I would be interested in the impact of the granting of those
water rights.

165 ASHCOM: Continues with written testimony.

240 MARTHA PAGEL, DIRECTOR, WATER RESOURCES DEPARTMENT: Responds to~
 comments made by Ashcom.

 ... Describes where objections come from on applications for water rights.

 SEN. DWYER: It would be helpful to see where the objections come from.

- -- PAGEL: I can provide you with a report.

 ... The total objections are ; (lists numbers of complaints.)

 ... All of our in-stream technical reviews have had objections.

347 ... Of 3375 out of stream applications, 1895 have had at least one objection.
objections to these SEN. CEASE: From both ends of the spectrum you are getting substantial
cases?
PAGEL: That is correct.
decided on at the SEN. DWYER: If we had had in place the rule that the application would be
time of the application; what would that have done?
PAGEL: This issue was debated at great length last session.

TAPE 21, SIDE A

040 PAGEL: The reason applications are sitting at the stage of objection is
because we are producing
technical reviews; describes history of technical reviews.
... Describes work toward easing the backlog of water rights applications.

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085 CHAIR JOHNSON: If this law were limited to water basin development and if
it was in place

now, would we have a back log?

PAGEL: No.

CHAIR JOHNSON: We have a prior appropriations system and limited water in
this state.

... Are you issuing water rights per water supply as opposed to using the cut
off system?

PAGEL: Correct, we won't offer a water right to someone if there isn't
water available 80% of
the time.

CHAIR JOHNSON: We have a water basin development plan, so I assume you have
an idea of

how much water is available and how much more water you could give.

PAGEL: The general issues of public interest should and can be addressed in
the basin planning
program.

1 95 PAGEL: We are supportive of the concept, but not this bill.
... A good number of objections on out-of-stream water rights are that we
shouldn't be issuing the
rights at all.

SEN. CEASE: If you look at the population and development pressures, would
you expect that in

the future you'll increasingly say no, or come up with a rule regarding
what percentage of time the
water would be available?

PAGEL: We are developing a proposal for a speedy turn around.

SEN. DWYER: How many people waiting for permits, to your knowledge, are not
using the

water?

280 PAGEL: Most people are obeying the law and not using the water, but are
getting frustrated.

... Submits written testimony, (EXHIBIT B).

CHAIR JOHNSON: We will be interested in reviewing other all encompassing
drafts, we won't

be moving this bill today.

340 JIM MYRON, OREGON TROUT: Testifies in opposition to SB 294; submits
written

testimony, (EXHIBIT C).

SEN. DWYER: How do we get through blanket objections on applications?

MYRON: I can't speak for all the groups; Oregon Trout files them on the
basis of water

availability and the in-stream flows for fish.

415 JEFF CURTIS, WATER WATCH OF OREGON: We file a lot of objections; we file

them to

raise policy issues.

... We are willing to look at a different approach.

CHAIR JOHNSON: Did you take part in the basin plan?

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CURTIS: Water Watch did take part in some of those plans.

TAPE 20, SIDE B

065 CHAIR JOHNSON: Did you participate in the 1992 Willamette Basin Plan?

MYRON: Yes.

CHAIR JOHNSON: Were ideas incorporated?

MYRON: Some.

CURTIS: The problem is with enforcement and having to go out and shut off wafer.

135 DOUG MYERS, WATER WATCH: I have nothing to add.

CURTIS: Describes history of Water Watch.

... We receive funding from individuals and also foundation funding.

MYRON: Describes history of Oregon Trout.

... We are funded through member dues, we receive funding from activities and also some foundation funding.

190 JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS: We have a similar provision we are working on; ours also allows a limited rebuttal with clear and convincing evidence.
... Gives background of Oregon Water Resources Congress.

PUBLIC HEARING ON SB 298 Witnesses: Scott Ashcom, Oregon Association of Nurserymen Martha Pagel, Director, Water Resources Department Jim Myron, Oregon Trout Jeff Curtis, Water Watch of Oregon

255 SCOTT ASHCOM, OREGON ASSOCIATION OF NURSERYMEN: Testifies in support of SB 298; submits written testimony, (EXHIBIT E).

385 MARTHA PAGEL, DIRECTOR, WATER RESOURCES DEPARTMENT: Testifies in opposition to SB 298.

... We have found that, in large part because of the backlog, there are instances when rule changes can and do work to the advantage of the applicant. 1

TAPE 21, SIDE B

040 PAGEL: The problems you've heard about are from the past, we don't think this is needed.

... This law would simply mean that we couldn't make corrections and apply them to pending applications.

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070 JIM MYRON, OREGON TROUT: Testifies in support of SB 298; we think the

Department

should be consistent on all their rule making.

JEFF CURTIS, WATER WATCH OF OREGON: Test)files in opposition to SB 298. :

... I think that the Department needs the flexibility to add additional rules
when necessary.

PUBLIC HEARING ON SB 297

Witnesses: Scott Ashcom, Oregon Association of Nurserymen

Martha Pagel, Director, Water Resources Department

Jan Boettcher, Oregon Water Resources Congress

130 SCOTT ASHCOM, OREGON ASSOCIATION OF NURSERYMEN: Test)files in support
of

SB 297; submits written testimony in support, (EXHIBIT G).

180 MARTHA PAGEL, DIRECTOR, WATER RESOURCES DEPARTMENT: Test)files in
opposition to SB 297; submits written testimony (EXHIBIT H).

... We do support the concept but would get there another way; SB 297 would
be very expensive.

SEN. DWYER: How expensive?

PAGEL: \$1 million per biennium.

260 JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS: Test)files in support
of the concept.

CHAIR JOHNSON: We are adjourned. (2:55 p.m.)

Submitted by, Reviewed by,

Kimberly Shadley	Karen Quigle)
Committee Assistant	Committee Counsel

EXHIBIT SUMMARY:

A - SB 294: Written testimony in support submitted by Ashcom, pp 4
B - SB 294: Written testimony in opposition submitted by Pagel PP 3
C - SB 294: Written testimony in opposition submitted by Mvron. pP I
D - SB 294: Preliminary Staff Measure Summary SMS submitted by staff. pp I
E - SB 298: Written testimony in support submitted by Ashcom, pp 3
F - SB 298: Preliminary Staff Measure Summary. SMS. submitted by staff. PP
G - SB 297: Written testimony in support submitted by Ashcom. PD 2
H - SB 297: Written testimony in opposition submitted by Pagel 4
I - SB 297: Preliminary Staff Measure Summary. SMS. submitted by staff. PP
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