

SENATE COMMITTEE ON  
WATER & LAND USE

Hearing Room  
Tapes - 95

MEMBERS PRESENT:

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

STAFF PRESENT:

Karen Quigley, Committee Counsel  
Kimberly Shadley, Committee Assistant  
John Leuthauser, Senate Floor Staff

MEASURES HEARD:

SB 1005  
SB 1006

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 94, SIDE A

004 CHAIR JOHNSON: Calls the hearing to order. (1:17 p.m.)  
( Announces schedule.

PUBLIC HEARING ON SB 1005

Witnesses: SENATOR BRADY ADAMS, DISTRICT 25

020 BRADY ADAMS, SENATE DISTRICT 25: Testifies in support.  
( Describes intent; allows irrigation district to have the water regardless  
of removal of the dam.

SEN. ADAMS: (In response to Sen. Cease) This isn't an area I have a lot  
of expertise; it was my understanding this was the appropriate approach.  
( There are amendments, (EXHIBIT A); describes amendments.

105 SEN. BRYANT: This doesn't increase the water right?

SEN. ADAMS: The Water Resources Department indicates that it is an  
increase.

120 SEN. DWYER: Why are we bypassing Water Resources?

SEN. ADAMS: Part of the concern is that the permit granted put a condition  
on the removal of a dam; if you want to address the dam, do it through the  
front door.

( SB 1006 is here because I'm concerned that Water Resources will take out  
the dam; if we are to remove dams in Oregon I want the public/legislature  
involved.

166 SEN. CEASE: This could impact on other water rights.

SEN. ADAMS: My intention is to confirm what the Water Resources Department has done by permit and separate the issues.

PUBLIC HEARING ON SB 1006

Witnesses: SENATOR BRADY ADAMS, DISTRICT 25

200 CHAIR JOHNSON: Explains that public hearings on SB 1005 & SB 1006 will held in conjunction.

SENATOR BRADY ADAMS, DISTRICT 25: There are amendments that deal with illegal dams and public safety, see (EXHIBIT B).

PUBLIC HEARING ON SB 1005

Witnesses: MARTHA PAGEL, DIRECTOR, WATER RESOURCES DEPARTMENT  
DOUG PARROW, WATER RESOURCES DEPARTMENT  
STEVE MARKS, GOVERNORS OFFICE  
ROBERT HUNTER, WATER WATCH  
DIANNE VALANTINE, OREGON NATURAL RESOURCES COUNCIL  
TOM McMURRAY, CHAIRMAN, BOARD OF DIRECTORS, GRANTS PASS IRRIGATION DISTRICT  
CHRIS N. SKREPETOS, Ph.D  
DALE SMITH, GRANTS PASS  
STEVE BEYERLIN, VICE-PRESIDENT, OREGON GUIDES AND PACKERS  
JIM MYRON, OREGON TROUT  
LEE WEDBERG MEMBER, ROGUE FLY FISHERS  
DANIEL BOYD, JACKSON COUNTY  
DOUG McGEARY, RESIDENT, MEDFORD AREA

259 MARTHA PAGEL, DIRECTOR, WATER RESOURCES DEPARTMENT: Submits written testimony, (EXHIBIT C).

289 DOUG PARROW, WATER RESOURCES DEPARTMENT : Submits informative material, see Exhibit C.

325 SEN. BRYANT: What was the amount requested?

PARROW: I'm not sure; we gave an additional 90 feet.  
( Continues describing situation.

440 CHAIR JOHNSON: What is the cost of going to electric pumps?

PARROW: That is included in the dam removal alternative; the total cost is \$11.2 million.

( There are alternatives to installation of electric pumps that would accomplish the task.

SEN. BRYANT: At 150 CFS, (cubic feet per second), is the district able to deliver the water?

PARROW: It is our understanding that the district will be able to with the implementation of their conservation plan.

PAGEL: SB 1005 would grant an outright water right to the Grants Pass Irrigation District without the conditions in our current order and current permit.

( SB 1006 would address the issue of further or future conditions that might require removal of dams in general.

(As printed these bills go way beyond Sen. Adams intent.

TAPE 95, SIDE A

030       PAGEL: Regardless of the amendments that come forward, legislation isn't necessary.

      ( (In response to Sen. Cease) As printed the bill would give an additional 150 CFS; that would be a dramatic adverse impact on the system and other users.

      ( The amendments curb it back to a total amount that is more in line with our current permit.

      SEN. CEASE: Who actually owns the dam?

      PAGEL: The district.

      PARROW: The district does own it; but the Bureau of Reclamation loaned money for improvements in the 1970's.

      SEN. BRYANT: Is the permit conditioned on the obtaining of the federal funding?

      PARROW: Not specifically, but there are conditions that allow the district to ask for extensions or to propose some other solution.

153       SEN. BRYANT: Would the commission consider an amendment attaching a contingency clause on the funding so the irrigation district doesn't have to come back?

      PAGEL: The districts decision to remove the dam had federal funding factored in.

      ( Describes current process.

190       STEVE MARKS, GOVERNORS OFFICE: Testifies in opposition to SB 1005.  
      ( With respect to SB 1006, the Governor is open to working with Senator Adams.

223       ROBERT HUNTER, WATER WATCH: Testifies in opposition.  
      ( Submits written testimony, (EXHIBIT D).

      SEN. BRYANT: Why would the irrigation district request this?

      HUNTER: The petition came out at a time when people were confusing dam removal with the end of the irrigation district.

      VICE-CHAIR KINTIGH: Is this used for anything else?

      HUNTER: Flat water recreation; there would be that impact.

375       DIANNE VALANTINE, OREGON NATURAL RESOURCES COUNCIL: Testifies in opposition.

440       TOM McMURRAY, CHAIRMAN, BOARD OF DIRECTORS, GRANTS PASS IRRIGATION DISTRICT: Testifies in support, submits written testimony, (EXHIBIT E).

TAPE 94, SIDE B

030       McMURRAY: Continues with written testimony.

125       SEN. BRYANT: The board decided to accept the decision of the Water Resources Department?

      McMURRAY: Correct.

      ( We would like to separate the dam and the water right issues.

185       SEN. CEASE: As the commission has authorized more water for the district, what was the situation prior to that?

      McMURRAY: We started in 1921; describes situation.

230 SEN. CEASE: Where did the extra 72 cubic feet come from?

McMURRAY: The river; we aren't hurting any other rights below us.

291 CHRIS N. SKREPETOS, Ph.D.: Testifies in opposition, submits written testimony, (EXHIBIT F).

353 DALE SMITH, GRANTS PASS: Testifies in opposition to both SB 1005 & SB 1006.

416 STEVE BEYERLIN, VICE-PRESIDENT, OREGON GUIDES AND PACKERS: Testifies in opposition, submits written testimony, (EXHIBIT G).

SEN. CEASE: What is the big push to not remove the dam?

BEYERLIN: Property values have a lot to do with it, or perceived property values.

( We have no intention of trying to push the irrigation district out of business.

485 SEN. CEASE: At what point do you finally draw the line and say there has to be some resolution?

TAPE 95, SIDE B

BEYERLIN: I think we have reached the point that it is going to be very difficult to go back and clear up the misconceptions.

SEN. CEASE: Is it your opinion that the dam must be removed to have a long term positive impact on saving the fish?

BEYERLIN: Not necessarily; fish passage work can be done; there are fish screen studies that call for irrigation screens for the turbines that would cost in the area of \$4 million.

070 JIM MYRON, OREGON TROUT: Submits written testimony in opposition to SB 1005 & SB 1006, (EXHIBIT H ).

BEYERLIN: We are currently in the process of an endangered species petition on steel head; describes.

111 LEE WEDBERG, MEMBER, ROGUE FLY FISHERS: Testifies in opposition.

120 DANIEL BOYD, JACKSON COUNTY: Testifies in opposition.

170 DOUG McGEARY, RESIDENT, MEDFORD AREA: Testifies in opposition.

250 CHAIR JOHNSON: Announcements.  
( We are adjourned. (3:00 p.m.)

Submitted by, Reviewed by,

Kimberly Shadley	Karen Quigley
Committee Assistant	Committee Counsel

#### EXHIBIT SUMMARY:

A - SB 1005: -1 amendments submitted by Adams, pp 1  
B - SB 1006: -1 amendments submitted by Adams, pp 1  
C - SB 1005 & 1006: Written testimony submitted by Pagel, pp 66  
D - SB 1005 & 1006: Written testimony submitted by Hunter, pp 25

E - SB 1005 & 1006: Written testimony submitted by McMurray, pp 4  
F - SB 1005 & 1006: Written testimony submitted by Skrepetos, pp 1  
G- SB 1005 & 1006: Written testimony submitted by Beyerlin, pp 2  
H - SB 1005 & 1006: Written testimony submitted by Myron, pp 2  
I - SB 1005 & 1006: Informative material submitted by Smith, pp 1  
J - SB 1005 & 1006: Written testimony submitted by Haskell, pp 1  
K - SB 1005 & 1006: Written testimony submitted by Swisher, pp 1  
L - SB 1005 & 1006: Written testimony submitted by Fleetwood, pp 1  
M - SB 1005 & 1006: Written testimony submitted by Chinn, p 1  
N - SB 1005 & 1006: Written testimony submitted by Wedberg, pp 3  
O - SB 1005 & 1006: Written testimony submitted by Bilheimer, pp 1  
P - SB 1005 & 1006: Written testimony submitted by Denman, pp 2  
Q - SB 1114: Informative material and written testimony submitted for the  
record by staff, pp 28  
R - HB 3086: Written testimony submitted by Well, pp 1  
S - SB 600: Written testimony submitted for the record by staff, pp 5  
T - SB 1033: Written testimony submitted for the record by staff, pp 1  
U - HB 2697: Written testimony submitted for the record by staff, pp 1  
V - HB 3100: Written testimony submitted for record by staff, pp 1  
W - HB 3348: Written testimony submitted for the record by staff, pp 1