

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON WATER

June 3, 1993           Hearing Room D 1:00 p.m.   Tapes 110 - ?

MEMBERS PRESENT:           Rep. Chuck Norris, Chair Rep. Carl Hosticka  
Rep. Tim Josi Rep. Bill Markham Rep. Nancy Peterson Rep. Bob Repine Rep.  
Liz VanLeeuwen

MEMBER EXCUSED:           Rep. Ray Baum

VISITING MEMBER:

STAFF PRESENT:           Catherine Fitch, Committee Administrator Sue  
Nichol, Committee Clerk

MEASURES CONSIDERED:           HB 2771 HB 3474 HB 3273 HB 3355 HB  
3452 WITNESSES:

[--- Unable To Translate Graphic ---]

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. [--- Unable To Translate Graphic ---]

TAPE 110, SIDE A

005   CHAIR NORRIS:   Calls the meeting to order at 1:08.

PUBLIC HEARING ON HB 2771

031   CATHERINE FITCH:   HB 2771   revises existing regulations regarding conversion of perennial streamflows to in-stream rights (Exhibit

A).amendments (Exhibit B).

057   SCOTT PETERS:   Reads testimony (Exhibit C)

087   JERRY SCHMIDT, Oregon Association of Realtors:   (Exhibit D).

104   bm   You're saying

108   SCHMIDT:   We're talking about ..

136   REP. HOSTICKA:

143   SCHMIDT:

163   BM   Why did you bring the bill forward?

167   PETERS:

182   MARTHA PAGEL, Department of Water Resources:   (Exhibit E and F).

216 REP. HOSTICKA:

235 doug PARROW?????????:

263 PAGEL: When water is released because of a contract, that water was bought and paid for and they have a right to that water.

288 REP. REPINE:

294 STEVE SANDERS, Attorney General's Office: This bill will create a level playing field so that all ....

316 CHAIR NORRIS:

323 lv W

327 SANDERS: Both versions require the same thing.

340 PARROW: Explains the situation this bill is trying to remedy using drawing on blackboard.

396 REP. HOSTICKA:

400 SANDERS:

TAPE 111, SIDE A

005 REP. HOSTICKA:

007 SANDERS: That's under their rules.

010 CHAIR NORRIS:

011 SANDERS:

019 PAGEL: Both sets of amendments accomplish the same thing. Explains the differences in the two sets of amendments.

048 SANDERS:

052 cn If the Commission enters into the contract///

055 SANDERS:

059 JEWELL HOUSTON, Houston Vineyards: Reads testimony in support of HB 2771 (Exhibit G).

Submits exhibit H & I

094 MARK KINTIGH: Reads testimony in favor of HB 2771 (Exhibit J).

140 bm Who do you purchase stored water from?

143 KINTIGH:

147 KAREN RUSSELL, Water Watch of Oregon: Opposes HB 2771 for several reasons.

195 REP. HOSTICKA: Do you still object with the Department's

amendments?

200 RUSSELL: Yes.

204 JIM MYRON, Oregon Trout: oREGON tROUT HAS SIMILAR CONCERNS TO Water Watch. Water Resource's amendments are better than the original but we

still have concerns.

234 np

238 JAN BOETTCHER, Oregon Water Resources Congress: wE HAVE SOME LEGAL PROBLEMS WITH the bill. We're concerned that the stored water

component???? We support the concept but are not comfortable with how it is worded.

255 PARROW: The Department has issued water rights for the use of water that a portion of the water may come from ????. The result of that is

that ... The Commission did address that in adopting the Willamette Basin program.

283 np When did this change begin to happen?

284 PARROW: It was in January, 1992 when the Commission adopted the Willamette Basin program.

294 REP. MARKHAM: jDo you condision the granting of the permit for this water on the applicant returning part of the water for instream flows.

300 PAGEL: No. 308 REED MARBUT, Department of Water Resources: We can't do that because the applicant must show beneficial use of the water that is applied for.

330 PAGEL:

344 MARBUT: The Commission must consider

354 bm jCan you stop a person from buying water from the feds because you have other uses for that water?

360 MARBUT: No.

CHAIR NORRIS: Closes public hearing.

PUBLIC HEARING ON HB 3474

CATHERINE FITCH: Amendments (Exhibit K, L)

TAPE 110, SIDE B

011 JERRY SCHMIDT, Oregon Association of Realtors: Reads testimony in support of HB 3474 (Exhibit M).

090 CHAIR NORRIS:

094 SCHMIDT:

101 cn Are we talking about prospective or existing uses?

102 SCHMIDT: Prospective uses.

107 cn What about exempt uses?

110 SCHMIDT:

118 REP. REPINE: What are the cost ramifications on these amendments?

122 SCHMIDT: I don't think it would be a great deal.

144 PAGEL: Summarizes testimony with concerns regarding HB 3473 (Exhibit N) and HB 3474 (Exhibit O).

246 REP. HOSTICKA: Is all of this out of ????

250 PAGEL:

293 cn The issue we're dealing with ?// 298 PAGEL: That is one issue. The other issue is how do we deal with all of these individuals in judicial proceedings.

309 REP. MARKHAM: Is there any common ground ???

314 PARROW: We believe there is common ground.

320 This is not just an issue of agency convenience. This is a matter of public involvement and public convenience also.

345 PAGEL: There was agreement that we need to have a better process for withdrawal that brings in more public involvement.

372 KAREN RUSSELL, Water Watch: Does not support the sponsor's proposed amendments. Supports many of Water Resources Department's amendments.

TAPE 111, SIDE B

006 STEVE SCHNEIDER, Oregon Groundwater Association: Strongly supports the bill as amended by the sponsors. It's mandatory that affected parties

have a say in what happens to them.

034 cn If there's a contested case ....

038 PARROW: That is the concern we have with ??/ It is a process wrought with ambiguity.

049 cn

051 PARROW:

054 np How were the landowners affected by the withdrawal of water on Parrot Mountain?

061 SCHNEIDER: By withdrawing the area from further drilling,

081 np

093 SCHNEIDER: The March withdrawal ...

090 SHIRLEY BRYANT: I think the Department has gone a long way in trying to solve the issues concerning Parrot Mountain. I don't know why they

don't know the affected parties. They are all recorded owners. We need to have recourse.

130 cn Closes public hearing on HB 3474.

PUBLIC HEARING ON HB 3273

135 fitch: (Exhibit P and Q). 186 JAN BOETTCHER: We propose taking out the words (Exhibit R).

230 PAGEL: Supports amendments by Jan Boettcher.

241 lv

250 cn Public hearing on HB 3273.

WORK SESSION ON HB 3273

261 MOTION: REP. MARKHAM:

274 PUBLIC HEARING ON HB 3355

3j00 FITCH: (Exhibts S & T)

370 BOETTCHER: Reads testimony in favor of HB 3355 (Exhibit U).

TAPE 113, SIDE A

048 np Why would someone lease?

051 BOETTCHER: Irrigation districts may lease.

061 bm Who stopeed the department as was mentioned in your testimony?

065 BOETTCHER:

070 MARK MADISON, CH2M Hill: Supports bill???.

113 Supports amendment by Oregon Water Resources congress.

120 FITCH:

122 MADISON: Yes.

142 cn Are we talking about lease or sale?

145 MADISON: We felt that lease would be the lowest risk. Eventually, Oregon may go to a sale marketplace. 154 MARBUT: (Exhibit V).

184 PAGEL:

197 MARBUT: This is a leasing of the water, not the water right. The high demand for instream flows was the impetus to bring this bill forward.

238 np What problems do you see with this bill concerning the conservation program?

245 MARBUT: A portion of

300 RUSSELL: Reads testimony in opposition to HB 3355 (Exhibit W).

38- CHARLES GEHLEY: Submits amendments (Exhibit X).

TAPE 112, SIDE A

009 JOHN CHARLES, ????: Has some concerns about the bill, but believes the concept is important.

037 cn Closes public hearing on HB 3355.

PUBLIC HEARING ON HB 3452

045 STEVE SCHNEIDER, Oregon Ground Water Association: Testifies in favor of HB 3452 so that science and economics will be at the forefront when

making decisions instead of politics and emotion.

064 cn What would critical issues be?

067 SCHNEIDER: They are defined on ??/

074 TED PULLIAM, Oregon Ground Water Association: The Water Resources Commission is not working. There are no checks and balances in the

current system. This bill comes because of this unworkable system. We feel this will make the system work.

101 JOHN CHARLES, Oregon Environmental Council: Testifies in opposition to HB 3452 as the current system is uncomplicated.

150 JERRY SCHMIDT, Oregon Association of Realtors: Supports HB 3452.

192 cn What would be the cost of mandating attendance?

198 SCHMIDT: I think it is imperative that they are there for critical issues.

210 bm Don't they often just send out a hearings officer?

211 SCHMIDT: Yes.

217 br Do you

228 SCHMIDT: Yes, I would agree with that.

242 DOUG MYERS, Water Watch: Opposes HB 3452. The current Water Resources Commission is made up of a broad geographical base.

262 MARTHA PAGEL: We have not formulated a position on the bill. I don't think we can support a bill that changes the format of the Commission.

330 REP. REPINE: Would it be of value to have people on the Commission who have expertise in the area?

339 PAGEL: I think that is valuable; but to legislate it would be difficult

372 PAGEL:

384 cn Closes public hearing

Meeting is adjourned at 3:50.

Submitted by:

Reviewed by:

Sue Nichol  
Administrator

Catherine Fitch Clerk

EXHIBIT LOG: A - Testimony on HB 2020 - name - # pages B -  
Testimony on HB 2020 - name - # pages C - Amendments to  
HB 2021 - name - # pages