

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON WATER

June 10, 1993      Hearing Room D 1:00 p.m.      Tapes 118 - ?

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

MEMBER EXCUSED:

VISITING MEMBER:

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

MEASURES CONSIDERED:              HB 3203 SB 48 SJM42 HB 2771

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 118, SIDE A

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

PUBLIC HEARING ON HB 3203

010      FITCH:      HB 3203

030      JIM MYRON, Oregon Trout:      Has some concerns with the bill.

047      REP. REPINE:

054      MARTHA PAGEL, Department of Water Resources:      We gave you a statement of what the Commission did (Exhibit A), changing the 80% ????

076      REP. REPINE:      Have you been negotiating with water rights ?????

087      PAGEL:

097      REP. REPINE:      So you haven't made any compromises with ???

99      PAGEL:      Corrent.

100      REP. REPINE:

102      PAGEL:

112 REP. REPINE: Would that ///

114 PAGEL:

118 REP. REPINE: Was that discussion driven from previous  
conservations with Water Watch?

123 PAGEL: We have had those discussions internally before Water  
Watch brought forward their objections. Water Watch???

134 REED MARBUT, Department of Water Resources: The idea of  
reporting is relatively new. One of the concerns we have about reporting  
is that the information has to be useable.

177 REP. REPINE: Do you believe that more of the permits in the  
process will have these measuring devises put on them.

188 MARBUT: Yes, I believe more conditions will be put on them.

200 PAGEL: We would be heading in that direction whether or not Water  
Watch had these concerns.

218 CHAIR NORRIS: Closes public hearing on HB 3203.

WORK SESSION ON SJM42

227 SEN. BILL BRADBURY, District 24: This resolution simply  
encourages California, Washington and idaho to join Oregon in creating a  
regionally planned and coordinated restoration effort fro anadromous  
salmonid

populations in coast waters.

246 REP. HOSTICKA:

258 CHAIR NORRIS: We might consider including the Northwest Indian  
Tribes in this?

265 SEN. BRADBURY: That would be an amendment we would be very  
agreeable to.

270 CHAIR NORRIS: Closes public hearing on SJM42.

PUBLIC HEARING ON HB 3203

277 CHAIR NORRIS: Did not the allocation policy address the  
measurement issue?

282 PAGEL: The allocation policy did have a bearing on  
measurement and reporting.

294 CHAIR NORRIS: Does the basin plan address the measurement issue?

300 MARBUT: I don't believe they do.

322 PAGEL: Explains the amended recommendation of the Department  
(Exhibit A).

TAPE 119, SIDE A

010 CHAIR NORRIS: Would the rule change ??? it is

012 PAGEL: No, we did not make that recommendation.

030 REP. MARKHAM: Isn't the public interest taken care of when you make a basin plan?

036 PAGEL: One level of public interest factors are addressed.

043 CHAIR NORRIS:

046 PAGEL: They would be approved.

050 MARBUT:

066 CHAIR NORRIS: Is that bad?

068 MARBUT: I don't think that is the way the law was designed to be applied.

085 REP. VanLEEuwEN:

091 PAGEL: It was a motion that was approved by the Commission last Friday.

096 REP. VanLEEuwEN: Is this an effort to go around the proposal in the bill?

104 CHAIR NORRIS: The Department is ???

107 REP. VanLEEuwEN: I'm trying to find out what's going on.

114 PAGEL: The Commission was ??? It is full of "ifs" because it hasn't gone through the entire process but they have a strong committment to

the resolution.

128 We do not feel the amendments are good policy, but we believe they bring up some good points.

134 REP. VanLEEuwEN: How do we have assurance that they will not go back to the old system, regardless of this proposed resolution?

140 CHAIR NORRIS:

147 REP. MARKHAM:

149 PAGEL: That's what we would hope.

158 RON YOKUM, Oregon Cranberry Growers Alliance: Supports the previously proposed amendment of Rep. VanLeeuwen's, inserting "or administrative

rule" in the language of the bill.

194 REP. MARKHAM: What if we don't adopt the Nurserymen's amendments?

198 YOKUM: Lists alternative solutions.

216 CHAIR NORRIS: If we ended up a lot of new permits and there wasn't the water available, would there be any progress made?

220 YOKUM: That's the risk the individual takes.

245 JAN BOETTCHER, Oregon Water Resources Congress: We're trying to incorporate some new language in the basin plan.

258 CHAIR NORRIS: Closes public hearing on HB 3203.

265 REP. VanLEEUEWEN: I'm under the opinion that we need the bill with the nurserymen's amendment.

279 REP. JOSI: Asks Scott Aschom how he feels about the Commission's resolution.

286 SCOTT ASCHOM, ????: That proposal would be inadequate.

319 REP. VanLEEUEWEN: Are we considering anything in the backlog anything over one year old?

328 ASCHOM: We refer to it as an application that is pending.

332 REP. VanLEEUEWEN:

341 ASCHOM: Apparently, the Commission

345 CHAIR NORRIS: Reopens the public hearing on HB 3203.

367 CHAIR NORRIS:

369 ASCHOM: The groundwater .... rules.

399 REP. PETERSON: Is the Willamette basin plan the only basin plan affected?

4k02 ASCHOM: I believe the Sandy Basin plan would also be affected.

TAPE 118, SIDE B

006 REP. MARKHAM: Will water metering be required along with a water right?

011 ASCHOM: It is being considered as a condition to any rights being issued.

015 REP. MARKHAM: Would that be by administrative rule?

019 ASCHOM: By my understanding, it would be under current law.

023 PAGEL: The Sandy Plan was adopted at about the same time. I don't know if there are specific applications affected by that.  
????????????????//

significant bearing... They do have a bearing on people's impressions on fairness and equity. The provision in the nurserymen's amendments concerning the public interest review would have a bearing on the

backlog.

049 The Commission did hear comments last Friday from people who were concerned with ..... The Department was directed to deal with those concerned.

061 MARBUT: The Department and the Commission do have the authority to set conditions on water rights.

084 REP. MARKHAM: How many farmers are required to have metering equipment?

088 MARBUT: I can't give a percentage. Most modern rights require some type of a metering device.

094 JOHN BORDEN, Department of Water Resources: In some areas it is up to 80%. It varies. On the basis of permits, maybe 5-8% may be required.

116 REP. MARKHAM: Comment on the threat to change the laws concerning Portland General Electric's water right.

118 MARBUT: Explains the filing of Portland General Electric of a pre-1909 water right.

143 REP. MARKHAM: Why does the ???/ make these statements?

158 CHAIR NORRIS: What's the current backlog?

160 MARBUT: About 4,000. 161 CHAIR NORRIS:

165 MARBUT: About ???

168 CHAIR NORRIS: So about half the backlog?

172 MARBUT: The actual number affected would be less than 800.

181 CHAIR NORRIS: If the Nurserymen's amendments were passed, would we be giving rights that there wasn't enough water to satisfy?

188 MARBUT:

207 CHAIR NORRIS: Closes public hearing on HB 3203.

PUBLIC HEARING SB 48

215 FITCH: (Exhibit B).

229 PAGEL: Explains testimony in support of SB 48 (Exhibit C).

275 REP. MARKHAM: Does it mean that dams and reservoirs smaller than 9.2 acre-feet and 10 feet in height will not be subject to the requirements.

285 PAGEL: Yes. That is our intent. It's not specifically in the bill.

322 CHAIR NORRIS: Do the ??? not apply to structures under 9.2

acre-feet and 10 feet in height?

330 BORDEN:

350 CHAIR NORRIS: So it is linked to existing statutes?

352 BORDEN: yes.

355 REP. VanLEEuwEN: Are the pump tests realistic?

367 BORDEN: The pump test is also a aquifer test, besides a flow test.

381 REP. VanLEEuwEN: How do they do the pump tests?

382 BORDEN: Explains the process.

392 REP. VanLEEuwEN: Is this an annual test?

399 BORDEN: ?????

TAPE 199, SIDE B 009 PAGEL: The pump tests only apply to water right holders.

014 REP. VanLEEuwEN: I'm talking about irrigation uses.

015 PAGEL: It would apply to irrigation uses.

020 REP. MARKHAM:

023 PAGEL:

030 REP. BAUM: What is your present authority in imposing civil penalties?

033 BORDEN: Describes the current limits.

047 CHAIR NORRIS: Where is the penalty limit in this bill?

050 BORDEN: ORS 536.????

052 REP. VanLEEuwEN:

069 BORDEN:

080 REP. VanLEEuwEN: What is the possible extent of these fines?

093 BORDEN: Typically penalties start at \$25, \$50 or \$100 ??

100 REP. VanLEEuwEN:

107 PAGEL: There's an overall limit of \$5,000.

121 BOB HALL, Portland General Electric: Recommends an amendment that on line 14, sub d, add "that is not regulated by the Federal Energy

Regulatory Commission." This would eliminate the double jeopardy.

151 REP. MARKHAM:

155 HALL:

163 CHAIR NORRIS: Closes public hearing on SB 48.

PUBLIC HEARING ON HB 2771

180 FITCH: (Exhibit E)

196 LADD HENERSON, Santiam Water Control District: Requests that the 6/9/93 amendments be considered (Exhibit F).

250 JERRY SCHMIDT, Oregon Association of Realtors: The final draft is the version Hand Engrossed by Scott Peters version (Exhibit F).

283 CHAIR NORRIS: Who is in the work group?

289 SCHMIDT: .....Water Resources Department, the Attorney General's office, Anne Squiers,

302 CHAIR NORRIS: This amendment came out ....

312 SCOTT PETERS: The only change is in Section 3.

320 CHAIR NORRIS:

321 SCHMIDT:

329 REP. VanLEEUEWEN:

341 PAGEL: We support the most recent language. The newest change was to clarify the date.

365 HENDERSON:

TAPE 120, SIDE A

003 Suggests an additional language which would insert subparagraph 5, "storage water released from a reservoir ....."

023 CHAIR NORRIS: Would you be better off if this bill passed?

027 HENDERSON: Yes.

055 DOUG PARROW, Department of Water Resources: We were concerned that Mr. Henderson's amendment would have some unintended affects.

068 cn

070 PARROW: We would like to have tsome time

078 REP. REPINE:

087 REP. VanLEEUEWEN:

092 DOUG MYERS, Water Watch: Would like opportunity to comment on the amendments later.

105 CHAIR NORRIS: Closes public hearing on HB 2771. WORK SESSION ON  
HB 2771

106 CHAIR NORRIS: Closes work session.

PUBLIC HEARING ON SJR42

120 ROD INGRAM, Oregon Department of Fish and Wildlife:

135 JIM MYRON, Oregon Trout: Supports the resolution with the  
proposed amendment.

140 KEITH LEAVITT, Sen. Bunn's Office: Supports this resolution  
with the proposed amendmnet.

157

WORK SESSION ON SJM42

200 CHAIR NORRIS: Closes work session.

WORK SESSION ON HB 3203

205 MOTION: REP. REPINE:

230 CHAIR NORRIS: What was the intent? Your proposed amendment  
was a complete replacement of the bill?

244 ASCHOM: Yes.

285

302 CHAIR NORRIS: Closes work session on HB 3203.

WORK SESSION ON SB 48

308 MOTION: REP. REPINE:

335 REP. VanLEEuwEN: 342 BEV HAYES, Department of Water Resources:  
The purpose of the bill is to ????????????

359 In 1989, when the legislature //////////, the civil penalty bill  
passed, the dam safety bill did not.

369 REP. VanLEEuwEN:



TAPE 121, SIDE A

005 REP. MARKHAM: How many of these problems are out there?

008 HAYES:

WORK SESSION ON HB 2771

035 CHAIR NORRIS: Closes work session on HB 2771.

Meeting is adjourned at 3:28.

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