

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON WATER

February 2, 1993 Hearing Room D 1:00 p.m. Tapes 12 - 13

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: Rep. Dennis Luke

STAFF PRESENT: Catherine Fitch, Committee Administrator Pat
Zwick, Committee Coordinator Sue Nichol, Committee Clerk

MEASURES CONSIDERED: HB 2107 - Public Hearing HB 2153 - Public
Hearing HB 2344 - Public Hearing

WITNESSES: Martha Pagel, Department of Water Resources Rep.
John Schoon, District 34 Kip Lombard, Oregon Water Resources Congress
Jim Myron, Water Watch Jill Zarnowitz, Department of Fish and Wildlife,
Habitat Conservation Division Susan Schneider, City of Portland,
Government

Relations Office Bob Berends, Oregon Consortium Wetlands and Wildlife
Beverly Hayes, Department of Water Resources Gerald Maxwell,
Oregon Association of Conservation Districts Richard Koesan,
Water for Life Rep. Chuck Norris Louise Bilheimer, Pacific Rivers
Council, Water Watch, Sierra Club

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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 1, SIDE A

005 CHAIR NORRIS: Calls the meeting to order at 1:15.

PUBLIC HEARING ON HB 2107

015 CATHERINE FITCH, Committee Administrator: Gives summary of the
bill.

035 MARTHA PAGEL, Department of Water Resources: Explains HB 2107
which establishes a water use registration process for wetland or
stream

restoration activities. The bill no longer reflects current thinking

of the Water Resources Department working group. They will offer amendments to get it up to date with their current thinking. (Exhibit A)

095 CHAIR NORRIS: Asks question to clarify between water right and the proposed water permit.

PAGEL: After permit is issued, work can begin until it becomes perfected and is issued as a right.

105 REP. HOSTICKA: If somebody registers can they apply for a right at the same time so they could operate under registration until the right

becomes perfected?

110 PAGEL: Yes. That is expected to happen in larger projects. In smaller projects with no competition for the water, it might not be necessary.

113 REP. MARKHAM: Re: Page 1, Lines 24 and 25 - Why can't it be used for commercial purposes?

120 PAGEL: The purpose is to limit this use to activities that are for stream restoration and enhancement and not part of commercial

activities, and because a registration wouldn't be sufficient for an ongoing commercial use.

REP. MARKHAM: Asks if an economic development side wouldn't go along with this.

PAGEL: Yes, they would probably want to get in the door with a registration if this was open to them and then file for a water right.

Goal is stream restoration and enhancement but would work towards economic development.

CHAIR NORRIS: Asks if it would only apply to future projects only or those already existing.

148 PAGEL: Would apply to future projects, not present.

Gives background of HB 2107 and HB 2153.

172 REP. JOHN SCHOON, District 34: Speaks in favor of this bill and other one that will be spoken about this afternoon (HB 2153) as a concept.

Makes suggestions to not limit permitted purposes too tightly. Suggests

local soil and water conservation districts be involved in the process.
250 CHAIR NORRIS: Asks Martha Pagel to come back up. Asks clarification of "public agency", could it be other than a government agency?

262 PAGEL: Yes, it's intended to include a broad applicability of the bill.

275 CHAIR NORRIS: Would other public spirited bodies be included?

280 PAGEL: Yes.

282 KIP LOMBARD, Oregon Water Resources Congress: States his concerns about the bill as it is now written. (Exhibit B)

TAPE 13, SIDE A

009 REP. REPINE: Asks about wetlands.

012 LOMBARD: Explains irrigation district clients' application of HB 210 7.

041 JIM MYRON, Water Watch: Supports concept; mentions his concerns with HB 2107. (Exhibit C)

068 JILL ZARNOWITZ, Department of Fish and Wildlife, Habitat Conservation Division: HB 2107 and HB 2153 both need more work by working group to

make some amendments. (Exhibit D)

090 SUSAN SCHNEIDER, City of Portland, Government Relations Office: Would like to be involved in work group. Would like expansion of the bill to

include stream restoration projects. (Exhibit E)

122 REP. MARKHAM: Asks clarification on the problem the City has with HB 2107.

SCHNEIDER: Wants stream diversion included in the bill.

128 REP. HOSTICKA: Wouldn't the limit of 5 acre feet solve the problem?

132 SCHNEIDER: Some projects would fall within this limit, some wouldn't.

140 CHAIR NORRIS: Asks if this would be the place to add section for stream restoration.

155 BOB BERENDS, Oregon Consortium Wetlands and Wildlife: Supports HB 210 7 in concept. Wants to be included in working group. Will submit formal

testimony at future date.

173 CHAIR NORRIS: Closes public hearing. Urges some compromises between the people involved.

PUBLIC HEARING ON 2107 CLOSED AT 1:58

PUBLIC HEARING ON HB 2153

201 MARTHA PAGEL, Department of Water Resources: Explains the purpose and scope of HB 2153 to establish new water use registration program for

small ponds and extend limited licensing to specific new uses.

(Exhibit F)

285 REP. VanLEEUEWEN: Asks clarification on scope of HB 2153 and HB 2107.

PAGEL: Clarifies HB 2153 is to deal with existing ponds.

316 BEVERLY HAYES, Department of Water Resources: Explains temporary license arrangements.

333 PAGEL: HB 2153 deals with three separate issues.

351 REP. MARKHAM: Asks why water rights aren't just issued. Questions why limits are put on.

365 PAGEL: Limited license would be less expensive and would exist as a convenience for users so they don't have to get a full blown water

right.

384 REP. JOSI: Asks where pump chance fits in.

395 PAGEL: Pump chance was recommended to be moved up as an exemption by the working group.

TAPE 12, SIDE B

005 REP. JOSI: Asks if the pump chance would be an allowed exempted use.

006 PAGEL: Yes.

009 PAGEL: Wants pump chance redefined.

033 REP. REPINE: Would it cost ten times as much if one landowner had ten ponds?

035 PAGEL: Ten ponds would be included on one registration according to their recommendations.

040 REP. REPINE: Asks about mandatory date of compliance.

044 PAGEL: Education will probably take longer. Wants deadline so people don't create new ponds and get them grandfathered in.

063 CHAIR NORRIS: Asks Mr. Maxwell if conservation district could provide education necessary for this bill to the people it would affect.

072 GERALD MAXWELL, Oregon Association of Conservation Districts: They

have photos and would be able to communicate to public.

REP. VanLEEuwEN: Asks if goal is to see that people weren't making ponds for water storage.

082 PAGEL: Explains goal is to "legalize" use of existing ponds, not prohibit people from creating ponds.

101 REP. VanLEEuwEN: Asks clarification of present law.

104 PAGEL: Pond requires water right if it is diverting water from a stream. Further explains which ponds need to have water rights granted.

135 HAYES: Further explains when permits are necessary.

154 PAGEL: HB 2153 will simplify and clarify when water rights are needed.

168 REP. VanLEEuwEN: Asks which streams are exempt?

174 PAGEL: Explains exemptions.

180 CHAIR NORRIS: Pointed out bill is missing comma between "food" and "game".

200 REP. MARKHAM: Asks for literature to clarify which uses must be registered.

210 PAGEL: Will bring information.

215 KIP LOMBARD, Oregon Water Resources Congress: Expresses concerns that HB 2153 does not enumerate exemptions that the Court has already found

didn't need rights granted.

329 JIM MYRON, Water Watch: Testifies against HB 2153. (Exhibit G)

360 REP. REPINE: Seeks clarification of comment period.

379 MYRON: Explains problem of existing ponds in stream channels.

386 REP. REPINE: Asks if rules would explain through which path a water user must proceed.

393 MYRON: It wouldn't necessarily be the case.

402 CHAIR NORRIS: Asks if the bill doesn't allow stream blockage.

MYRON: Wants additional types of streams included.

TAPE 13, SIDE B

012 CHAIR NORRIS: Asks how "the public" is defined. MYRON: Considers public interest as anyone who would care to comment on granting of water rights.

025 JILL ZARNOWITZ, Oregon Department of Fish and Wildlife: Plans to

work on this bill to make it more acceptable with working group.
Supports HB 2153 with amendments which they would work on. (Exhibit H)

038 BOB BERENDS, Wetlands Committee: Signed up to testify, but has no interest in HB 2153.

054 RICHARD KOSESAN, Water for Life: Has no comment on this bill per se. He is working with a group on another proposal specifically dealing with stock ponds.

MARTHA PAGEL: Water Resource Department will coordinate work group.

PUBLIC HEARING ON HB 2153 CLOSED 2:45

PUBLIC HEARING ON HB 2344 OPENED

090 REP. NORRIS: Explains HB 2344 is designed to grant limited licences for human and livestock water uses above or within a scenic waterway.

Recommends amendments that should be made to the bill.

159 REP. HOSTICKA: Asks why license would be limited to two years.

166 REP. NORRIS: Would like to strike down that limit if possible.

173 VICE-CHAIR JOSI: Asks if bill is still needed once minimum flow levels are identified.

REP. NORRIS: Further explains current law.

182 VICE-CHAIR JOSI: Asks further clarification of current law.

REP. NORRIS: Clarifies that applications for use could not even be considered for water in scenic waterways.

195 KIP LOMBARD, Oregon Water Resources Congress: Speaks in favor of HB 2344.

207 JILL ZARNOWITZ, Oregon Department of Fish and Wildlife: Supports the concept of HB 2344 but opposes the bill as it is now written. (Exhibit

I)

255 Clarifies amounts of water taken out (Subsection 5 of HB 2344).

268 REP. VanLEEUEWEN: Asks about other solutions for stock watering.

275 ZARNOWITZ: Suggests off stream storage.

Explains degree of support for bill. 317 LOUISE BILHEIMER, Pacific Rivers Council, Water Watch, Sierra Club: Recommends withdrawal of HB 2344. (Exhibit J)

Next water subcommittee meeting will be Thursday at 3:00.

Meeting adjourned 3:02

Submitted by:

Reviewed by:

Sue Nichol
Administrator

Catherine Fitch Assistant

EXHIBIT LOG:

A - HB 2107 - Testimony - Martha Pagel - 2 pages B -
HB 2107 - Testimony - Kip Lombard - 2 pages C - HB 2107 -
Testimony - Jim Myron - 3 pages D - HB 2107 - Testimony - Jill
Zarnowitz - 1 page E - HB 2107 - Testimony - Susan Schneider -
2 pages F - HB 2153 - Testimony - Martha Pagel - 4 pages G
- HB 2153 - Testimony - Jim Myron - 7 pages H - HB 2153 -
Testimony - Jill Zarnowitz - 1 page I - HB 2344 - Testimony -
Jill Zarnowitz - 2 pages J - HB 2344 - Testimony - Louise
Bilheimer - 1 page