

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON WATER

February 11, 1993 Hearing Room D 1:00 p.m. Tapes 19 - 21

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

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

MEASURES CONSIDERED: HB 2155 - Public Hearing HB 2215 - Public Hearing

WITNESSES: Martha Pagel, Department of Water Resources  
Becky Kreag, Department of Water Resources Jean Cameron, Oregon Environmental Council Denise FriSB ee, Oregon Environmental Council Anne Perrault, Water Watch David Moon, Water for Life Bob Hall, PGE Frank Nims, President, Oregonians in Action Gil Riddell, Association of Oregon Counties Mike Propes, Commissioner, Polk County, Association of Oregon Counties Dennis Goecks, Commissioner, Yamhill County Jack McIsaac, Pope & Talbot Larry Trosi, Oregon Farm Bureau Carol Fisher, West Amazon Basin Landowners in Lane

County Gene Lasater, Granges of Oregon Louise Bilheimer, Oregon Rivers Council Ron Yokum, Grant County

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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

HB 2155 005 CHAIR NORRIS: Calls the meeting to order at 1:31.

023 MARTHA PAGEL, Department of Water Resources: Introduces Becky Kreag.

032 BECKY KREAG, Administrator of the Resource Management Division, Department of Water Resources: Explains changes recommended to HB 2155

(Exhibit A). Summarizes major points that have been recommended to be changed. Bold strike through items were originally in the bill but are now being deleted. Bold underline is new language from the water committee. Boxed areas were those areas which were surrounded by controversy in the group.

060 Water which was historically diverted was changed to a level equal to the maximum amount that the facilities could divert. This would be

easier to calculate.

074 Allocation formula would be fixed to 25% to the state and the remaining 75% to the applicant, unless the applicant proposes a higher percentage allocation to the state.

100 Modification in (5) gives the ability in a conservation project to do several water right modifications in addition to the allocation of

conserved water. These would not require a separate transfer application.

125 Modification in (7) gives the Water Resources Department the right to review reallocation of water rights.

179 The only point of contention was that of allocation. Water Watch was advocating a 50 - 50 distribution and the agricultural interests were

advocating a 75 - 25 split. The Water Resources Department was leaning toward the 75 - 25 distribution as that seems to be the level that would stimulate use of the program by the irrigators.

183 REP. BAUM: Requests some LC amendments as they would work on the bill.

190 REP. NORRIS: Requests a clean draft of recommended changes as they would read in the full bill for the future.

200 REP. NORRIS: Gives witnesses the option of testifying now or later when a clean draft is available.

215 JEAN CAMERON, Oregon Environmental Council: Introduces Denise FriSB ee.

230 DENISE FRISB EE, Board of Directors, Oregon Environmental Council: Supports HB 2155. Desires allocation formula be fixed. Urges passage

of the bill with the changes recommended by the Water Resources Department.

250 CAMERON: OEC is interested more in participating in the program than in allocation numbers.

The 25 - 75 split would be acceptable if that is what is needed to insure participation.

267 ANNE PERRAULT, Water Watch: Disagrees with the allocation formula. Believes proposed allocation is worse than status quo. Believes

allocation should be 50 - 50. Summarizes Exhibit B. Believes greater efficiency of water use should be required and enforced.

325 REP. NORRIS: Asks if she is aware of gains being made in water conservation.

335 PERRAULT: Agrees that some gains have been made. Efficient use provides other benefits as well as just more water returned.

366 DAVID MOON, Water for Life: Supports changes that the Water Resources Department has made. Reads Exhibit C.

TAPE 20, SIDE A

025 MOON: Supports 75 - 25 split in order for the measure to be implemented.

032 Objects to condition in HB 2155 that allows the water allocated to the state for instream flows be added to existing instream rights. Suggests amendment that would add the following at the end of 537.470 (4) :

"Water allocated to the state shall replace part of the existing instream water right, rather than increasing the flow rate or volume of the instream water right."

086 REP. JOSI: Asks clarification on Section D "mitigation necessary to protect other users."

089 MOON: The mitigation measures would mitigate the effects of conservation measures that would affect other users, i.e. flood

irrigation where return flows are reused by next water user.

103 REP. NORRIS: Could we substitute duty for rate?

109 MOON: Both rate and duty would be considered.

129 KEVIN HANLEY: Signed up to testify but is no longer interested.

130 BOB HALL, PGE: Has no problem with amendments at this time.

156 PAGEL: Will make available a copy of the revised bill and make it available for those who are interested.

PUBLIC HEARING ON HB 2155 CLOSED

207 PUBLIC HEARING ON HB 2215 OPEN

234 REP. NORRIS: Will not have a work session on HB 2215 today.

250 FRANK NIMS, President of Oregonians in Action: Opposes HB 2215 because it would create more bureaucracy and more funding requirements. Reads

Exhibit D.

289 GIL RIDDELL, Association of Oregon Counties: Introduces Mike Propes. Polk County has received some of the heaviest rainfall in the state but is experiencing significant ground water shortages.

319 MIKE PROPES, Commissioner, Polk County, Association of Oregon Counties: Supports the intent of HB 2215 and provides some suggestions. Reads

Exhibit E.

TAPE 19, SIDE B

006 RIDDELL: Recommends that coordination be by the Water Resources Commission because it is a single body and so will reduce confusion.

011 PROPES: Continues with testimony.

021 REP. JOSI: Would the Water Resources Commission have the final authority as to who would be on the local council or would it only give suggestions?

024 PROPES: The state would only be able to direct the local governments to try again and not provide names.

029 RIDDELL: Gives example of the extent the state could step in to insure a balanced group, i.e. a representative for farm industry was not

chosen, state would say the body needs to have a representative from that segment.

034 REP. JOSI: The local council would be able to decide who to boot out.

038 REP. MARKHAM: What if the board was too conservative?

043 PROPES: The local group will pick the representatives and can't get out of balance unless the state lets them.

064 Continues explanation of suggestions for HB 2215.

076 REP. JOSI: The local people should decide the priority, not the state?

083 PROPES: Because of funding problems with the state, the state can only take care of the highest priority areas.

094 REP. JOSI: A local group currently can create it's own watershed management plan?

100 RIDDELL: The bill states that the state would determine high priority watersheds, and local councils would be permitted to form, but it's

written very broadly. Would like to form locally in a more significant way than the current bill permits.

112 PROPES: Continues with explanations of suggestions.

Currently technical advisory committee can do whatever they want to do with suggestions local people have made.

130 REP. NORRIS: Advisory concept seems to be mentioned in several places.

135 PROPES: Not recommending taking away any authority of the state. The advisory piece will help the local function adequately.

Willing to work on financing since they like idea.

172 REP. REPINE: Questions whether points are clear enough to be able to be accomplished in Section 13.

180 PROPES: Some points will be difficult to accomplish. Didn't interpret that all tasks had to be done.

200 REP. NORRIS: How do you deal with situation like John Day Basin where ten counties are involved?

207 PROPES: Doesn't feel this would be just a county issue. The governments within those basins must decide on who is on those boards.

224 REP. NORRIS: Which basin or basins would Polk County be concerned with?

226 PROPES: There are three basins in Polk County. In this area Yamhill County, Polk County, the cities in that basin, some fisheries, and some water districts are included. So there are three local governments

involved and there was quick agreement on local representatives.

Also involves Soil and Water Conservation Districts on the board.

252 REP. NORRIS: Who would initiate action when the law is passed?

258 PROPES: The local governments.

266 REP. NORRIS: Which would be preferred, status quo or some sort of officially sanctioned local watershed council?

270 PROPES: Would prefer local involvement if program is designed correctly.

286 DENNIS GOECKS, Commissioner, Yamhill County: Agrees with purpose of HB 2215. Accepts the need for Section 3. Believes it should be

coordinated with Water Resources Commission. Partnerships normally evolve as time goes on. Flexibility is needed throughout process.

Requests Water Resource Council hold public hearings in local area.

TAPE 20, SIDE B

011 REP. NORRIS: Question of formally established council of government, does it consist of three counties?

018 GOECKS: Mid Willamette Council of Governments has been established, including Marion County, Yamhill County and Polk County.

033 Needs safeguard of Water Resource Council affirming local government's decisions unless absolutely necessary.

Emphasis should be on creating more water resource.

071 JACK McISAAC, Pope & Talbot: Supports the concept of HB 2215, but has concerns about the points of the bill. Reads Exhibit F.

Concerned that local group will not be accountable and will be dominated by high interest groups.

128 REP. REPINE: Do you have specifics that you would like to propose for the bill?

134 McISAAC: Would like to be involved in a work group to work out these specifics.

CHAIR NORRIS: Is this a concern of the entire pulp industry?

155 McISAAC: Can't speak for others.

162 LARRY TROSI, Oregon Farm Bureau: Still has some questions and concerns about HB 2215. Seems to ignore current watershed programs. Questions

what will happen to the Governor's Watershed Enhancement Board. Sees the benefits of the concept of the bill.

243 REP. REPINE: McIsaac wanted industrial and agricultural group input. Is that what is missing?

263 TROSI: Believes those groups should be included.

Wants to see how this bill will affect other watershed laws.

284 CAROL FISHER, West Amazon Basin Landowners in Lane County: Local concept is good but didn't work in their case. The Bureau of Land

Management has taken over the management of their watershed.

TAPE 21, SIDE A

023 CHAIR NORRIS: Where are you located?

025 FISHER: Base is Lane County.

029 CHAIR NORRIS: Seems to be a local problem.

Was it a Federal Government Agency that caused the problem?

Fisher: Yes.

039 CHAIR NORRIS: Would your situation be better or worse under HB 2215?  
040 FISHER: It's hard to tell.

055 GENE LASATER, Granges of Oregon: States that HB 2215 isn't needed. Local agencies are already in effect to handle problem. Can't afford

the program.

169 CHAIR NORRIS: HB 2215 doesn't mandate organization of partnerships.

175 LASATER: Experience shows that it will be mandated.

202 REP. HOSTICKA: Lincoln City had to float a bond for \$6 million to fix water system which might have been prevented if this bill had been in

effect?

210 LASATER: Prevention is a good answer, but people don't change until they're forced to.

227 REP. JOSI: Questions the necessity for HB 2215. Invites additional testimony.

239 PROPES: Can't get cooperation from state agencies without this bill.

263 GOECKS: Need this bill to provide protection for the local group to function.

284 LOUISE BILHEIMER, Oregon Rivers Council: This would provide for a process where everyone involved in making local water policy can get

together and work out consensus for all interests to be served.

325 FISHER: There needs to be some accountability of the different agencies involved in watershed management.

398 RON YOKUM, Grant County: There is a need to involve local leaders in order for it to work.

440 PUBLIC HEARING CLOSED

Meeting Adjourned 3:50

Also submitted for the record:

- Testimony from Frank Gearhart on HB 2215. (Exhibit G) - Testimony from Cathryn Collis, Association of Clean Water Agencies, on HB 2215 (Exhibit H) - Testimony from Kappy Eaton, League of Women Voters of Oregon, on HB 2215. (Exhibit I)

Submitted by:

Reviewed by:

Sue Nichol  
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - HB 2155 - Testimony - Becky Kreag - 7 pages B -  
HB 2155 - Testimony - Anne Perrault - 2 pages C - HB 2155 -  
Testimony - David Moon - 3 pages D - HB 2215 - Testimony -  
Frank Nims - 1 page E - HB 2215 - Testimony - Mike Propes - 2  
pages F - HB 2215 - Testimony - Jack McIsaac - 2 pages G -  
HB 2215 - Testimony - Frank Gearhart - 2 pages H - HB  
2215 - Testimony - Cathryn Colis - 2 pages I - HB 2215 -  
Testimony - Kappy Eaton - 1 page