

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON WATER

February 18, 1993 Hearing Room D 1:00 p.m. Tapes 24 - 25

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 2344 - Public Hearing HB 2155 - Public Hearing

WITNESSES: Martha Pagel, Department of Water Resources Doug Meyers, Water Watch Becky Kreag, Department of Water Resources David Moon, Water for Life Jan Boettcher, Oregon Water Resources Congress

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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 24, SIDE A

005 CHAIR NORRIS: Calls the meeting to order at 1:07.

HB 2344 - PUBLIC HEARING

009 MARTHA PAGEL, Department of Water Resources: Distributes copies of recommended amendments to HB 2344 (Exhibit A).

050 Proposed amendments state that if there is not enough flow, but other conditions are met, new de minimis uses may still be allowed.

090 REP. PETERSON: Regarding the use of the stream, must the decision be made between cattle and fish in drought?

093 PAGEL: This bill does not concern itself with a drought situation.

112 Just speaking of state scenic waterways.

115 REP. PETERSON: Does this take into account future development?

118 PAGEL: No.

122 REP. REPINE: Regarding reasonably obtained water, what would that consist of?

125 PAGEL: It hasn't been defined in the bill, but conceptually it would be at a reasonable cost and that there's reasonable delivery

system to move the water to the site.

130 REP. REPINE: Would the applicant be able to apply on the basis of other failures of well drilling in areas considered to be a bad water source?

134 PAGEL: Yes.

145 The language concerning the reasonable expectations for use of the property was put in so that it would not be reasonable for someone to

purchase property with the expectation that they could develop that property with no regard to the fact that it is in a scenic waterway.

152 REP. REPINE: Would a second home qualify as a reasonable expectation?

156 PAGEL: It would be considered.

165 REP. REPINE: Is the unanimous approval of the different agencies possible?

169 PAGEL: It's possible.

180 REP. HOSTICKA: How do you divert .005 of a cubic foot?

185 PAGEL: Doesn't know.

190 CHAIR NORRIS: Would be equivalent to 2-1/2 gallons per minute.

199 REP. JOSI: Can this be the average?

201 PAGEL: It would not be averaged.

210 REP. REPINE: Could they divert it into storage?

213 PAGEL: It probably would not be authorized.

225 CHAIR NORRIS: Couldn't storage be allowed as part of the permit conditions?

234 PAGEL: Yes. 243 REP. MARKHAM: Can language be developed so storage would be accommodated?

249 PAGEL: Will research that and work up language if that is not covered by current law.

254 DOUG MEYERS, Water Watch: Will not oppose language as recommended in amendments.

274 Shouldn't out of stream uses along scenic waterways be restricted also?

PUBLIC HEARING ON 2344 CLOSED

PUBLIC HEARING ON 2155 OPEN

326 CATHERINE FITCH: Summarizes the history of HB 2155 which defines

terms and policies of water conservation.

345 MARTHA PAGEL, Water Resource Department: Introduces Becky Kreag.

354 BECKY KREAG, Water Resource Department: Explains proposed changes to HB 2155 (Exhibit B).

TAPE 25, SIDE A

008 REP. MARKHAM: Wouldn't the Commission always find the conversion to the instream water right a public benefit?

014 KREAG: Gives an example of an instance where this would not be the case.

024 CHAIR NORRIS: What are incentives to enter into the program?

029 KREAG: An example in the Deschutes Basin would be that we have a situation where you cannot get additional rights for surface water from the natural flow. A conservation program could allow the irrigation of

additional acres.

040 CHAIR NORRIS: Could they sell 75% of the amount that is conserved to someone else?

043 KREAG: Yes. They could transfer it for another out of stream use. They could gain financing for a project through returning the conserved portion to the funding agency.

053 DAVID MOON, Water for Life: Has a couple areas of concern on HB 215 5. Objects to increasing flows above the normal water rights without

review. Safeguards would not be in place.

093 Objects to "conservation" being where a farmer just grows lower water-use crops.

125 CHAIR NORRIS: Where do you see this as an issue?

127 MOON: Working group mentioned this would be allowed.

134 CHAIR NORRIS: Would this be short-sighted of the farmer?

127 MOON: Yes, it would limit their flexibility.

145 CHAIR NORRIS: Are we to protect people from their own short-sightedness?

152 MOON: No, but the language is broad and very vague so the door may be opened to things which cannot be foreseen.

151 REP. BAUM: Do you have any proposed language that would address these concerns?

156 MOON: I did suggest an amendment that would address these concerns at the last meeting.

183 REP. BAUM: Can you add your amendments to the working group amendments?

190 MOON: Yes, I will do that.

200 CHAIR NORRIS: If farmers are getting more efficient, wouldn't it be reasonable to do something with the excess?

201 MOON: That would be what we're working for.

227 JAN BOETTCHER, Oregon Water Resources Congress: Supports bill as written. Suggests some minor word changes be made. Reads Exhibit C.

326 Explains amendment that would include Port of Portland as a municipality.

Meeting adjourned at 2:04

Also submitted for the record: - Letter by Jean Cameron, Oregon Environmental Council

Submitted by:

Reviewed by:

Sue Nichol  
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - HB 2344 - Proposed Amendments - Martha Pagel - 1 page B  
- HB 2155 - Proposed Amendments - Becky Kreag - 5 pages C -  
HB 2155 - Testimony - Jan Boettcher - 1 page D - HB 2155 -  
Testimony - Jean Cameron - 1 page