

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON WATER

March 18, 1993 Hearing Room D 1:00 p.m. Tapes 47 - 48

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

MEMBER EXCUSED: Rep. Nancy Peterson

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

MEASURES CONSIDERED: HB 2399 - Public Hearing HB 3273 -
Public Hearing HB 2970 - Public Hearing

WITNESSES: Rep. Bob Shiprack, District 23 Kevin Hanway,
special Districts Association of Oregon Jerry Marshall, Clarks
Rural Fire Protection District Scott Wilbrecht, Oregon Department of
Forestry Larry Trosi, Oregon Farm Bureau Jim Myron, Oregon Trout Rep.
Bill Markham, District 46 Louise Bilheimer, The Pacific Rivers Council
Bev Hayes, Department of Water Resources David Moon, Water for Life

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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 47, SIDE A

005 CHAIR NORRIS: Calls the meeting to order at 1:10.

018 PAT ZWICK: Gives background of requirements for
permitting or registration of ponds. Bills before the committee give
the committee

the opportunity to decide how to treat existing ponds. How or whether
ponds should be regulated in the future? And, if some additional uses
of water should be exempt. Distributes matrix that coordinates the
provisions of HB 2970, 2399, 3273, 2153 and 2107 (Exhibit A).

PUBLIC HEARING ON HB 2399

060 REP. BOB SHIPRACK, District 23: HB 2399 addresses the need for
fire prevention ponds in rural areas.

084 KEVIN HANWAY, Special Districts Association of Oregon:
Testifies in favor of HB 2399. The bill creates an exemption for
these fire

protection ponds.

113 JERRY MARSHALL, Clarks Rural Fire Protection District:
Testifies in favor of HB 2399. Hauling water from other places is
impractical in

Clackamas County.

170 REP. NORRIS: Do you fill your pumper trucks from these ponds?

174 MARSHALL: We fill tanker trucks for the water we need to fight
fires. We don't have hydrants. There are 62 ponds in this district.

190 CHAIR NORRIS: Are any of the ponds on water courses that have
fish?

193 MARSHALL: No.

198 CHAIR NORRIS: Might there have been any fish migration in
these streams?

200 MARSHALL: Not that I know of. The landowners have stocked a
lot of these ponds with trout.

202 CHAIR NORRIS: Is this mostly private land out here?

204 MARSHALL: Yes.

205 CHAIR NORRIS: You're not in Mount Hood National Forest?

208 MARSHALL: That starts another ten miles east.

209 REP. MARKHAM: How many helicopter buckets can you get in those
ponds?

214 MARSHALL: Most of them can be accessed by helicopters.

221 CHAIR NORRIS: Have these ever been used for fires in the Mount
Hood National Forest?

223 MARSHALL: No.

229 CHAIR NORRIS: What types of fires do you fight?

232 MARSHALL: Principally brush fires and structural fires.

238 CHAIR NORRIS: Do any of these overflow the dams?

240 MARSHALL: Every one has an overflow on them.

246 CHAIR NORRIS: Do they typically overflow?

250 MARSHALL: Most of these have streams all summer.

252 CHAIR NORRIS: Are they used for stock watering?

254 MARSHALL: Not any herds, maybe an individual animal.

256 CHAIR NORRIS: Any used for recreation?

260 MARSHALL: The one that was ordered to be drained was used for recreation.

270 REP. JOSI: And that was the one that needed to be drained?

275 MARSHALL: Yes.

280 REP. JOSI: So he did drain it?

283 MARSHALL: Yes.

288 REP. JOSI: Has this pond been used for fires?

290 MARSHALL: Yes, it's one of our most accessible ponds.

296 REP. JOSI: Would you have ample use if it was down to three feet?

300 MARSHALL: Most of the time.

316 HANWAY: There are significant restrictions and reporting requirements so the privilege won't be misused.

336 SCOTT WILBRECHT, Oregon Department of Forestry: Testifies on HB 239 9, HB 2970, and HB 3273. Reads testimony contained in Exhibit B.

TAPE 48, SIDE A

030 CHAIR NORRIS: Have you been involved in the working groups?

033 WILBRECHT: Someone from the Department has been involved.

040 CHAIR NORRIS: Closes public hearing on HB 2399.

PUBLIC HEARING ON HB 3273 049 REP. REPINE: What will go on with HB 2399?

053 CHAIR NORRIS: We'll have the work group keep everyone up to date.

055 ZWICK: Gives summary of HB 3273 which exempts existing and future ponds and reservoirs from the requirement to obtain a water right permit or

certificate. It also exempts use for suppression of forest fires from permit or certificate requirements to use surface water (Exhibit C).

079 LARRY TROSI, Oregon Farm Bureau: We believe the benefits to these bills are substantial. 101 CHAIR NORRIS: Do you feel more uses than agricultural uses should be considered?

104 TROSI: Yes, the timber industry is also is interested in this concept.

112 JIM MYRON, Oregon Trout: Has concerns with HB 3273 and HB 297 0. Distributes testimony (Exhibits D and E).

124 REP. JOSI: You say you have problems with the definitions of

some of the seasonal waterways; what are your problems?

128 MYRON: In certain areas, some seasonal streams do provide critical fish habitat, even though they may dry up in August and September.

140 REP. BAUM: What about existing ponds?

142 MYRON: The existing pond situation is dealt with in the current draft of HB 2153 through the registration process.

166 CHAIR NORRIS: What is the definition of "seasonal?"

168 REP. REPINE: In HB 3273, on line 20.

187 MYRON: The definition needs to take into account seasonal fluctuations.

192 REP. MARKHAM, District 46: Testifies in favor of HB 3273 in order to look after the farm community.

200 LOUISE BILHEIMER, The Pacific Rivers Council: Is opposed to HB 2970 and 3273. Reads testimony in Exhibit F.

254 REP. JOSI: What about the existing impondments?

255 BILHEIMER: HB 2153 deals with the existing impondments, and we're not opposed to 2153.

256 REP. MARKHAM: What is your fear about it?

260 BILHEIMER: We do have concerns because we don't know how much water we're talking about, but we do realize that these needs must be

addressed.

263 REP. MARKHAM: These ponds may be being put to the best uses without going through the hassle of getting a license.

276 BILHEIMER: HB 2153 doesn't require a water permit. It provides for registration, which costs much less.

288 CHAIR NORRIS: I wonder if there are some photographs that show where these ponds are?

290 REP. BAUM: I believe there are these photographs.

308 CHAIR NORRIS: Asks Bev Hayes if there is a good resource to find out how many ponds there are out there.

316 BEV HAYES, Department of Water Resources: These photographs are accurate in Eastern Oregon.

326 CHAIR NORRIS: Closes public hearing on HB 3273.

PUBLIC HEARING ON HB 2970

345 REP. BAUM: Is there a target date for the work group to return with HB 2153?

347 CHAIR NORRIS: I would hope in about a two week period.

350 DAVID MOON, Water for Life: Supports the concepts behind these bills. Water for Life has submitted another version, SB 441. Explains support

for their bill (Exhibit G).

TAPE 47, SIDE B

004 REP. JOSI: What protection would the ponds have if they were allowed outright?

006 MOON: If they're exempt, then they would be protected.

014 REP. JOSI: Would you be opposed to registration and exemption?

016 MOON: No, not at all.

023 CHAIR NORRIS: What is the Water for Life Pond Bill?

023 MOON: SB 441.

029 CHAIR NORRIS: Closes hearing on HB 2970.

071 Meeting adjourned at 2:12.

Submitted by:

Reviewed by:

Sue Nichol
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - HB 2399, 2970 and 3273 - Information - Pat Zwick - 3 pages
B - HB 2399, 2970 and 3273 - Testimony - Scott Wilbrecht - 3
pages C - HB 3273 - Preliminary Staff Measure Summary - Pat
Zwick - 2 pages D - HB 3273 - Testimony - Jim Myron - 2 pages
E - HB 2970 - Testimony - Jim Myron - 1 page F - HB
2970 and 3273 - Testimony - Louise Bilheimer - 1 page G - HB
2970 - Testimony - David Moon - 1 page