

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON WATER

May 4, 1993 Hearing Room D 1:00 p.m. Tapes 87

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 Sue Nichol, Committee Clerk

MEASURES CONSIDERED: HB 2995 - Public Hearing

WITNESSES: James Funk Harley Higgins Bev Hayes, Water Resources Department Reed Marbut, Water Resources Department Doug Meyers, Water Watch

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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 87, SIDE A

005 CHAIR NORRIS: Calls the meeting to order at 1:13.

PUBLIC HEARING ON HB 2995

015 CATHERINE FITCH: HB 2995 Establishes exemption from certain regulation of ground water in area where use of ground water is restricted, if drip irrigation system is used for irrigating orchard or nursery that is

metered and does not exceed 15,000 gallons per day. Amendments have been proposed which would limit the scope of the bill (Exhibit A).

031 JAMES FUNK: May be able to work out a compromise with Water Resources Department, but the cost and practicality of that compromise is

questioned. Submits a letter from the Clackamas County Board of Commissioners in support of the bill on the behalf of Jim Funk (Exhibit B).

050 CHAIR NORRIS: I wonder how we got this far without even an application for a permit?

052 FUNK: Explains how his misunderstanding of the water law

occurred. It was principally due to interpreting that Clackamas County approval of

his farm management plan was sufficient.

078 CHAIR NORRIS: No one suggested that you would need a water right if you had an irrigated operation?

080 FUNK: No.

087 REP. VanLEEuwEN: Does the proposed amendment solve any problems for Mr. Funk?

091 CHAIR NORRIS: I think it narrows it a little more to his operation. This strikes me as something that just deals with your situation.

099 FUNK: We made this so it will apply to any who are in the same situation.

117 HARLEY HIGGINS: There are a lot of people who don't realize they need a water right.

126 CHAIR NORRIS: The requirement to have a water right goes back to 1955 for ground water and to 1909 for surface water, so we're not talking

about anything new.

136 FUNK: In 1987, the water driller I consulted with said I needed more than to just start an agricultural business to get a water right. I

would probably need a farm management plan. I went through all the hoops with Clackamas County to get a farm management plan. I've done everything that I've been told to do, by Clackamas County and the well driller.

156 BEV HAYES, Water Resources Department: The Department cannot support HB 2995 as it is currently written because it may encourage similar

legislation in the future. Also, the area of this farm has ground water problems. We do have some alternatives to offer.

175 REED MARBUT, Water Resources Department: We've investigated the feasibility of storing water for the applicant's purposes. It wouldn't

be as acceptable as the situation that could occur with this legislation, as far as availability of water and amount. It would be a starting point to work from with the applicant.

215 CHAIR NORRIS: Do we have any provision for a waiver to save his crop for this season?

220 MARBUT: We can look into that, but I can't guarantee anything.

259 DOUG MEYERS, Water Watch: Testifies against the bill because
of the policy considerations of yet another exemption.

281 CHAIR NORRIS: Closes public hearing.

306 CHAIR NORRIS: Meeting is adjourned at 1:35.

Submitted by:

Reviewed by:

Sue Nichol
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - HB 2995 - Hand engrossed HB 2995-1 amendments (LC 2903)
dated 4/5/93 - Staff - 2 pages B - HB 2995 - Testimony - James
Funk - 2 pages