

and 9 relate to increasing the number on the board of commissioners. - Section 10 relates further to notification.

CHAIR DWYER: The big thing in the bill is it addresses not only irrigation, but municipal and industrial.

LOMBARD: We are asking for an amendment to delete the provisions on municipal and industrial. 213 - Reviews sections 13 and 14. - Explains specifics relative to these sections. - Districts do not have good tools for addressing misuse of a "lateral" off a main line. - Notes how sections 13 and 14 address and resolve this. 249 - Section 15 governs how the charges for these will occur. - Sections 17 and 18 will give the districts these authorities. - Relates situation that occurs in suburban areas occasionally where

outside control of the water would be allowed. - We worked with the Farm Bureau on these provisions. 282 - Sections 19 and 20 allow districts to recover administrative fees. - The rate of interest charged on delinquent accounts is increased. - On page 22, section 21, the provision remains authorizing a drainage

district to supply water to various uses.

327 LOMBARD: Notes sections 21, 22 and 23 should be stricken from the amendments.

CHAIR DWYER: What are we repealing in section 25?

LOMBARD: ORS 545.144 authorizes districts to sell property owned by the district when it is not required for district purposes. - ORS 545.154 states any sale of any property of a district be subject

to confirmation and approval by the courts. - We feel this is unnecessary. - ORS 545.414 relates to provisions in the law levying assessments

which they believe is no longer necessary.

388 JOHN BORDEN: I don't believe I have anything to offer at this time, as I was working off of another version of the bill.

385 DOUG HEIKEN: (introduces EXHIBIT B) Notes he is not prepared to address the amended version of the bill.

426 LOMBARD: Addresses one other issue the Water Resources Congress wanted to include in this bill. - References HB 3111 (1989), from which has evolved the "3111 process." - That bill placed restraints on the department requiring they review

petitions within a 60-day time period.

TAPE 56, SIDE A

LOMBARD: They are under-staffed and won't be able to appropriately complete their part of the process. 020 - (Introduces EXHIBIT C) Reviews Exhibit C, which contains further amendments.

SEN. COOLEY: Part of these amendments have merit; however, I would hate to see us rush through this today.

CHAIR DWYER: Closes the public hearing on HB 2340. - Opens the public hearing on HB 3295.

PUBLIC HEARING ON HB 3295 - EXHIBITS D, H, J, L and M

WITNESSES: Senator Dick Springer, District 6 Fred Avera, Polk County Dale Pearson, Fish Screening Task Force

071 SEN. DICK SPRINGER: Offers testimony in support of HB 3295. - Submits the -A6 amendments (introduces EXHIBIT H). - Notes the criminally wrong behavior regarding smolts that were

destroyed in Umatilla County. - Elaborates on the incident. - The court ruled there was a problem with the notice provided. - This amendment addresses the provision of notice.

CHAIR DWYER: Are we addressing -A6, page 2, lines 4 and 5?

SEN. SPRINGER: That is correct.

112 FRED AVERA: Offers testimony in support of HB 3295-A. - I believe the -A6 amendments would fix the problem that occurred in

Umatilla County.

134 DALE PEARSON: (introduces EXHIBIT D) Offers testimony in support of HB 3295. - The committee requested we return with proposed amendments to section 8 of the bill. - We have prepared 2 proposals (introduces EXHIBITS L and M), -A8 and

-A9. - Reviews the provisions of the -A8 amendments. - Reviews the provisions of the -A9 amendments. - References the -A5 amendments offered at the last hearing (introduces EXHIBIT J). - The acceptance of lottery funds are part of the -A5 amendments, which we would still like considered.

SEN. KINTIGH: Would there be times when there would be more than two applications?

PEARSON: With the amount of money we have, the intent of the task force, and the time remaining, we would be unable to do more than two. 172 - Right now we have a number volunteers, with which we could meet our commitment for the biennium. - We would like the latitude to take advantage of any opportunity that

arises. 188 - I have not consulted with all the task force members, but I am confident they are delighted to offer this bill as a vehicle for

Senator Springer's concerns.

CHAIR DWYER: Closes the public hearing on HB 3295. - Opens the work session on HB 3295.

WORK SESSION ON HB 3295

MOTION: SEN. COOLEY: Moves to ADOPT the HB 3295-A5, -A6 and -A7 amendments dated 5-28-93, 6-10-93 and 6-10-93, respectively. VOTE: CHAIR DWYER: Hearing no objection the amendments are ADOPTED.

Sen. Smith is EXCUSED.

MOTION: SEN. COOLEY: Moves that HB 3295-A AS AMENDED, be sent to the Floor with a DO PASS recommendation. VOTE: In a roll call vote, all members present vote AYE. Sen. Smith is

EXCUSED.

CHAIR DWYER: The motion CARRIES. Sen. Cooley will lead discussion on the Floor. - Closes the work session on HB 3295. - Opens the public hearing on HB 2155.

PUBLIC HEARING ON HB 2155 - EXHIBIT E

WITNESSES: Martha Pagel, Water Resources Department Becky Kreag, Water Resources Department Anne Perrault, WaterWatch

ADMIN. ZAVALA: Notes the work group which met that morning and its participants.

227 MARTHA PAGEL: (introduces EXHIBIT E) Offers testimony in support of HB 2155. - Reviews the housekeeping corrections to the bill.

261 BECKY KREAG: Offers testimony in support of HB 2155. - Reviews the changes beginning with page 2, line 20.

318 CHAIR DWYER: Reads section 4(2), line 4. - Why don't we have subsection (6) in there?

PAGEL: Subsection (6) would refer to a contested case process. - We thought if (5) was listed and we reinstated the language on the

next page, line 3, it might be confusing. - If we were to add a reference to subsection (6) on page 2, line 44,

it would bring the contested case in too early in the process.

CHAIR DWYER: Why would we want to restore "conservation" on line 20 and delete it on page 3, line 2?

361 KREAG: We should reinstate it on page 3, as well. - Continues with changes to the bill indicated on Exhibit E beginning

on page 3, line 22.

387 PAGEL: This section received a great deal of discussion and we did not have agreement when it came over from the House. - We have spent a great deal of time seeking to negotiate this. - We sought to clarify that when public monies are involved, further

negotiation would be required to reflect that funding participation

by someone other than the applicant was involved. - This was proposed by Water for Life.

412 KREAG: Recommends the lines be renumbered. - Continues review of proposed changes to the bill as noted on Exhibit

E beginning on page 5.

TAPE 55, SIDE B

009 ANNE PERRAULT: Offers historical facts on water use in the state. - Use without waste is already required by law. - By this conservation act, people are allowed to keep some of this

water. - WaterWatch feels we should not give them the lion's share of the

conserved water. - We differ with the allocation percentages. - You can't tell people to negotiate with public funds. - Restates their allocation proposal. 044 - That would tie the public funding aspect to putting the water in-stream. - We share the concerns about the contested cases on page 2, line 44. - Page 3, lines 11-13 were reinstated this morning, resolving our

concerns on that. 056 - By deleting "irretrievably lost," you are creating a situation where more water is available for reallocation.

SEN. COOLEY: States the amount of water diverted in the state. - Would you be in favor of public funding where parties could put in a

new irrigation system, lining the canals, and conserving water?

PERRAULT: No, I am not in favor of that. - That would be eliminating waste, which is already required by law.

SEN. COOLEY: Your determination is that running water down a canal is waste because there is seepage. - What does WaterWatch call conservation?

083 PERRAULT: Conservation is taking the best available and economically feasible technology to reduce the amount of water you use on your crops. - Account is taken for seepage, for conveyance, etc.

SEN. COOLEY: So you are speaking of a nebulous, unobtainable, undefinable thing. - You need something definitive. 105 - Let's talk about practicality. - Tell us how you think we can conserve and how much it will cost us. - If you think the public should pay for it, you might have a lot of

people interested in participating.

PERRAULT: We are setting up a trust for public water.

CHAIR DWYER: Closes the public hearing on HB 2155. - Opens the public hearing on HB 2346.

PUBLIC HEARING ON HB 2346 - EXHIBIT K

WITNESSES: Jim Myron, Oregon Trout Martha Pagel, Water Resources Department

120 JIM MYRON: Offers testimony in support of HB 2346 with the -1 amendment (references EXHIBIT K). - It would be helpful if the department could provide information on

the potential of "non" versus structural storage.

SEN. COOLEY: In your proposed amendment dated 6-10, are you suggesting we eliminate lines 18 and 19?

CHAIR DWYER: Just fill it in and keep 18 and 19. - (To Martha Pagel) In regard to concern over potential natural

nonstructural storage, what can we do?

157 PAGEL: We are supportive of this language and willing to report back with information. - If we receive funding for SB 1112, the watershed health program will

receive much agency attention and would seem the most obvious place for these studies.

181 MYRON: That would be entirely appropriate.

CHAIR DWYER: Closes the public hearing on HB 2346. - Opens the work session on HB 2346.

WORK SESSION ON HB 2346

MOTION: SEN. COOLEY: Moves to ADOPT the HB 2346-1 amendments dated 6-10-93. VOTE: CHAIR DWYER: Hearing no objection the amendments are ADOPTED.

Senators Roberts and Smith are EXCUSED.

MOTION: SEN. COOLEY: Moves that HB 2346 AS AMENDED, be sent to the Floor with a DO PASS recommendation. VOTE: In a roll call vote, all members present vote AYE. Senators

Roberts and Smith are EXCUSED.

CHAIR DWYER: The motion CARRIES. Chair Dwyer will lead discussion on the Floor. - Closes the work session on HB 2346. 190 - Adjourns the meeting at 4:22 p.m.

Submitted by,

Reviewed by,

Pamella Andersen

Lisa Zavala Clerk
Administrator

EXHIBIT LOG:

A Testimony on HB 2340-A - Kip Lombard - 7 pages B Testimony on
HB 2340 - Doug Heiken - 15 pages C Proposed Amendments to HB 2340 -
Kip Lombard - 5 pages D Proposed Amendments HB 3295-A8 - Dale
Pearson - 2 pages E Hand-Engrossed HB 2155-A - Martha Pagel - 5
pages F Letter from Susie Penhollow - Rep. Dennis Lukes - 2 pages G
Proposed Amendments HB 2340-A3 - Staff - 24 pages H Proposed
Amendments HB 3295-A6 - Sen. Dick Springer - 2 pages I Proposed
Amendments HB 3295-A7 - Staff - 1 page J Proposed Amendments HB
3295-A5 - Dale Pearson - 1 page K Proposed Amendments HB 2346-1 -
Staff - 1 page L Proposed Amendments HB 3295-A9 - Dale Pearson - 1
page M Proposed Amendments HB 3295-A8 - Dale Pearson - 1 page