

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.

SENATE COMMITTEE ON  
WATER POLICY

May 2, 1991Hearing Room 137  
3:15 p.m. Tapes 54 - 57

MEMBERS PRESENT:Sen. Larry Hill, Chair  
Sen. Wayne Fawbush  
Sen. Bob Kintigh  
Sen. Eugene Timms

MEMBER EXCUSED: Sen. John Kitzhaver, Vice-Chair

STAFF PRESENT: Lisa Zavala, Committee Administrator  
Bernadette Williams, Committee Assistant

MEASURES CONSIDERED:

SB 1012 -- Extends time allowed to complete water appropriation application by district --Public Hearing  
SB 1183 -- Establishes Local Watershed Planning and Management Act -- Public Hearing  
SB 1095 -- Establishes Water Quality Fund to be used for removal of solid waste from surface waters of state -- Public Hearing  
SB 1080 -- Allows domestic water supply districts to exercise powers of sanitary districts and cities in order to protect water quality of watershed -- Public Hearing  
SB 878 -- Allows corporation organized for purpose of water supply or use to supply water for industrial use to user in critical ground water area -- Public Hearing & Work Session  
SB 742 -- Allows consolidation of up to five appropriations into one permit if individual appropriations are for pond or reservoir of less than five acre feet or less that 10 feet in height and not located on intermittent or perennial stream -- Work Session

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007 CHAIR L. HILL: Calls the committee to order at 3:40 p.m. as a sub-committee.

-We might have a Work Session for SB 1012, even though it's not on our agenda.

SENATE BILL 1012 -- PUBLIC HEARING

Witnesses:Ed Johnson, Maintenance Superintendent, Knappa Water Association  
Sen. Joan Dukes, District 1  
Bev Hayes, Director, Water Resources Department  
Tom Simmons, Waterwatch

CHAIR L. HILL: Opens the Public Hearing.

024 ED JOHNSON, Maintenance Superintendent, Knappa Water Association:  
Describes the  
association.

-We are looking to do some long-range planning.

-He describes the handouts (EXHIBIT A).

-He describes the bill.

073 SEN. KINTIGH: Is it an irrigation district or does it supply domestic water?

JOHNSON: We are a membership association for domestic water.

082 SEN. JOAN DUKES, District 1: Describes the area the water district is located in.

-The water districts are not always able to develop the way they want to when they want to.

-Planning ahead is the ideal way to do water distribution, but the law doesn't allow them to plan ahead.

-They are trying to do some responsible planning.

-We're not giving them any special privileges. It is the same thing that municipalities are allowed.

109 CHAIR L. HILL: There are no water supply associations in the statutes; what is the history of the association?

-Have you looked into reforming as one of the recognized types of organizations?

122 JOHNSON: We have looked into changing to a district.

-It's good we didn't in lieu of Ballot Measure 5, because we can still operate the way we have without the constraints of taxation.

-We felt it would be difficult to sell the taxpayers on another taxing

district.

CHAIR L. HILL: Don't they pay any fees?

JOHNSON: They pay hookup fees, membership fees and a flat rate for the water.

137 CHAIR L. HILL: It wouldn't necessarily be any different if you set up as a water supply district.

JOHNSON: Proposition 5 might limit us on the kind of fees we could charge.

CHAIR L. HILL: You wouldn't come under Measure 5 if you charged a fee for service rather than a tax.

145 JOHNSON: We charge a hookup fee that is over and above the value.

SEN. DUKES: It's how the local people choose to handle this.

-She describes the different water associations and districts in her area.

-She discusses why they've chosen to be a water association rather than a water district.

184 CHAIR L. HILL: You've raised some good points.

-We'd have to define what a water association is in the statutes.

-Your amendment (EXHIBIT B) defines a water association, but it is very broad.

-Water rights should be granted with caution.

-We may run into problems with people using up available water and putting them in the bank and not perfecting them.

208 SEN. DUKES: Has no problem with that if we can treat this in a way that these communities are able to do that.

-The communities meet the same needs as a city does.

-These people need to be assured they have water in the future.

239 SEN. KINTIGH: Do you have fire protection?

JOHNSON: Yes.

-Not all of the area that Knappa Water covers is covered by a fire district.

SEN. KINTIGH: Do you charge the fire district for water?

JOHNSON: No.

259 BEV HAYES, Director, Water Resources Department: We don't support the bill the way it

is drafted.

-The bill would allow single purpose users to bank water rights. They would be able to speculate and tie up unappropriated water for those purposes and would not have to show any intent or financial ability to develop that right.

-It makes more sense to allow cities this kind of authority rather than a single use user like an association.

-We are not sure there is a lot of benefit to the user to partially perfect the permit. It would generate more paperwork for us and create a fiscal impact.

293 CHAIR L. HILL: How many water associations are there and what is the department's experience with them?

HAYES: We have no authority over the formation of associations or districts. We don't know much about them. She'd have to check with staff to see to what extent we regulate those uses.

CHAIR L. HILL: If they had a water right they'd be subject to the statutes.

-Associations are treated like any other individual water right holder.

-He refers to page 1, lines 5 to 7, SB 1012. That refers to the permit?

HAYES: Yes. You get the permit and have a year to begin construction.

CHAIR L. HILL: As long as you begin construction you are okay.

-He refers to page 1, lines 11 to 13.

HAYES: We can extend that up to five years to complete construction.

333 CHAIR L. HILL: The commission can allow an extension beyond five years?

HAYES: For due cause; that's described in ORS 539.110 (5).

-She reads from the statute.

CHAIR L. HILL: Is that exemption unlimited; a total exemption?

HAYES: They must continually apply for extensions.

CHAIR L. HILL: How much banking do we see?

HAYES: Almost all municipalities have unperfected permits.

CHAIR L. HILL: That allows for development, for future growth.

-Do any municipal corporations bank the water and sell it to other users?

373 HAYES: Cities do sell water to suburban areas.

SEN. KINTIGH: What is the alternative? They can't get a new permit every time they need more water.

-If they don't use their allotment won't they lose it?

392 HAYES: Some basic questions are: Do you want to have some control of where and how communities develop? Would you want any user to be able to bank water rights for future needs?

-There has to be some restrictions.

SEN. KINTIGH: They are asking to be on a par with municipalities?

HAYES: Is it possible for them to incorporate as a city?

-They don't have the bonding and taxing authority, they aren't subject to many of the land use restrictions.

423 CHAIR L. HILL: In the statutes there are two entities which can bank; water supply authorities (ORS 450.650) and water supply districts (ORS 264.110).

-It appears they do about same thing. They both have an elected board of directors.

-Why can't this association, in order to obtain the powers of these districts, become a district or authority?

-Our other alternative is to design an association that doesn't allow the kinds of things we want to avoid.

-Your definition of an association doesn't protect us from mischief.

456 HAYES: We can discuss how we can find some way to provide associations some ability to plan.

465 SEN. KINTIGH: Doesn't see why an association can't bank water, while a district and municipality can.

TAPE 55, SIDE A

015 TOM SIMMONS, Waterwatch: The Knappa Water Association needs and deserves water. It is a matter of identifying the proper organization and institutional structure to provide that water.

-From a policy viewpoint the more little organizations that are allowed to bank water, the more water that is tied up in permits.

-Many water irrigation districts, water control districts, etc. have been in a permit stage for years.

-He knows of one organization that had tied up twice as much water as they were allowed by the time they had received their certificate.

-With this finite resource we must be careful how much we allow these districts to purvey water for different uses.

-Current law allows planning as MR. JOHNSON would like.

-The commission has been restricting extensions.

-He knows of no case where quasi-municipal organizations have been restricted to a point where they could not do the necessary planning.

-Knappa Water Association should organize as one of the existing water institutions in order to carry out their objectives.

-He is working with an association in eastern Oregon that is making the transition into a water control district.

059 CHAIR L. HILL: There are two basic solutions:

-1. BEV and MR. JOHNSON can get together to see if an extension process will solve their problem.

-2. The association could utilize the existing statute and become an authority, giving them additional powers. Ballot Measure 5 shouldn't affect them.

-He is uncomfortable with the bill, because it extends the banking authority to virtually every water district in the state. The amendments narrow it, but they still need a lot of work.

-It seems it would be a lot easier to become an authority if you can't work something out with the department.

089 JOHNSON: The people would not go along with reorganizing the association.

-We have various water rights, but we have to renew all of the time. We are trying to get out of renewing them. We won't apply for any more water.

097 CHAIR L. HILL: How long are your extensions for?

JOHNSON: Five years.

-The Water Resources Department has no control over the plans, but the Health Department does.

-We act like and do everything a district does and should be treated the same way.

117 SEN. DUKES: The people will not grant them bonding authority.

CHAIR L. HILL: You have the choice between a water authority and a water supply district.

-The voters would have to approve a bond.

-He doesn't think the water authority statutes give you bonding capacity. He elaborates.

132 SEN. DUKES: You're suggesting we tell the people they have to form another kind of entity.

-These people have water rights for domestic use and have to renew their rights every so often. They've submitted a long-term plan, because it is required.

-They have their own funding, which works.

-We aren't asking to tie up more water.

-It should be no problem in having Legislative Counsel structure this so there is a limit on how much additional water they can claim and narrow it further.

171 CHAIR L. HILL: We have eight or nine different kinds of water authorities and organizations. You are proposing we add one more.

184 SEN. KINTIGH: Did you have any trouble getting the Farmers Home Administration to recognize you as a fiscally responsible unit?

JOHNSON: No.

CHAIR L. HILL: Talk to BEV about the current extension language.

-He is not convinced you couldn't fit within the water authority. It has no bonding power. He hasn't heard any reason why you can't.

-He is reluctant to create a new type of recognized organization in water law.

-Talk to BEV and then come back and tell me why it won't work as a water authority.

217 SEN. DUKES: The people won't give us that authority.

CHAIR L. HILL: Thinks the people are being unreasonable.

-He closes the Public Hearing.

SENATE BILL 1183 -- PUBLIC HEARING

Witnesses: Louise Bilheimer, Oregon Rivers Council  
Bob Doppelt, Oregon Rivers Council  
Dr. Stan Gregory, Department of Fisheries & Wildlife, Oregon State University  
Roger Hamilton, Oregon Rivers Council

Rep. Dave McTeague, District 25

CHAIR L. HILL: Opens the Public Hearing as a full committee.

235 LOUISE BILHEIMER, Oregon Rivers Council: Introduces the panel.

257 BOB DOPPELT, Oregon Rivers Council: Presents testimony in support of SB 118 3 (EXHIBIT C) and background information (EXHIBIT D).

TAPE 54, SIDE B

020 DR. STAN GREGORY, Department of Fisheries & Wildlife, Oregon State University: Presents testimony in support of SB 1183 (EXHIBIT E).

-He refers to page 2.

-He refers to page 3.

084 CHAIR L. HILL: When you say altered, you mean it is not necessarily destroyed, but changed?

DR. GREGORY: Correct.

CHAIR L. HILL: These are important changes, but not necessarily fatal changes?

DR. GREGORY: Correct.

-He continues with his testimony.

111 CHAIR L. HILL: Can you define a large pool?

DR. GREGORY: At least 2 meters in depth and a surface area of over 250 square meters. This is based on a historical survey of 1939 and 1940.

-We adjusted our estimates to try and not demonstrate a change.

-We are seeing changes across the state

119 CHAIR L. HILL: A large pool is caused by debris in a stream and by oxbow lakes?

DR. GREGORY: That's a good point. It's in the broad flood plain areas where habitats show the greatest change.

130 SEN. KINTIGH: How much of this alteration is due to the requirement of the early 1950's to 198 0's that loggers clear streams?

DR. GREGORY: It's a minor portion in the forestlands.

-What we're seeing is road building and development on the flood plains and the loss of woody debris, which is exacerbated by the required stream cleaning processes.

-Those stream cleanup activities were being necessitated by forest



processes that are no longer going on.

SEN. KINTIGH: They were required to take it all out.

DR. GREGORY: They were only supposed to take out what they put in, but they ended up taking it all out.

152 SEN. TIMMS: How do the effects of Oregon's forest practices relate to other states in the Pacific Northwest?

DR. GREGORY: Oregon's statutes have been weakened compared to the State of Washington's

-The last changes in Oregon resulted in lower water quality protection, because there has been more harvesting in riparian areas.

173 SEN. TIMMS: That is surprising, it seems we are getting more strict, not less strict.

-What does Washington have in terms of watershed enhancement committees?

187 DOPPELT: Can't speak in detail on their statewide policies.

-There is a push for a new scenic waterway program and other projects.

-They are ahead of Oregon on some levels, behind on others.

196 DR. GREGORY: Washington's fish and wildlife program was to push towards more communication and coordination between different land owners. It requires a consensus.

-He thinks the intent of the last changes to the Forest Practices Act was to strengthen the act, but he was surprised that it wasn't strengthened.

SEN. TIMMS: What is the percentage of private lands in Washington?

DR. GREGORY: Doesn't know.

SEN. TIMMS: They have more private land than we do.

DR. GREGORY: Fifty-five percent of our land is federally owned.

220 ROGER HAMILTON, Oregon Rivers Council: Presents testimony in support of SB 1183.

335 REP. DAVE MCTEAGUE, District 25: Worked on the committee that crafted the Governor's Watershed Enhancement Program four years ago.

-Have you had a chance to evaluate that program? Could you see a way to integrate these concepts with the GWEB program?

-They've attempted some watershed, riparian education projects.

-There is a lot of legislative support of GWEB.

364 DOPPELT: We have looked at and we work with GWEB.

-If GWEB was restructured it could fit our needs. At this time GWEB doesn't have the necessary authority.

369 CHAIR L. HILL: We'll go through the bill after we recess.

-He recesses until 6:00 p.m.

-He reconvenes at 6:20 p.m.

429 BILHEIMER: Summarizes SB 1183 (See page 15, EXHIBIT C).

TAPE 55, SIDE B

021 BILHEIMER: Continues with requirement that the SWMG identify a lead agency to assist local watershed councils.

-On page 2, definition 17, line 17 delete "quality" and insert "quantity".

070 CHAIR L. HILL: We can talk about the appropriation.

BILHEIMER: The number was picked at random. She didn't want the legislation without funding to begin the process.

CHAIR L. HILL: Are you negotiating with any other groups about this?

BILHEIMER: We are not in direct contact, but we understand some people from the Water Resources Congress intend to testify next week. Other groups will also be testifying.

084 CHAIR L. HILL: Closes the Public Hearing.

SENATE BILL 1095 -- PUBLIC HEARING

Witnesses: Sen. John Brenneman, District 2  
John Oshel, Public Works Director, Tillamook County:  
Dick Nichols, Section Manager, Municipal Waste Section, Department of Environmental Quality

CHAIR L. HILL: Opens the Public Hearing.

092 SEN. BRENNEMAN, District 2: The bill addresses pulling dead cow carcasses out of the river.

-He refers to a letter regarding SB 1095 (EXHIBIT F).

-The bill sets up a dedicated account that reimburses the counties for removing carcasses from state waters.

137 CHAIR L. HILL: Does this have a subsequent referral?

SEN. BRENNEMAN: It would have to go to Ways and Means.

144 CHAIR L. HILL: Once the carcass is recovered is it a hazardous substance; could it put in the local landfill?

148 JOHN OSHEL, Public Works Director, Tillamook County: There is no agency with funding to remove the carcasses.

-The local soil and water conservation service and Tillamook Creamery do their best to identify the farmers who own the cows.

-The road department currently does the removal, because they have the appropriate equipment.

-This bill does not solve the disposal problem.

183 SEN. KINTIGH: Are there any rendering companies that could handle them after they're out of the river?

OSHEL: Yes, but the animals are too old.

193 CHAIR L. HILL: Is the problem mainly in the rivers or the sloughs?

OSHEL: Both; occasionally they make it to the bay.

CHAIR L. HILL: We might want to focus the bill on animal carcasses. Would that solve your problem?

OSHEL: It would, but the bill covers someone who drops some kind of solid waste, which could cause a problem.

CHAIR L. HILL: The more things that are included, the bigger the cost.

-Would it solve your immediate problem if it only referred to animal carcasses?

OSHEL: Yes.

213 SEN. FAWBUSH: Who pays for it?

CHAIR L. HILL: The General Fund.

OSHEL: It proposes an allocation to a special fund out of the General Fund.

220 SEN. FAWBUSH: Do you deal with carcasses in streams on private property if it does not belong to that landowner?

OSHEL: Generally yes.

SEN. FAWBUSH: Why can't you let the landowners deal with it?

OSHEL: Explains.

-It's not usually the landowner's fault.

SEN. FAWBUSH: It's difficult to figure out where to put the money for this.

237 SEN. KINTIGH: Do these cows drown or are they dumped?

OSHEL: We don't know; probably some of both.

244 CHAIR L. HILL: The bill has the local governments respond and keep records and have DEQ reimburse them. It permits the DEQ to require the responsible person to pay for it.

-How do we know that local governments will find someone responsible?

OSHEL: We need to respond quickly.

-Unless there is a tag on the animal, there wouldn't be much chance in determining the owner.

267 CHAIR L. HILL: Would you mind language that says: "The local government shall make every reasonable effort to determine who's responsible, if anyone."?

OSHEL: Has no problem with that.

-The bill sets up rulemaking by the EQC.

275 SEN. TIMMS: Why are the soil and water conservation districts best at reacting?

OSHEL: They react quickly and try and determine who the cow belongs to.

SEN. TIMMS: They do a better job everywhere.

OSHEL: They are good to work with. They have no legal liability, but help anyhow.

288 CHAIR L. HILL: We'll work on some language to satisfy this.

SEN. KINTIGH: Suggests that we keep this in the Division of State Lands. It's their land.

CHAIR L. HILL: We could provide an allocation from the Common School Fund.

304 SEN. BRENNEMAN: Under ORS 468.715 the Department of Environmental Quality has the authority to remove a carcass.

-He reads from a letter from FRED HANSEN, DEQ, "DEQ does not need additional statutory powers in order to remove animal carcasses from state waterways...."

-He can work on the funding mechanism if the committee needs him to.

-It seems all we need is a dedication of funds to set things in motion.

340 CHAIR L. HILL: The bill proposes a lien on the property of a

responsible person. A civil penalty might be another way to bring some money back to the fund if a person was found to be negligent.

SEN. BRENNEMAN: Prefers the lien method rather than a civil penalty.

CHAIR L. HILL: A lien assumes they have property.

-What's the average cost per carcass?

354 OSHEL: \$200 to \$500.

CHAIR L. HILL: How many carcasses do you have in a year?

OSHEL: No more than six, but not less than one.

CHAIR L. HILL: It's not a lot of money.

OSHEL: The difficulty is that we're now paying out of the road fund.

367 SEN. KINTIGH: Deer, elk and other animals could be a problem.

OSHEL: We've had to deal with dead sea lions.

CHAIR L. HILL: Have you had dumping of animal offal or animal parts?

OSHEL: No.

378 SEN. BRENNEMAN: Tells about the state trying to use dynamite to get rid of a dead whale.

408 DICK NICHOLS, Section Manager, Municipal Waste Section, Department of Environmental Quality: Is not familiar with the problem, but will present the information he has.

-We are unable to determine the costs for the project. He elaborates.

-This is a difficult issue to find a solution for.

464 CHAIR L. HILL: We'll have amendments drafted.

-He closes the Public Hearing.

TAPE 56, SIDE A

SENATE BILL 1080 -- PUBLIC HEARING

Witnesses: Peter Thurston, Lane County Administration  
Larry Stonelake, Superintendent, Haceta Water District  
Bill Finley, Administrative Assistant, Haceta Water District  
Dick Nichols, Department of Environmental Quality

CHAIR L. HILL: Opens the Public Hearing.

020 PETER THURSTON, Lane County Administration: Presents testimony in support of SB 1080 (EXHIBIT G).

057 LARRY STONELAKE, Superintendent, Haceta Water District: Presents testimony in support of SB 1080 (EXHIBIT H).

078 BILL FINLEY, Administrative Assistant, Haceta Water District: Presents testimony in support of SB 1080 (EXHIBIT I).

CHAIR L. HILL: The bill is pretty straightforward; it allows Haceta Water District to act as a sanitary district.

148 DICK NICHOLS, Department of Environmental Quality: Describes the alternatives the county could use in establishing a watershed management plan.

-He describes how the alum system must be controlled by the municipality.

-We require in our rules that they use erosion control to ensure the soil is stabilized when there is construction within the basin.

-Depending on the level of development, there may be a need for passive storm water control systems.

-There are a number of good reasons for Haceta Water District to do this. They are there and have a good interest for protecting their water.

190 CHAIR L. HILL: There is no independent sanitary authority or district that could deal with that subdivision?

NICHOLS: No.

193 SEN. TIMMS: It seems like a good deal.

CHAIR L. HILL: There's no fiscal impact to the state.

-Are we setting a precedent that we should be concerned with? It allows one district to act as two separate districts--one district operating under dual statutory authority.

204 NICHOLS: The bill narrows it to this place.

CHAIR L. HILL: The bill is limiting.

-He reads from the bill.

244 SEN. KINTIGH: Are you planning on any sewers or will you just police the septic tanks?

FINLEY: We'll police the septic tanks.

-We are in the process of securing funds to buy the undeveloped areas in the watershed. The existing homes would be fitted with the alum system.

SEN. KINTIGH: What is the alum system?

256 NICHOLS: Describes the alum system. Thinks this is a good place to try out this kind of system.

CHAIR L. HILL: Could someone explain why 448.305 (2) does not apply?

291 THURSTON: That must have come from Legislative Counsel.

FINLEY: We've had problems with the Costal Dunes, a popular ATV area. There are campsites at the edge of the lake and no sanitary facilities.

314 CHAIR L. HILL: Closes the Public Hearing.

-We'll ask Counsel about that particular question.

SENATE BILL 878 -- PUBLIC HEARING & WORK SESSION

CHAIR L. HILL: Opens the Public Hearing.

334 SEN. TIMMS: Describes the bill.

-The sponsors have backed off of the bill. He suggests the bill be Tabled.

CHAIR L. HILL: Closes the Public Hearing and opens the Work Session.

361 MOTION: SEN. TIMMS: Moves to Table Senate Bill 878.

CHAIR L. HILL: Hearing no objection the bill is tabled.

SENATE BILL 742 -- WORK SESSION

Witness:Bev Hayes, Water Resources Department

CHAIR L. HILL: Opens the Work Session.

-Anyone who wants to testify, come up.

388 BEV HAYES, Water Resources Department: Presents testimony in support of SB 742 (EXHIBIT J).

-She refers to page 2, "Recommended Alternative".

412 CHAIR L. HILL: The department thinks there are a lot of these out there.

-The bill proposes to let them to be perfected without a certified water rights examiner (CWRE) looking at them.

-We've had reports that there are many kinds of these ponds.

426 HAYES: We can understand exempting the CWRE requirement for the applicant map, but when we issue a water right we have to know the location of the pond, how much water they are storing, where they are using the water.

-If they didn't hire a CWRE, we would be forced to do a site inspection of those uses.

442 SEN. TIMMS: How many acre feet?

HAYES: The bill says five acre feet.

SEN. TIMMS: Why do we need to regulate them; why not take them out of the statute?

HAYES: We deal with a number of disputes that deal with very small uses of water. She elaborates.

TAPE 57, SIDE A

017 SEN. TIMMS: What would happen if we didn't have you in the process? Wouldn't there still be court action?

HAYES: You would have to litigate.

-We are suggesting that a person would get a water use license. They would not get a priority date. This use would be subordinate to other uses.

-In a situation where a person is using runoff--water that doesn't go anywhere else--this should be an attractive alternative to an exemption for the CWRE requirement.

031 CHAIR L. HILL: This is a problem we should do something about. We should provide some legitimacy for these unlicensed users.

-He isn't sure how to get around the potential problems.

-During logging practices small ponds are set up in streams for fire protection and slash burning, a totally different use than a stock pond.

038 SEN. KINTIGH: There's a lot of them that aren't on streams.

HAYES: There are all kinds of ponds.

SEN. FAWBUSH: Most are runoff ponds.

CHAIR L. HILL: That's why we should do something about it.

-He doesn't want to give up on the bill.

-He'd like to bring it back for another work session in about a week.

047 HAYES: Could we work with Legislative Counsel to see if we can get some language?

CHAIR L. HILL: Sure.

051 SEN. FAWBUSH: Why do anything?

-This excludes ponds and perennial streams, we're talking about runoff.



What's the problem?

HAYES: It may be an intermittent stream and someone down stream may be storing that water.

061 SEN. FAWBUSH: Doesn't understand why we need the bill.

HAYES: There is only one instance that doesn't require a permit for surface water.

SEN. FAWBUSH: Would someone need a permit if they dig a hole and collect runoff water?

HAYES: It depends.

-If someone collects rainwater--surface water that would flow to some other source--it would be considered public water and you would need a permit.

SEN. FAWBUSH: This says not located on intermittent or perennial streams.

086 HAYES: We're suggesting that as long as the water doesn't go anywhere, all you need is some general authorization for a minimal fee.

-We are trying to solve a problem.

089 SEN. KINTIGH: You need a CWRE for final approval?

HAYES: No. You'd have to provide us with a map.

SEN. KINTIGH: What about aerial photos?

HAYES: That would probably be sufficient.

-The uses would be limited to those listed in the bill.

CHAIR L. HILL: We'll work on the language.

(EXHIBIT K) -- Submitted by JIM MYRON, Oregon Trout.

CHAIR L. HILL: Adjourns the meeting at 7:30 p.m.

Submitted by,      Reviewed by,

Edward C. Klein, Lisa Zavala  
Committee Assistant      Committee Administrator

EXHIBIT LOG:

A            -            Testimony on SB 1012 - Ed Johnson - 3 pages  
B            -            Amendments to SB 1012 - Sen. Dukes - 1 page  
C            -            Testimony on SB 1183 - Bob Doppelt - 16 pages  
D-Background information on SB 1183 - Bob Doppelt - 35 pages  
E-Testimony on SB 1183 - Dr. Stan Gregory - 3 pages  
F-Letter from Legislative Counsel on SB 1095 - Sen. Brenneman - 3 pages

G-Testimony on SB 1080 - Peter Thurston - 1 page  
H-Testimony on SB 1080 - Larry Stonelake - 1 page  
I-Testimony on SB 1080 - Bill Finley - 2 pages  
J-Testimony on SB 742 - Bev Hayes - 3 pages  
K-Testimony on SB 742 - Jim Myron - 2 pages