

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.

HOUSE COMMITTEE ON WATER POLICY

February 7, 1991Hearing Room D 1:30 p.m.Tapes 15 - 16

MEMBERS PRESENT:Rep. Chuck Norris, Chair Rep. Bill Dwyer, Vice-Chair Rep. Bill Markham Rep. Walt Schroeder Rep. Larry Sowa

STAFF PRESENT: Beth Patrino, Committee Administrator Pat Zwick, Committee Assistant

WITNESSES:Rep. Dave McTeague Chuck Harris, Clackamas Water District Burton Weast, Special Districts Association Jeannette Holman, Legislative Counsel Dave Nelson, Oregon Water Resources Congress Alan Fletcher, Clairmont Water District Libby Henry, Eugene Water & Electric Board Joe Glicker, Portland Water Bureau

MEASURE CONSIDERED:HB 2366 - Requires public corporation or state agency that owns water conveyance facility to allow other public corporation or state agency proposing to transfer water to use unused capacity of water conveyance facility to make transfer. - Public Hearing

HB 2485 - Authorizes State Department of Fish and Wildlife to issue annual angling conservation stamp. - Public Hearing

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TAPE 15, SIDE A

010 CHAIR NORRIS: Calls the meeting to order at 1:30 p.m.

Opens public hearing on HB 2485.

PUBLIC HEARING HB 2485

024 REP. DAVE McTEAGUE: Testifies in support of HB 2485.

The concepts in the bill are productive and constructive and a vehicle worth considering to make some improvements in our instream water situation.

Reviews information and impressions received on a tour taken by the Streamflow Restoration Subcommittee during the interim.

I am a member of the Trade Committee and will do what I can to get some of the lottery dollars back to benefit the Restoration and Enhancement Board program.

100 CHAIR NORRIS: Refers to SB 246 which purports to extend the sunset on the fees imposed to support the R & E Board. We anticipate the committee will be hearing that bill.

110 McTEAGUE: Talks about deliberations of the Salmon Summit.

Hopes the committee will hear from Angus Duncan.

115 CHAIR NORRIS: We are making arrangements to do that.

117 McTEAGUE: We have to redouble our efforts on instream flows, habitat issues, fish screening, etc., as we come to the table. The upriver people are going to participate in the process.

Feels Salmon Summit is making progress.

HB 2485 is an attempt for a constructive approach to instream water rights. It is not popular to impose a fee increase, and I am researching fee impacts.

Likes the idea of using some of the dollars for buying water rights where they are needed.

Thinks we should leave watershed enhancement out of HB 2485 and work through the Governor's Watershed Enhancement Board.

We should also separate the issues of instream flows and water rights from the fish screening issue because it is equally complex and should be viewed by itself.

You will be receiving the Department's report that was mandated by the Ways and Means Committee.

180 REP. SOWA: What has happened in the last 20 years? We have been having these discussions for that long.

We talked about having water users pay for use of the water and we still have not solved that problem.

Do you have objection to beginning a serious process to talk about getting all water users to pay for these programs?

195 McTEAGUE: No. Have always supported water user fees.

Would have to be a reasonable cost effective program.

I want to see us make some progress, and feel the public wants that too.

Need to go further than we have in protecting some of the crucial streams in the state that need flows.

Once you agree there is a problem, you can work toward solutions.

Would like to move forward in a way that minimizes conflict and enhances cooperation but achieves some attainable results.

236 REP. MARKHAM: What figure do you want in the blank in HB 2485?

240 McTEAGUE: \$1.

243 REP. DWYER: How would you safeguard the money's use to do what is intended in the bill and not be lost in administration or used to support replacement people?

255 McTEAGUE: That is an issue we all wrestle with as legislators. We have the tools we need to accomplish the desired results.

Suggests: write tight language in the bill, and make sure it is clearly understood in Ways and Means with budget notes.

The Habitat Division of ODF&W is severely understaffed.

A dedicated fund would be fine with me.

280 REP. DWYER: There are other consumptive users of water who have surface water rights that are affecting this balance and not giving anything back in terms of moneys to address the problem.

295 McTEAGUE: Before you get to the mechanics, you need the impetus to address the issue.

330 REP. DWYER: ODF&W say the stamp would be expensive to produce. \$1 would only raise \$750,000 annually.

The projected cost of fish screening is \$140 million. \$22 million in small projects, less than 30 cfs, and the remaining 10% of the projects will require \$122 million.

350 McTEAGUE: Fish screens and instream flows are best dealt with as separate issues.

Fish screening is difficult and would require a broad funding base. We need to look at the Department's report before we launch into the fish screening discussion.

I think HB 2485 should relate to instream flows and some ways to develop a fund to purchase some of the flows we need.

280 CHAIR NORRIS: Is there evidence that we could buy many rights if the money was available?

388 McTEAGUE: Would leave that discussion to others with more expertise.

410 REP. SOWA: According to state law, who is responsible for installing fish screens?

414 McTEAGUE: The diverter. There is a two year moratorium on the requirement that under 30cfs diverters install screens.

TAPE 16, SIDE A

McTEAGUE: ODF&W has valid concerns about charging too high a fee for

the angling stamp. You can reach the point of diminishing returns.

Will share research with the committee when available.

015 REP. MARKHAM: This is a voluntary program. A program for municipal users would be different because municipalities have to buy water.

025 CHAIR NORRIS: Closes public hearing on HB 2485 and opens public hearing on HB 2366.

PUBLIC HEARING HB 2366

030 BETH PATRINO, COMMITTEE ADMINISTRATOR: Reviews provisions of HB 2366.

There is no revenue or fiscal impact with this bill.

035 REP. MARKHAM: Asks for definition of public corporation.

040 REP. DWYER: It is practically unlimited.

048 CHAIR NORRIS: We will try to obtain that definition.

HB 2366 came out of the Joint Interim Committee.

058 PATRINO: It was a bill drafted as the result of National Congress of State Legislature's model legislation.

065 CHUCK HARRIS, CLACKAMAS WATER DISTRICT, AND SPECIAL DISTRICTS:

Confused by the bill which appears to him to work opposite from what it is supposed to do.

Comments on issues on concern related to planning, finances, water quality and the burden.

085 REP. MARKHAM: Aren't some of the users in ditches?

090 HARRIS: All municipal water is in pipes.

095 REP. DWYER: You make it sound like you never have a surplus.

099 HARRIS: Depends on how you determine "surplus". I determine it to be surplus if it is not going to be needed for any other purpose.

142 BURTON WEAST, SPECIAL DISTRICTS ASSOCIATION: Defers to Legislative Counsel.

147 JEANNETTE HOLMAN: There is no definition of "public corporation" so my recommendation is for you define it to include what you want.

This bill came out of NCSL model legislation and they did not provide definitions.

160 CHAIR NORRIS: We are not talking about excess water, but excess capacity of a conveyance facility.

If I were a city manager, I submit there is unused capacity for future needs.

The bill contains a caveat that says existing water quality could not be diminished.

175 WEAST: The Oregon Association Water Utilities voted this morning to oppose HB 2366 for the same reasons Mr. Harrison has raised.

The Safe Drinking Water Act provides that you can be sued by any customer if you fail to meet the federal standards. The Act has no exceptions.

Our biggest concern about HB 2366 is that it puts us in the situation of doing a good job working on our water, but if an upstream user violates a standard, we are responsible for the quality of water.

We would have to assume the responsibility for operating the upstream water system.

195 CHAIR NORRIS: Have any of the special districts, most likely irrigation districts, already voluntarily cooperated in something like this?

196 WEAST: Yes. I don't think the bill is necessary because we don't have a problem with this in Oregon.

Gives examples of cooperative agreements.

220 DAVE NELSON, OREGON WATER RESOURCES CONGRESS: Agrees with previous testimony.

Not aware of any constructed irrigation facility being shared.

240 CHAIR NORRIS: Speaks of cooperative agreements pending in his district.

242 REP. DWYER: Irrigation districts in the Deschutes basin use shared facilities.

247 NELSON: That would be smaller districts.

260 ALAN FLETCHER, CLAIRMONT WATER DISTRICT: Agrees with previous testimony. The bill is unnecessary.

265 LIBBY HENRY, EUGENE WATER AND ELECTRIC BOARD: EWEB has the same problems with this bill that you have heard.

Our reading of a water conveyance facility says it could include our water treatment facility, which would put us in a position of being a regional treatment facility.

We concur with issues raised concerning excess capacity, the water rights issue, the liability and control issue, and water quality.

The compensation issue is a difficulty.

280 JOE GLICKER, PORTLAND WATER BUREAU: Agrees with previous testimony and submits written testimony (EXHIBIT A).

The Portland Water Bureau serves 440,000 directly as the City of Portland, and another 300,000 through wholesale contracts in cooperative agreements with 22 other water districts.

Reports that the Oregon Water Utilities Council of the American Water Works Association adopted a position against the bill.

Submits written testimony from Ed Olson (EXHIBIT B).

350 CHAIR NORRIS: Do not anticipate there will be a work session on HB 2366 in the immediate future.

Closes the public hearing on HB 2366.

Adjourns meeting at 2:25 p.m.

Submitted by: Reviewed by:

Pat Zwick, Beth Patrino, Assistant Administrator

EXHIBIT LOG:

A - HB 2366 Testimony - Joe Glicker - 3 pages B - HB 2366
Testimony - Ed Olson - 2 pages