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

February 7, 1991Hearing Room C
3:00 p.m. Tapes 10 - 12

MEMBERS PRESENT:Sen. Larry Hill, Chair
Sen. Bob Kintigh
Sen. Eugene Timms
Sen. Dick Springer, Vice-Chair

MEMBER EXCUSED: Sen. Wayne Fawbush

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

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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.

TAPE 10, SIDE A
INSTREAM WATER RIGHTS - INFORMATIONAL MEETING
Witnesses:Jill Zarnowitz, Oregon Department of Fish and Wildlife
Neil Mullane, Department of Environmental Quality
Bill Young, Water Resources Department

007 CHAIR HILL: Calls the meeting to order at 3:15 p.m..

020 JILL ZARNOWITZ, OREGON DEPARTMENT OF FISH AND WILDLIFE (ODFW): Submits and summarizes written testimony on the Instream Water Rights Program. (EXHIBIT A)

075 HILL: Of the 921 requests, can you tell us how many have been granted so far, how many are certified, and how many are still awaiting final certification? (See Chart on Page 5 of Exhibit A)

077 ZARNOWITZ: There are 36 certified applications.

079 HILL: So 36 of 921 have been certified?

080 ZARNOWITZ: No, there is also 494 minimum perennial streamflows that have been converted to instream water rights and now are certified instream water rights. There are 391 applications that haven't been certified yet. We have submitted 427 and 36 of those have been certified.

097 HILL: Have the applications for instream water rights been certified for what you requested or have they been modified or conditioned?

099 ZARNOWITZ: All of the applications that have been certified to date have been certified as requested.

101 HILL: How long have the others been pending?

102 ZARNOWITZ: Some of them for up to a year and a half.

103 HILL: There are 391 pending. Have you been requested to provide additional information because you haven't been able to provide adequate information?

107 ZARNOWITZ: Some may be pending for that reason. We have been requested to provide additional information on very few of that number. The main reason why this appears to be slow is that the WRD has one person working on processing these and there are a lot of issues involved.

114 HILL: Has ODFW been watching those reaches that you've submitted and are you aware of any other water right applications that have come in?

117 ZARNOWITZ: We have been watching those and we are trying to keep track of them. If we did find subsequent applications were pending, we would request that the instream water right be superior to that subsequent water right.

123 HILL: The instream water rights have the seniority date of the time that the application is made or the time that the certification is granted?

126 ZARNOWITZ: The day it lands in the instream water rights office.

130 HILL: So even if a water right was granted after that time, it would be junior to the instream water right?

131 ZARNOWITZ: That is correct, unless conditioned.

132 HILL: Are you disturbed that 391 are still pending?

133 ZARNOWITZ: Yes. We realize that we have a priority date, but with other water rights coming in we would like them to continue through the process and resolve any issues that might be there. One problem in processing these is that WRD is required to do natural flow availability studies, which is difficult.

150 HILL: Is that by rule or statute?

151 AUDIENCE MEMBER: By rule.

154 HILL: How do you arrive at the requested levels for an instream water right?

156 ZARNOWITZ: To date, we have relied upon the Environmental Basin Investigation Reports that the Game Commission conducted in the 1960's and 70's using the Oregon Method. Our rules accepted those flow levels that were in the basin investigation reports as valid and ones we would use to apply for.

166 HILL: The direction to the agency in the statute was to treat these water rights like any other water rights. Are natural flow levels required for any other water rights?

169 ZARNOWITZ: To my knowledge, they are trying to do water availability studies for all water rights because of their awareness that many streams are being over-appropriated.

175 HILL: Doing the water availability studies for natural stream flow levels is a step in the right direction? Would your agency consider that to be advisable for other than instream water rights?

178 ZARNOWITZ: For other water rights, since it is consumptive water rights they generally do an availability study on what is based in the stream versus a hypothetical natural flow.

182 HILL: Why the difference?

184 ZARNOWITZ: With the instream water rights, we are attempting to set a level that fish would biologically need versus what would be consumptively used and taken out of the stream. Fish would need more water than would actually be in the stream with all the senior water rights. So the natural flow was selected to give a biological representation of the needs of fish versus giving ODFW what remained in the stream, which might not be what they actually need.

197 HILL: I don't understand what practical difference it makes.

201 TIMMS: We converted all the minimum stream flows to instream water rights. As I remember, that was one reason for the 1987 bill. Is that correct?

208 ZARNOWITZ: The purpose of the bill was to do that.

225 TIMMS: I'm having a problem with "natural flow". A lot of the minimum stream flows are "paper flows"; they never were in the stream. Are these instream water rights the same cfs as minimum stream flows?

231 ZARNOWITZ: The minimum stream flows which we are requesting, some of which were set below our request levels, are higher than what would be considered a minimum stream flow.

236 TIMMS: They are higher than the minimum stream flow in many cases, correct?

237 ZARNOWITZ: Yes in many cases.

239 TIMMS: We are talking natural flow availability and the water isn't in the stream. How can we be putting a right on something that isn't there?

242 ZARNOWITZ: One example is the Umatilla, which if we requested a flow in the summertime of the remaining water that was in the stream that wouldn't be enough to maintain fishlife. It might maintain a minimal level of fishlife, but not the target species that are being managed in the Umatilla. That does not allow any opportunity for potentially restoring the streamflows to a somewhat higher level.

256 TIMMS: I understand that because of an exchange program costing $27 million dollars that could be taken care of with impoundments. We will improve downstream conditions which would allow an instream water right in August. But how do you increase natural stream flows when there is no water in the streams. We have had a draught in Eastern Oregon. How are we establishing new natural streamflows in streams that have been in a drought condition for years when we are just currently gathering that information?

284 ZARNOWITZ: We are applying on streams that we have information on from the 1960s and 70s. We conducted flow studies on them using a habitat based model. WRD determines what the natural available flow would be on the 50 percent average of any month. That is then compared with our request. If our request is higher than that average, then we need to justify why we need it.

348 HILL: The program includes putting water back into the stream through various means.

354 ZARNOWITZ: Our long term goal of the instream water right program is to attempt to restore streamflows.

359 TIMMS: Are we cutting off any kind of future economic consumptive uses out of that stream?

368 ZARNOWITZ: We may be, but the sacrifice may be that there will be no fish in that stream.

374 TIMMS: In other water rights they have to be proved and you know the water is supposed to be there.

395 ZARNOWITZ: The Instream Water Right Act allows for future multi-purpose storage to take precedence over the Water Resources Commission's approval of an instream water right. We would be involved in the development of that storage and we would be willing to allow storage to take flows that we may have applied for, if we can get some benefit for instream flows during the summer. It doesn't totally cut off future economic development.

416 HILL: In the statute, I think fisheries and recreational scenic values are recognized as economic values as well as public values. I think that whether or not we feel that fish have an economic value is an opinion, but the statute clearly

indicates that fish, recreational, scenic and future use of the streams, both instream or out of stream uses, are things we should plan for.

432 TIMMS: Most of the impoundments were put there or financed in part by agriculture. It is good to hear that ODFW is willing to help fund streamflows.

453 HILL: Events may be overtaking our meager efforts to restore streamflows in that the threatened and endangered species listing may call our bluff and require us to do far more than we are attempting to do with instream water rights. The longer it takes to establish these instream water rights and the less effective they are in protecting instream life, simply makes more likely the time when we will be forced to take more drastic action.

491 ZARNOWITZ: We estimate that we have around 1,000 reaches. There may be more that have not been submitted to us.

TIMMS LEAVES at 3:45.

TAPE 11 SIDE A

035 HILL: Referring to "reaches", is that all the way up to the headwaters?

036 ZARNOWITZ: It could include the headwaters. On any one stream, you would probably have at least two reaches.

038 HILL: Are we looking at streams that are available for fish habitat or those above barriers and not available for fish habitat?

041 ZARNOWITZ: Principally we are looking at streams that are available for fish habitat, whether it is resident or anadromous. We may have more streams that will be needed for wildlife habitat as well.

047 HILL: How much would it cost and how long would it take to perform the stream surveys necessary to determine flows that are necessary for fishlife and to make instream water right applications?

050 ZARNOWITZ: We estimated that a two year study to cover those 1,000 reaches would take from $1.2 million to $1 million dollars. A three year study would be 8-900,000 dollars per year. A four year study would be 640-550,000 dollars per year. It is fairly labor intensive.

069 HILL: Does the Department have an order of priority for the streams they would want to do surveys on first?

070 ZARNOWITZ: Yes we do.

074 HILL: Are you tracking water rights applications on those reaches currently?

075 ZARNOWITZ: Except for the individual district biologist, I

don't believe that we are.

076 HILL: We don't know what kind of activity is going on for out of stream consumption on those reaches?

077 ZARNOWITZ: Not generally.

078 HILL: It is about 45 percent of the stream reaches in the state that we don't have data on and we don't know what the activity is regarding water right applications.

081 ZARNOWITZ: That is correct.

091 NEIL MULLANE, DEPARTMENT OF ENVIRONMENTAL QUALITY: Submits and summarizes written testimony regarding instream water rights. (EXHIBIT B)

110 KINTIGH: This amount of water needed in a stream to assimilate waste water discharges, is that in addition to the minimum flow or is it a part of that?

112 MULLANE: The minimum flow could be a part of that. Continues summary of Exhibit B.

161 HILL: You do water samples rather than biological samples, is that correct?

162 MULLANE: That is correct. Most of our sampling to date has been water chemistry or water column information. Continues summary of Exhibit B. DEQ is converting to a water quality based approach to control water pollution, which gives us a more detailed handle on how that stream is reacting to the discharges. In order for the DEQ to have accurate instream water rights established, we have to go to that conversion and get that information.

182 HILL: Is this required by the new federal legislation; the Clean Water and Safe Drinking Water Acts?

183 MULLANE: It is required by the Clean Water Act since 1972. The State does not have the discretion to avoid this particular section of the Act and we must implement it. On page 6 of Exhibit B there is a list of water quality limited streams in the state that we are currently developing TMDLs on. The Tualatin and Yamhill River, Garrison Lake and Bear Creek are water bodies that have established TMDLs.

200 HILL: Do the rivers that the EPA recognizes require closer monitoring and TMDL limits?

202 MULLANE: According to our determination, every two years the Department is required to take that ambient data, analyze it, and identify streams that aren't meeting water quality standards. That creates our Bi-Annual Water Quality Status Assessment Report.

212 HILL: How do you arrive at the conclusion that other rivers should or should not join this list? Is it random samples?

213 MULLANE: We have an established ambient program, where we collect samples routinely. We then analyze that data every year. Every two years we would be adding to this list any rivers that would be violating standards. Continues summary of Exhibit B, page 7.

239 TIMMS: Explain the Klamath River using the point and non-point sources, background and reserve capacity chart on page 7 of Exhibit B.

251 MULLANE: Specifically, we are looking at excess nutrients and biological oxygen demand (BOD). We also look at potential ph violations.

262 TIMMS: We're talking about fish in regards to the ph factor and the BOD. Is that determined by DEQ on a river such as the Klamath?

271 MULLANE: The Department's water quality program is based on establishing water quality criteria to protect designated beneficial uses for all the water bodies in the state. Regarding the Klamath Basin, we would have a list of beneficial uses identified (i.e. irrigation and domestic waters, fisheries, hydroelectric, etc.). Then we identify the numeric criteria (i.e. the water quality standard) that the water would have to reach to protect that beneficial use.

288 TIMMS: Klamath River didn't qualify with the Feds?

289 MULLANE: This water body violated several State standards as determined by DEQ.

296 TIMMS: Would the Feds work through DEQ rather than ODFW if looking at the quality of a river? Is DEQ the agency that makes that determination rather than ODFW?

299 MULLANE: The Federal government would ask DEQ to make determinations on identifying where the quality of water doesn't meet standards. Regarding how the degradation of water quality may impact fisheries, DEQ may ask ODFW to make a determination on its impact.

308 HILL: Calls Jill Zarnowitz of ODFW to comment on the difference of interest between ODFW and DEQ's concern for streamflow.

312 ZARNOWITZ: Our interest is to maintain fishable and enjoyable populations of fish in wildlife and to maintain the streamflow in order to support those.

317 HILL: Do you go out and measure the contaminants and the oxygen quality?

318 ZARNOWITZ: No.

319 HILL: You assume it is a healthy stream and then determine how much water would be necessary for the fish to survive and reproduce?

321 ZARNOWITZ: Correct. It is a habitat based model.

322 HILL: DEQ deals with the quality of the water in a stream. You could get your instream water right, but if there is no oxygen the fish die?

324 MULLANE: That is correct.

326 TIMMS: Wouldn't they all have a bearing in the amount of water in the stream?

328 MULLANE: That is correct.

329 HILL: The Departments ought to be working together and coordinating. Is the coordination between DEQ and ODFW adequate?

333 MULLANE: Yes it is. We have been receiving their applications and trying to review as many as we can, as well as supporting those that we have information on.

338 TIMMS: Regarding the minimum streamflows and instream water rights, we are always looking to improve the amount of water in stream. How much of a bearing does that have on the people that are polluting the streams?

347 MULLANE: The diagram on page 8 of Exhibit B will answer that question. Summarizes the diagram.

390 HILL: If someone locates an economic activity that contributes to the load and increases the total load on the stream, everybody has to take action to reduce their contribution.

396 MULLANE: That is correct.

397 HILL: When new development occurs and as we get closer to the lid of TMDL, everybody has to pick up a piece of the costs. And that also works if the streamflows drop.

401 MULLANE: That is correct. The commission adopted rules that prohibited the Department from issuing a permit for a new facility or an expansion of an existing facility on a water quality limited stream until that stream is in compliance.

408 TIMMS: It is a more exact process.

419 HILL: Could a stream be compatible with your standards but still not support fish life?

420 MULLANE: No, but the flow could be too low.

422 HILL: A stream could be compatible with your standards and still not support fishlife because the contaminants might be too high or the oxygen might be too low. It is where the two standards overlap that there is a set that permits a healthy stream.

426 MULLANE: That is correct.

428 HILL: It is a lot easier to quantify it. How much of this is

required by the EPA? And how much of it goes beyond requirements by the EPA? Are we close to what EPA requires?

434 MULLANE: All of the TMDL work done is what is required by the EPA.

437 HILL: We cannot go below this?

438 MULLANE: No we cannot.

439 HILL: And if we don't meet it, what happens?

440 MULLANE: EPA would take over the program and they would establish it. Continues summary of Exhibit B.

TAPE 10 SIDE 2

016 HILL: We passed the bill in 1987, why haven't you adopted rules before now?

119 MULLANE: We were never budgeted to conduct anything in instream water rights; under court order our primary responsibility is to establish TMDLs.

023 HILL: I think four years is too long, even if not budgeted. How many years before these are final?

030 MULLANE: I hope to get to the Commission with authority to go out with a hearing in April.

031 HILL: They won't go into effect until the next biennium?

033 MULLANE: It would be impossible to get them before that.

034 HILL: Why didn't you go to the E-board?

034 MULLANE: I believe we asked for assistance for TMDLs and we haven't received any assistance.

037 HILL: You have some streams with problems and a universe of unknowns. How many streams are out there that you don't know if there is a problem, or don't have enough data, haven't established TMDLs, etc? Do you also go by the same reaches that ODFW goes by?

042 MULLANE: We go by the same reach numbers as ODFW.

044 HILL: ODFW has 1,000 reaches, how many do you have?

045 MULLANE: There is over 120,000 miles of stream in Oregon. The department effectively monitors about 3,000 miles.

049 HILL: There is 117,000 miles of streams that we don't have state monitored information on? Not all of those are of concern?

052 MULLANE: That is correct.

053 HILL: How many of those are of concern?

053 MULLANE: We have done an assessment using professional judgement from the other agencies and ourselves through our non-point source program. With this program we are able to look at another 25,000 miles of stream. Of that 25,000, a third of it showed severe water quality problems.

061 HILL: Around 8,500 miles. What is the status of those streams? Are you tracking water rights applications and discharge permits in those streams?

070 MULLANE: We are tracking the discharge permits in terms of non-point sources.

072 HILL: Are you tracking out-of-stream water rights that would lower the water table and increase the likelihood of problems?

073 MULLANE: We are looking at the list of streams that WRD sends us. We are specifically looking at the ones where the TMDLs are being set or will be set in the future.

076 HILL: WRD has a list of all your priority streams? And they send you all water right applications related to those streams?

077 MULLANE: Yes.

090 HILL: How much would it cost to complete the necessary surveys for establishing TMDLs for those priority streams and how many people would you need?

092 MULLANE: The average cost of establishing a TMDL on a non-complicated stream would be between $200,000 - 300,000 a year. We would need a minimum of two years to establish the TMDL. On a larger, more complicated water body the cost would be $500,000 - 1.5 million per year for three years to establish the TMDL and database.

098 HILL: How long can we get away without doing this?

099 MULLANE: We are not getting away without doing them. We are, by lawsuit, decreed to establish two per year.

102 HILL: What two are we doing this year?

103 MULLANE: In terms of TMDLs, the Coquille and Klamath Rivers. We are only scheduled to collect samples on one river this year, the Grande Ronde. We will be out of compliance next year.

106 HILL: Why are we going to be out of compliance? Did the Governor reject the request?

107 MULLANE: We do not have sufficient funds.

116 HILL: Have you made a request to WRD beyond notification of pending water right applications. Have you educated the Commission and the Department on the problem and the likelihood of the consequences?

126 MULLANE: We have had meetings with staff and gone through our

TMDL process and identified those streams and stressed the importance of preserving the flows that are there now until we have the opportunity to establish the final TMDLs.

129 HILL: You have made a request to remove those streams from further out-of-stream appropriations?

130 MULLANE: We have not made an official request.

133 HILL: It sounds like staff to staff there is a request, but not Commission to Commission. Is your Commission unwilling to make that request or have they not considered it?

135 MULLANE: The Commission has not considered that request. Because the staff has not brought it to them due to working on the TMDLs.

139 HILL: Your governing Commission should be made aware if this situation.

140 MULLANE: We made them aware of the situation a year ago. Last March we took a package to them describing the entire instream water right situation and specifically requested time from them to work on this. They granted us two months of time to work on instream water rights, knowing that it meant a two months delay on meeting our federal court decree. We have developed an additional fee bill for the Department, and the fee specifically requests a surcharge for permit holders and non-point sources in the TMDL basins to provide money.

154 HILL: Would that buy the South Umpqua River study? Or is that just to fund the Grande Ronde study?

155 MULLANE: That has funding levels to assist us with one additional person. The intent is to have the ability to charge the fee to any basin in the state when we get into that basin.

213 BILL YOUNG, WATER RESOURCES DEPARTMENT:
Submits and summarizes written testimony on WRD's Instream Water Right Program. (EXHIBIT C)

274 HILL: Most water rights you don't try to figure out the natural flow but you look at the amount of water that is left in the stream and then make an appropriation. Why look at a different standard for a non-consumptive use?

285 YOUNG: The Commission wanted to give a preference to those instream flows and to say that they weren't going to make a judgement on an amount of water for an instream flow based on what still remains in the stream, but rather go back to the time before there were any depletions. The standard is tilted toward the instream flow.

313 KINTIGH: In determining water rights and availability, how do you take into account the different water users varying water uses.

331 YOUNG: You can have rights on a stream that when totaled would make the stream over-appropriated, yet still have water

in it. In some areas of the state, the water master is regulating people off to protect a minimum stream flow or instream water right, we can conclude that during that time of regulation, there is no water available.

386 HILL: Your intent is to measure the average natural flows on a seasonal basis and if the Commission approves, grant an instream water right permit but no greater than the average natural flows. That would protect impoundment of water that may be released from and utilized to satisfy the instream water right?

394 YOUNG: No, it has nothing to do with impoundment water. We would take that same approach on streams with or without impoundments on them.

412 HILL: You don't use the same criteria for other water rights?

413 YOUNG: The criteria we use is more demanding for other rights than it is for this one.

427 HILL: Rule number 2 .015 sub 2 says, "when an instream water right is set at levels that exceed current unappropriated water, the water right not only protects remaining supplies from future appropriation, but establishes a management objective for achieving the amounts for instream flows." This clearly indicates that an instream water right may be granted for more than is in the stream, correct?

436 YOUNG: That would be the usual result of our calculation of average flows in a natural state.

439 HILL: Jill Zarnowitz indicated that ODFW is basing it's requests on flow data from the 1960's and 70's. What is wrong with that for the basis for flow?

448 YOUNG: ODFW's request to us is based on a biologic calculation of the needs of a fish in a given stream. But it is not very clear to us as to whether or not those flows are also based on any measured flows that have been out there.
049 HILL: If ODFW goes forward with an instream water right for fishlife, do you base that on a hypothetical construct of the ideal stream or historic fish activity in that stream?

053 JILL: We base that on the actual measurements for a cross-section of the stream.

057 HILL: You are looking at the flow of the 1950's and 60's and that is probably less than the original natural flow.

059 JILL: What is actually in the stream may not be what we determine the fish need. Some streams might have changed their channel since time before water appropriations. And there may be habitat that may be only underwater during a flood time.

074 HILL: Have you asked for instream water rights that you believe exceed the historic water flows in that stream.

076 JILL: We have determined at least two streams that we may have asked for a flow level that is above what the stream could produce except in a hundred year flood situation.

078 HILL: Have you corrected those requests? Was that an error or was it deliberate?

080 JILL: It was not deliberate, because we don't do the hydrological data.

083 HILL: You work with WRD to correct those problems and get figures that you feel are correct. Directed to Bill Young, "How many of these applications do you think asks for water that exceeds historical flow levels of streams?

087 YOUNG: I can't respond because we haven't had an occasion to look at and attempt to do the water availability analysis for a large number of recent submissions. Last spring, we identified 17 out of the package we were working on that appeared to exceed that average natural flow. (See page four of Exhibit C).

102 HILL: There are 17; have you received those 17 or approximately that many?

103 JILL: There were 17, but there were two that our information was not as good as WRD's information. As for the 15, there is varying degrees of whether or not we thought our data was better than their's.

108 HILL: Two that was agreed were excessive. Bill Young, what is the problem with the rest of those 374 left?

116 YOUNG: It is not strictly one thing or another. The problem that we have is calculating water availability.

140 HILL: How many of them are in protest?

141 YOUNG: I can't respond right now.

145 HILL: How do you go out and figure out the estimated average natural flow?

167 YOUNG: Discusses how WRD evaluates average natural flow (see page 2 of Exhibit C).

220 HILL: In terms of managing a reach, so what if there is a difference between the original natural flow and the instream water right of 5, 10 or 15 percent?

224 YOUNG: If there were a modest percentage difference as it relates to what we could do with a pending applications to withdraw water, it is probably very little. If we are talking about the effort to engender some enthusiaSMin a local area to get some improvements there is quite a difference.

260 HILL: Many of the streams are over-appropriated. Most of the streams in which instream water rights have been requested by ODFW have flows currently well below the standards necessary for healthy fishlife. Is this true?

270 YOUNG: This refers back to the question of how many requests are going to be in excess or well in excess of the amount of water that we think will be there. We don't have an answer.

275 HILL: That doesn't appear to be relevant. We are not close to having the water in the streams which would meet the full water right requested by ODFW.

293 YOUNG: If we have ability to oblige someone to do something, we would have that ability to oblige that of someone without regard of figures. If you are talking about encouraging basin activities on people's will, then I think it is important that the people believe that they are reaching for an attainable standard.

330 HILL: My concern is the threshold for granting these instream water rights. And the threshold seems far too high in excess of what's necessary and expected by the Legislature when theyadopted the statute. I don't think there is anything in legislative record that justifies this particular rule and in excess of what's required for any other water right.

337 YOUNG: My understanding is that this bill had no standard of review for our Commission. It said that an application came in and a certificate is issued. That bill was defeated. As it came back, the bill was modified to say that the WRD is to apply criteria, which is what the Commission has attempted to do in the rules.

034 HILL: There are a number of streams which have already received action by DEQ for TMDLs. The streams that have had action, you have granted the appropriate water rights to insure that the TMDL is set. Is that correct?

040 YOUNG: I don't know that we have had forwarded to us the appropriate levels of water you have just described. I couldn't tell you whether or not those instream flows currently established are, in DEQ's judgement, adequate to meet the requirements that they place on potential contributors on the TMDL there.

052 MULLANE: In establishing the loads for a particular stream we don't necessarily have enough water in a stream to request enough water for the type of loads that we are discharging.

065 HILL: How is the Commission dealing with water rights applications regarding the streams listed on page six of Exhibit B (Coquille, Klamath, Columbia Slough, Grande Ronde, etc.)

070 YOUNG: We share with DEQ and ODFW any applications we would get on all water right applications. In a number of the cases mentioned, the streams have been withdrawn from further appropriations. We also share reviewing of permits with other agencies and soliciting their opinions.

088 HILL: Jill Zarnowitz mentioned that there is a number os streams of concern at ODFW that they don't have data to make a recommendation for instream water rights. Are you aware of

their priority streams?

097 YOUNG: I am not aware if a list has been shared with our staff.

103 HILL: Asks Jill Zarnowitz of ODFW if there is a list that has been submitted?

105 ZARNOWITZ: No not yet.

107 SPRINGER: When do you expect WRD, ODFW, and DEQ to come back and further review the situation?

110 HILL: We need to talk about stream restoration. Need to further discuss this issue. We will regard this as a beginning of a constructive discussion to help us understand what is going on. Public interest will be featured in future discussion.

135 SPRINGER: Let us know when WRD might be able to respond to a letter I addressed to them in mid-January, regarding work of the Commission and WRD.

143 YOUNG: Gives an update regarding this question. The Commission met last Friday. I would expect within two weeks we would try and respond to those difficult questions you asked.

207 HILL: Closes hearing at 5:45 p.m..

Submitted by: Reviewed by:

Bernadette Williams
Assistant

Lisa Zavala
Administrator

EXHIBIT SUMMARY:

A - ODFW Report to the Senate Water Policy Committee	27 pages
B - Testimony of Neil Mullane, DEQ	15 pages
C - Testimony of Bill Young, WRD	4 pages