

Oregon Water Resources Commission Teleconference
March 8, 1999
Salem

Members

Nancy Leonard
Mike Jewett
Tyler Hansell
Jim Nakano
John Frewing

Staff

Martha Pagel
Geoff Huntington
Tom Byler
Barry Norris
Dick Bailey
Diane Addicott
Bonnie King

Others

Jan Lee
Steve Applegate
Larry Tuttle
Chuck Norris

Tom Byler offered a general update on legislative activities. Hearings were held last week on Senate Bills 93, 300, 301. Water Resources bills, SB 300 and 301, and SB 465 were passed through the Senate Water and Land Use Committee, as well as Oregon Water Resources Congress bills HB 2649 and HB 2651. HB 2649 should allow the Department to complete the 3111 process in the near future by deleting the Secretary of Interior assent requirement. Byler explained Senate Bill 93 which has a grand scope and incorporates WRD's stewardship and supply initiative. The bill creates a supply and conservation task force, involves \$2 million for storage projects (new or enlarging or improving) out of Measure 66 funds, and \$750,000 allocating funds through GWEB for water conservation projects, and a new transfer-like process.

Chuck Norris wants the task force to consider a past Department of Agriculture storage-related report. Martha Pagel will inform the task force of Norris's request.

Commissioner Nakano asked if SB 93 came out of a workshop with Charlotte Haynes. Byler responded that Senator Tarno put together the bill ideas based on the workshop on stewardship and supply last summer. Nakano also asked if the \$2 million just pertains to anadromous fisheries. Byler responded that it has not been specified yet and that the monies are from Measure 66. Martha Pagel discussed some provisions of Measure 66 and the Joint Committee on Stream Restoration and Species Recovery.

There are no bills scheduled for this week as it appears that the Committee is focusing their time on land use issues. Byler announced that we are still waiting for some of our bills to come out of the system. It has been a slow process to get bills out of Legislative Counsel. An agreement was worked out with the City of Springfield and SB 299 with revised amendments should be ready for the Committee next week.

Martha Pagel explained the Hydro Bill (HB 2162). The Hydro Task Force met last Friday and worked out an agreement on key provisions on the bill relating to fees and provisions for instream flow (conversion to instream flow). It should be ready to be scheduled for a hearing with the task force amendments. Frewing asked if this was a John Day Drawdown bill. Pagel responded that it was not. A copy of the final hydro task force report will be distributed soon.

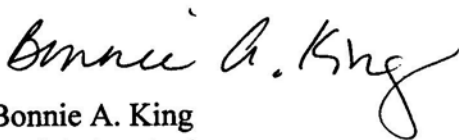
Byler reported that our agency budget review is scheduled to begin next week with the Ways and Means Subcommittee on Natural Resources. The process should take two weeks for the review.

Byler reminded the Commissioners that at the March 22 teleconference, they will also consider adoption of rules related to confidentiality of mediation negotiations. A staff report should be available and mailed by the end of the week.

Larry Tuttle asked when the HB 2162 legislative report would be ready for distribution. Pagel indicated that a draft has been sent to the task force for review and the draft should be ready within two weeks, before the hearing, for review.

There being no further business to discuss, the meeting was adjourned.

Respectfully submitted,



Bonnie A. King
Legislative Assistant

Oregon Water Resources Commission Teleconference
March 22, 1999
Salem

Members

Nancy Leonard
Ron Nelson
Tyler Hansell
Jim Nakano
John Frewing
Dan Thorndike

Staff

Tom Byler
Bonnie King
Diane Addicott

Others

Steve Applegate
Larry Tuttle
Chuck Norris

Tom Byler, Legislation and Rules Coordinator, mentioned that the May 3rd teleconference will likely be canceled since the Commissioners will have been briefed on legislation at their regularly scheduled meeting on April 30.

Byler gave the Commissioners an update on legislative activity since their last teleconference held March 8th. A hearing was held March 15th on HB 2600, a bill sponsored by GPID, to consider amendments that moved in the direction of making additional flows for conveyance purposes for irrigation districts exempt from a water right. The department does not support the bill or the recent amendments. Laura Schroeder, attorney for GPID, and Jan Lee, Oregon Water Resources Congress, met with department staff recently to discuss the possibility of using aquifer recharge as a way to resolve the issues concerning wells that have relied on seepage from the District canals.

GPID has also sponsored HB 3065 that would allow the legislature to grant a supplemental water right to the District; HB 3075 that would direct the Commission to grant a water right to the District; and HB 3062 that defines stored natural flow and would have an impact on water availability in terms of releases from storage (this bill has not yet been reviewed by staff).

Byler mentioned other bills that have been printed but not yet scheduled for hearing. Those include HB 3236 which would restrict the scope of good cause review for permit extensions; and HB 3280 which would prohibit transfers from agricultural use to non-agricultural use, and would require all water availability to be reviewed at a 50 percent water availability analysis.

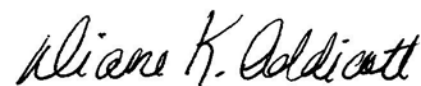
Byler pointed out that HB 3356 would allow the Director of WRD to waive or reduce fees for fish-friendly transfers. HB 3357 would allow the Director of WRD to reduce fees for water exclusively appropriated for storage purposes, and would allow the Director to waive the Certified Water Right Examiner requirement for certain supplemental water rights.

HB 2165, a WRD bill that would change the definition of a well to exclude temporary geotechnical holes, is scheduled for hearing today. Amendments to HB 2162, WRD's hydro bill, have been agreed upon by the task force and a hearing should be scheduled soon. A hearing should also be scheduled soon for another WRD bill, SB 299, relating to changes to unadjudicated water rights.

After the legislative update, Byler presented the proposed rules on confidentiality and inadmissibility of mediation communications and workplace interpersonal dispute, OAR Chapter 690, Division 4. He explained that these rules were developed by the Department of Justice (DOJ) and the Dispute Resolution Commission to provide guidance to state agencies on the confidentiality of mediation negotiations. DOJ and the Department of Administrative Services recommend that all agencies adopt these rules; and the Governor has approved their adoption.

Thorndike moved to adopt the proposed rules as presented in the staff report; seconded by Nelson. All voted approval.

Respectfully submitted,



Diane K. Addicott
Commission Assistant

dka/c