

Oregon Water Resources Commission Teleconference
April 19, 1999
Salem

Members

Mike Jewett
Tyler Hansell
Jim Nakano

Staff

Martha Pagel
Geoff Huntington
Tom Byler
Barry Norris
Dick Bailey
Tom Paul
Dave Jarrett
Dwight French
Diane Addicott

Others

Bob Hoeffel
Larry Tuttle

Tom Byler reminded the Commission that the May 3rd telephone conference has been canceled. The next telephone conference will be May 17th.

Byler discussed Committee timelines/deadlines — Friday is the deadline for both the Senate and the House to have first hearings on bills that originated in their House. Any bill that has not had a hearing by the end of this week will be dead. Nine water bills are scheduled for hearing on April 21st. By April 30th, all bills will need to be passed out of Committee. The leadership has set a May 19th deadline for all work to be completed by Committees.

Byler then reviewed legislative activity over the last two weeks. April 8th, WRD had four bills (SB 660, 661, 804 and 805) heard by the Senate Water and Land Use Committee. These bills relate to notice of appeal rights on orders and were brought forward by the Grants Pass Irrigation District (GPID). The bills were referred by the Senate Water and Land Use Committee to the Senate Judiciary Committee and are scheduled to be heard on April 20th. Martha Pagel said the Department would support SB 660 and 661 with amendments, but as written WRD will not support them. Byler said SB 804 and 805 which refer to final orders would prohibit us from consulting with legal counsel after a notice of contested case is filed. Pagel said these bills came out of the GPID contested case proceedings.

Byler said SB 987 (another GPID-sponsored bill) was heard on April 15th by the Senate Water and Land Use Committee. This bill would require legislative approval prior to removal of a dam or artificial obstruction. WRD testimony centered around the public safety issue — where if Department staff believe a dam or obstruction is detrimental to public health or safety, they would have to wait until the next legislative session to seek approval to remove the dam or obstruction. The second hearing has been canceled, so it is possible that the bill will not go any further.

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On April 16th more GPID bills (HB 3062, 3065, and 3075) were before the House Water and Environment Committee. HB 3065 and 3075 would legislatively grant a water right to GPID. HB 3062 would create a definition of stored natural flow in order to make more water available in the state for domestic uses. Byler said HB 3062 is a poorly written bill and would cause real problems.

Byler gave an update on this week's activity. On Tuesday, there are the Senate Judiciary Committee bills.

On Wednesday, before the House Water and Environment Committee WRD has nine bills scheduled:

- HJM 3 would urge the federal government to discontinue its policy on the Columbia and Snake Rivers mitigation related to the endangered species concerns.
- HJM 4 would urge the federal government to operate the Klamath Project in accordance with Oregon water law.
- HB 2833 relates to district water right transfers.
- HB 3236 relates to the permit extension review process. It would restrict the scope of the good cause analysis.
- HB 3280 prohibits water right transfers from agricultural use to non-agricultural use. It also would mandate a 50 percent water availability model instead of the current 80 percent.
- HB 3346 is another GPID bill and would require that the state do a sediment study before removing any dam in the state.
- HB 3356 is an Oregon Farm Bureau bill that would allow the Director to waive fees for fish-friendly transfers.
- HB 3357 is another Oregon Farm Bureau bill that would reduce the fee for appropriating stored water, and would provide the option for a CWRE waiver for supplemental water rights.
- HB 3420 is a WaterWatch bill that would require measurement and reporting of water use.

On April 22nd, two bills are scheduled before the Senate Water and Land Use Committee — SB 959 relating to the Deschutes Basin and mitigation of impacts of ground water appropriations on surface water sources; and SM1, which is similar to HJM 4, urging the federal government to operate the Klamath Project in accordance with Oregon water law.

Pagel added that in the Boeing/Inland Land case, WRD is moving forward with the Commission's recommendation for a legislative concept that would allow a permit amendment in certain circumstances to noncontiguous land in order to avoid impact to a listed species.

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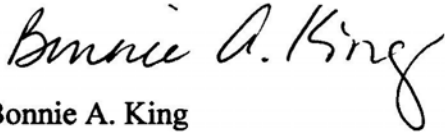
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Byler also stated WRD is working on an amendment to SB 301 relating to transfers which would grant industrial rights to more general industrial uses. These involve surface water to ground water transfers, and would allow for more flexibility for mitigation if a surface water source other than the original source from which the right was being transferred was affected.

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Bonnie A. King". The signature is written in black ink and is positioned to the right of the typed name.

Bonnie A. King
Legislative Assistant