

HOUSE COMMITTEE ON WATER

April 27, 2005 Hearing Room 357

1:00 P.M. Tapes 75 - 76

MEMBERS PRESENT: Rep. Bob Jenson, Chair

Rep. Jackie Dingfelder, Vice-Chair

Rep. Jerry Krummel, Vice-Chair

Rep. Phil Barnhart

Rep. Alan Brown

Rep. Carolyn Tomei

MEMBER EXCUSED: Rep. Billy Dalto

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Elizabeth Howe, Committee Assistant

MEASURES/ISSUES HEARD:

Overview of Klamath Basin Adjudication: Process and Policy

Informational Meeting

HB 2265 – Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
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TAPE 75, A

002 Chair Jenson Calls the meeting to order at 1:05 p.m. Opens an informational meeting on the Klamath Basin Adjudication: Process and Policy.

OVERVIEW OF KLAMATH BASIN ADJUDICATION - INFORMATIONAL MEETING

032 Emilie Wolff Executive Director, Water for Life (WFL). Submits an informational packet (**EXHIBIT A**) and testimony from Martha O. Pagel with Schwabe, Williamson & Wyatt (**EXHIBIT B**) and provides information on general stream adjudication.

106 Sen. Doug Whitsett Senate District 28. Submits written testimony (**EXHIBIT C**) and provides background on water rights and adjudication.

205 Roger Nicholson Rancher, Fort Klamath. Provides information on the adjudication process.

275 Nicholson Continues testimony on the cost and time associated with the current adjudication process.

TAPE 76, A

004 Nicholson Continues testimony on the Klamath Basin adjudication.

022 Edward Bartell Rancher, Sprague River. Testifies on stream testing and adjudication.

080 Bartell Emphasizes the importance of accurate flow measurements.

117 Nicholson Comments on baseline data. Addresses Congressional action.

199 Chair Jenson Inquires about solutions for the adjudication process.

207 Nicholson Offers solutions to improve the adjudication process.

340 Ambrose McAuliffe Rancher, Fort Klamath. Founding member of Water for Life.

TAPE 75, B

005	McAuliffe	Continues testimony on WFL. Emphasizes the stresses that the adjudication process place on ranchers.
070	Chair Jenson	Comments on work stresses that affect family life.
082	Wolff	Explains what the Legislature can do to improve the adjudication process.
120	Chair Jenson	Expresses empathy for the situation of the ranchers.
165	Doug Myers	WaterWatch. Comments on the settlement with the Klamath Tribes and the irrigators. Offers to invite clients from the tribes to speak.
186	Chair Jenson	States that if any of the tribes would like to testify it will be arranged. Closes the informational meeting. Opens a work session on HB 2265.

HB 2265 – WORK SESSION

202	Chair Jenson	Summarizes the -3 amendments (EXHIBIT D).
231	Rep. Tomei	Inquires whether the SMS refers to the -2 or -3 amendment, and questions what the background information refers to.
237	Sandy Thiele-Cirka	Administrator. Responds that the SMS refers to the -2 amendments. Relates that the background on the SMS is for the original bill.
256	Brenden McCarthy	Legislative Counsel. Describes what the -3 amendments do to HB 2265. Distinguishes the differences between the -2 and -3 amendments. Specifies page numbers for changes.
324	John Lilly	Assistant Director, Department of State Lands (DSL). Summarizes the -3 amendments to HB 2265.

TAPE 76, B

005	Rep. Dingfelder	Inquires about the timeframe for a wetland delineation.
010	Lilly	Responds that DSL has established a prioritization process, requiring a 90-day turn-around time.

049	Rep. Dingfelder	Questions whether receipts authority would apply to priority tier two.
052	Lilly	Responds affirmatively.
066	Rep. Barnhart	Inquires about the definition of timely manner. Questions the additional fee for an expedited review.
070	Lilly	Responds that timely manner is 120 days from receiving the application.
088	Chair Jenson	Believes the record shows that DSL intends a timeline of 120 days.
093	McCarthy	States that DSL is responsible for establishing timelines.
098	Rep. Krummel	Questions whether expedited refers to anything less than 120 days.
116	Lilly	Describes factors for an expedited review.
137	Rep. Krummel	Comments on requiring reports that may never be reviewed.
152	Lilly	Responds that reports are not required in every instance. Relates the cases that a delineation report is required.
178	Rep. Krummel	Restates response for clarification using an illustration. Recalls that DSL testified that they use contractors during high workloads.
194	Lilly	Clarifies that a project can be stopped if a delineation report is not available. Responds that contractors are used to assist with heavy workloads.
256	Rep. Barnhart	Recalls that this is a new fee to add capacity.
260	Lilly	Confirms the purpose of the fee.
264	Chair Jenson	Addresses the use of Common School Funds. Expresses concern about the second fee that will be charged for resubmitting a rejected report.

300	Lilly	Clarifies the issues with resubmitted reports that are burdensome.
325	Rep. Dingfelder	Inquires if a field visit is made for problem reports.
330	Dana Field	Wetland Mitigation Specialist, DSL. Addresses the amount of reports that require field visits and the burdens of resubmitted reports.
347	Chair Jenson	Closes work session on HB 2265. Reopens work session on HB 2265.

HB 2265 – WORK SESSION

357	Rep. Dingfelder	MOTION: Moves to ADOPT HB 2265-3 amendments dated 4/26/05.
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363	Rep. Krummel	Expresses concerns, but states that he will not object to the amendments.
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VOTE: 6-0-1

EXCUSED: 1 - Dalto

370	Chair Jenson	Hearing no objection, declares the motion CARRIED.
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372	Chair Jenson	Announces that HB 2265 will have another work session on Monday, May 2, 2005. Closes work session on HB 2265. Announces that the field trip to Big Pipe is postponed, and there will be no meeting Friday, April 29, 2005. Adjourns the meeting at 2:52 p.m.
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EXHIBIT SUMMARY

- A. **Stream Adjudication, informational packet, Emilie Wolff, 72 pp**
- B. **Stream Adjudication, written testimony of Martha O. Pagel, Emilie Wolff, 4 pp**
- C. **Stream Adjudication, written testimony, Sen. Doug Whitsett, 3 pp**
- D. **HB 2265, -3 amendments, staff, 45 pp**