

## **HOUSE COMMITTEE ON WATER**

**May 16, 2005 Hearing Room 357**

**1:00 P.M. Tapes 88 - 89**

**MEMBERS PRESENT:       Rep. Bob Jenson, Chair**

**Rep. Jackie Dingfelder, Vice-Chair**

**Rep. Jerry Krummel, Vice-Chair**

**Rep. Phil Barnhart**

**Rep. Alan Brown**

**MEMBER EXCUSED:       Rep. Billy Dalto**

**Rep. Carolyn Tomei**

**STAFF PRESENT:       Sandy Thiele-Cirka, Committee Administrator**

**Elizabeth Howe, Committee Assistant**

### **MEASURES/ISSUES HEARD:**

**SB 940 A – Public Hearing**

**SB 185 A – Public Hearing**

**SB 56 A – Work Session**

**SB 179 – 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.**

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
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**TAPE 88, A**

003	Chair Jenson	Calls the meeting to order at 1:40 p.m. Opens a public hearing on SB 940 A.
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**SB 940 A – PUBLIC HEARING**

016	Sandy Thiele-Cirka	Administrator. Provides background on SB 940 A.
028	Kristina McNitt	Oregon Water Resources Congress. Submits written testimony <b>(EXHIBIT A)</b> and testifies in support of SB 940 A.
057	Rep. Krummel	Inquires about the cost of a foreclosed property.
063	McNitt	States that she does not know the typical cost, and explains the process.
074	Rep. Krummel	Expresses concerns about a landowner whose property is foreclosed.
078	McNitt	Relates instances where courts determined that foreclosure was unfair.
085	Rep. Brown	Questions amount of delinquent payments when property is foreclosed.
088	McNitt	Responds that she does not know.
091	Anita Winkler	Oregon Water Resources Congress. Explains foreclosure. States that most owners do not let fees increase for more than a couple of years.
102	Rep. Brown	Illustrates a potential situation.
108	Winkler	Describes the process of foreclosure.
123	McNitt	Refers to language in bill on page 2, lines 3-6.
130	Rep. Dingfelder	Inquires why SB 185 A was not referred to Judiciary.

136	McNitt	Replies that Senate Judiciary heard this bill, and it was then referred to Water on the House side.
145	Rep. Barnhart	Comments on foreclosure laws. Assumes that language is acceptable if it has gone through the Senate Judiciary committee.
152	Chair Jenson	States that he will have Legislative Counsel approve the bill before the work session. Closes public hearing on SB 940 A. Opens a public hearing on SB 185 A.

**SB 185 A – PUBLIC HEARING**

168	Sandy Thiele-Cirka	Administrator. Provides background on SB 185 A. States that WaterWatch supports the bill.
181	Adam Sussman	Water Resources Department (WRD). Submits written testimony <b>(EXHIBIT B)</b> and testifies in support of SB 185 A.
242	Rep. Barnhart	Inquires about supplemental water rights when the primary water right is fully available.
251	Sussman	Explains the provision in the statute regarding being ready, willing, and able to use the supplemental water right.
270	Chair Jenson	Inquires whether the supplemental water right can be used when the primary water right is leased in-stream for compensation.
284	Sussman	Responds affirmatively and explains. Comments on the Deschutes River Basin.
306	Chair Jenson	Inquires why one would need a supplemental water right. Comments on leasing supplemental water rights that others could use.
318	Sussman	Explains why one might need a supplemental water right.
364	Chair Jenson	Expresses concern about the cost.
368	Rep. Barnhart	Questions whether the supplemental water right would be available to junior holders in dry years.

## **TAPE 89, A**

006	Sussman	Describes reservoir management and the different levels of storage. Agrees that management can be flexible.
015	Rep. Barnhart	Questions why water would be released into a stream for a short time.
020	Sussman	Relates examples of how a farmer might practice activities that do not require, or require less, irrigation than primary activities.
038	Chair Jenson	Inquires about leasing a portion of an in-stream water right.
045	Sussman	Responds that a portion of a water right may be leased.
061	Chair Jenson	Closes public hearing on SB 185 A. Opens a work session on SB 56 A.

## **SB 56 A – WORK SESSION**

066	Sandy Thiele-Cirka	Administrator. Reviews testimony on SB 56 A, and provides background on the bill.
080	Rep. Krummel	Comments that boom skiing is not affected by the bill.
090	Rep. Krummel	<b>MOTION: Moves SB 56A to the floor with a DO PASS recommendation and BE REFERRED to the committee on Judiciary by prior reference.</b>

**VOTE: 5-0-2**

**AYE: In a roll call vote, all members present vote Aye.**

**EXCUSED: 2 - Dalto, Tomei**

103	Chair Jenson	<b>The motion CARRIES.</b>
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105	Chair Jenson	Closes work session on SB 56 A. Opens a work session on SB 179.
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## **SB 179 – WORK SESSION**

115	Sandy Thiele-Cirka	Administrator. Provides background on SB 179 and reviews testimony. States that the request for rescinding the subsequent referral to Ways and Means has been approved.
132	<b>Rep. Krummel</b>	<b>MOTION: Moves SB 179 to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.</b>
140	Chair Jenson	Comments on encouraging people to file electronically.
144	Adam Sussman	Water Resources Department (WRD). Confirms that the purpose of the bill is to encourage electronic applications.
154	Chair Jenson	Inquires if fees must be reduced for electronic filing.
159	Sussman	Responds negatively.
172	Chair Jenson	Applauds the WRD for streamlining.
		<b>VOTE: 5-0-2</b>
		<b>AYE: In a roll call vote, all members present vote Aye.</b>
		<b>EXCUSED: 2 - Dalto, Tomei</b>
180	<b>Chair Jenson</b>	<b>The motion CARRIES.</b>
181	<b>Rep. Dingfelder</b>	<b>MOTION: Moves SB 179 be placed on the CONSENT CALENDAR.</b>
		<b>VOTE: 5-0-2</b>
		<b>EXCUSED: 2 - Dalto, Tomei</b>
185	<b>Chair Jenson</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
186	Chair Jenson	Closes work session on SB 179. Adjourns the meeting at 2:20 p.m.

**EXHIBIT SUMMARY**

- A. **SB 940 A, written testimony, Kristina McNitt, 2 p**
- B. **SB 185 A, written testimony, Adam Sussman, 1 p**