

HOUSE COMMITTEE ON WATER

June 06, 2005 Hearing Room 357

1:00 P.M. Tapes 100 - 101

MEMBERS PRESENT: Rep. Bob Chair Jenson, Chair

Rep. Jackie Dingfelder, Vice-Chair

Rep. Jerry Krummel, Vice-Chair

Rep. Phil Barnhart

Rep. Alan Brown

Rep. Billy Dalto

Rep. Carolyn Tomei

GUEST MEMBER: Rep. Chuck Burley

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Elizabeth Howe, Committee Assistant

MEASURES/ISSUES HEARD:

HB 3494 – Public Hearing

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 100, A

002 Chair Jenson Calls the meeting to order at 2:15 p.m. Opens a public hearing on HB 3494.

HB 3494 – PUBLIC HEARING

015 Rep. Chuck Burley House District 54. Provides background on HB 3494, and mitigation policy in the Deschutes River Basin. Testifies in support of the bill.

058 Rep. Burley Provides facts relevant to the Deschutes River Basin.

092 Rep. Gene Whisnant House District 53. Testifies in support of HB 3494.

118 Rep. Brown Inquires if WaterWatch objects to the rules, or placing them in statute.

122 Rep. Burley Responds that he is not equipped to answer.

126 Chair Jenson States that members will receive a copy of the court decision **(EXHIBIT A)**.

150 John DeVoe WaterWatch of Oregon. Submits written testimony **(EXHIBIT B)** and testimony on behalf of the Mayor of Lakeside, Ed Gowan **(EXHIBIT C)**. Testifies in opposition to HB 3494.

196 DeVoe Provides background on history of Deschutes River Basin in-stream water rights and hydrology.

227 Karen Russell WaterWatch of Oregon. Discusses rulemaking proceedings and court decision.

307 Rep. Tomei Inquires what scenic flow means.

310 Russell Describes the scenic flow program.

332 Rep. Tomei Inquires about timing for measuring the flow.

350 Russell States that water must be a certain level at different times year round.

356 Rep. Burley Questions the minimum flow amount in the Deschutes. Inquires about the flow today.

361 Russell Responds that the state has determined flows but he does not have the numbers here.

371 Rep. Burley Inquires about the court's decision on standards for mitigation rules.

376 Russell States that statute sets the standard for mitigation, and the State's mitigation program must meet the statutory standard. Explains the court's statement that the rules do not require maintenance of the scenic flows, so the agency has exceeded its statutory authority.

TAPE 101, A

012 Burley Inquires whether WaterWatch believes HB 3494 amends the Scenic Waterway Act, or is not maintaining flow of scenic waterways.

014 Russell Believes the bill does not maintain and protect scenic waterways and in-stream water rights. Suggests that is contrary to the voters' intention in the ballot initiative. States that the bill is unnecessary because the Scenic Waterway Act deals with groundwater development.

070 Russell Offers alternatives, and suggests ways to have a successful workgroup.

100 Chair Jenson Relates intention for moving through testimony, and gathering information to make a decision at a later meeting.

130 Ken Fuller Public Works Director, City of Bend. Submits written testimony **(EXHIBIT D)** and testifies in support of HB 3494.

199 Steve Johnson Central Oregon Irrigation District. Testifies in support of HB 3494.

257 Doug Riggs Central Oregon Cities Organization. Submits written testimony **(EXHIBIT E)** and testimony on behalf of Sisters City Manager, Eileen Stein **(EXHIBIT F)**. Testifies in support of HB 3494.

336 Martha Pagel

Representing City of Redmond. Testifies in support of HB 3494. Discusses Court of Appeals decision and the process of creating the mitigation process.

420 Adam Sussman Legislative Coordinator, Water Resources Department. Submits written testimony (**EXHIBIT G**) and testifies in support of HB 3494.

TAPE 100, B

039 Chair Jenson Announces that a work session will be held on Wednesday, June 8, 2005. Closes public hearing on HB 3494. Adjourns at 3:18 p.m.

EXHIBIT SUMMARY

- A. **HB 3494, court decision, staff, 14 pp**
- B. **HB 3494, written testimony, John DeVoe, 4 pp**
- C. **HB 3494, written testimony of Ed Gowan, John DeVoe, 1 p**
- D. **HB 3494, written testimony, Ken Fuller, 6 pp**
- E. **HB 3494, written testimony, Doug Riggs, 2 pp**
- F. **HB 3494, written testimony of Eileen Stein, Doug Riggs, 1 p**
- G. **HB 3494, written testimony, Adam Sussman, 2 pp**