

HOUSE COMMITTEE ON WATER

June 08, 2005 Hearing Room 357

1:00 P.M. Tapes 102 - 103

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

GUEST MEMBERS: Rep. Chuck Burley

Rep. Gene Whisnant

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Elizabeth Howe, Committee Assistant

MEASURES/ISSUES HEARD:

HB 3494 – 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
TAPE 102, A		
002	Chair Jenson	Calls the meeting to order at 1:24 p.m. Opens as a subcommittee. Opens a work session on HB 3494.
<u>HB 3494 – WORK SESSION</u>		
010	Sandy Thiele-Cirka	Administrator. Mentions testimony submitted by Jason Miner, Conservation Director of the Oregon Trout Association on HB 3494 (EXHIBIT A).
018	Adam Sussman	Legislative Coordinator, Water Resources Department (WRD). Submits written testimony (EXHIBIT B) and testifies in support of HB 3494.
089	Sussman	Continues explanation of WRD’s involvement in Deschutes Basin mitigation.
199	Rep. Tomei	Questions whether the volume of water in the Deschutes changes throughout a year. Inquires if mitigation requires a certain amount of water to be in the river in August.
210	Sussman	Describes volume requirements relating to irrigation water rights. Explains sideboards for in-stream mitigation in March through October. Continues presentation on administrative rules (EXHIBIT C).
293	Rep. Dingfelder	Inquires how the Commission determined the 200 cubic feet per second (cfs) cap, and whether it was based on demand or impact.
297	Sussman	Responds that the cap was approximately the amount of water that had been appropriated since 1995. States that 200 cfs was based on demand, and was not set as an acceptable amount of impact. Continues testimony on administrative rules.
369	Rep. Chuck Burley	House District 54. Inquires about United States Geological Survey (USGS) study regarding estimated volume of water in aquifer in the Deschutes Basin.

380 Sussman Responds that the Deschutes Basin is a vast water resource, but there are restrictions on the use of ground water. Addresses the molecule analogy, and the protective method currently used.

TAPE 103, A

014 Rep. Burley Inquires if there has been measurable impact on the Deschutes River since the mitigation rules have been in effect.

019 Sussman Describes monitoring of the Deschutes River mitigation impact, and responds that there is not enough data to determine impact.

037 Rep. Burley Questions the impact on farmers and cities if HB 3494 does not pass.

042 Sussman Responds that it seems logical to get water rights to cities that are being urbanized, and the current mitigation is the best way to do it.

060 Rep. Tomei Inquires whether the current rules for mitigation would cease to exist if HB 3494 does not pass.

065 Sussman States that if the Court of Appeals opinion were to stand, it would set up an impossible standard for mitigation in the Deschutes Basin. Explains that HB 3494 meets requirements of scenic waterways for the Deschutes Basin only. States that without HB 3494 it would be difficult to issue any new permits or any new permanent mitigation projects in the Deschutes River Basin.

092 Chair Jenson Closes work session on HB 3494. Adjourns the meeting to hold the bill until Friday, June 10, 2005.

EXHIBIT SUMMARY

- A. HB 3494, written testimony, Jason Miner, 1 p**
- B. HB 3494, written testimony, Adam Sussman, 5 pp**
- C. HB 3494, administrative rules, Adam Sussman, 20 pp**