

HOUSE COMMITTEE ON WATER

January 21, 2003 Hearing Room 357

8:30 A.M. Tapes 3 - 4

MEMBERS PRESENT: **Rep. Bob Jenson, Chair**
 Rep. Jackie Dingfelder, Vice-Chair
 Rep. Jeff Kropf, Vice-Chair
 Rep. Linda Flores
 Rep. Jeff Kruse
 Rep. Mike Schaufler
 Rep. Carolyn Tomei

STAFF PRESENT: **Pete Test, Committee Administrator**
 Mike Reiley, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2033 – Public Hearing**
 Informational Meeting – Introduction to Water Law 101
 -Paul Cleary, Director, Oregon Water Resources Dept. (OWRD)
 -Adam Sussman, OWRD

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 3, A		
003	Chair Jenson	Calls meeting to order at 8:42 am. Opens public hearing on HB 2033.
<u>HB 2033 – PUBLIC HEARING</u>		
013	Pete Test	Committee Administrator. Summarizes HB 2033.
028	Kay Brown	Fish Division, Oregon Department of Fish and Wildlife (ODFW). Submits and summarizes prepared testimony in support of HB 2033 (EXHIBIT A).
058	Rep. Kruse	Asks for clarification of language regarding outstanding balances.
062	Brown	Clarifies language.
069	Rep. Kruse	Asks for additional clarification.
075	Brown	Clarifies language regarding “catch” and “by-catch”.
081	Rep. Kruse	Asks if language should be more specific.
095	Brown	Responds that ODFW would not have problem with more specific language.
098	Chair Jenson	States desire for agencies’ amendments to be completed before committee hears bill.
126	Nick Furman	Administrator, Oregon Albacore Commission (OAC); Executive Director, Oregon Dungeness Crab Commission (ODCC). Submits and summarizes prepared testimony in support of HB 2033 (EXHIBIT B).
219	Rep. Alan Brown	House District 10. Testifies in support of HB 2033.
236	Chair Jenson	Stresses importance of commodity commissions.

244	Rep. Schaufler	Asks how HB 2033 will be enforced.
250	Furman	Explains enforcement of HB 2033.
277	Chuck Craig	Deputy Director, Oregon Department of Agriculture (ODA). Submits and summarizes prepared testimony in support of HB 2033 and amendments (EXHIBIT C).
314	Chair Jenson	Asks about penalty for non-compliance.
335	Susan Hiller	Commodity Commission Program Manager, ODA. Explains current provisions regarding non-compliance.
345	Chair Jenson	Asks for clarification regarding provisions.
346	Hiller	Offers further clarification.
365	Rep. Kruse	Asks about specificity of language regarding amendments.
375	Brown	Responds that amendments could include specific language.
381	Chair Jenson	Closes public hearing on HB 2033. Opens informational meeting.

INFORMATIONAL MEETING

407	Paul Cleary	Director, Oregon Water Resources Department (OWRD). Submits and summarizes power point presentation of overview of OWRD and Introduction to Water Law (EXHIBIT D).
-----	-------------	---

TAPE 4, A

001	Cleary	Continues presentation.
019	Rep. Kruse	Asks about number of Federal Energy Regulatory Commission (FERC) processes OWRD is involved in.
020	Cleary	Responds that he is unsure and explains Oregon's number of FERC re-licensing.
023	Rep. Kruse	States that process is bothersome.
025	Cleary	Explains projects being worked on by OWRD.
033	Rep. Kropf	Asks about process for licensing of dams on Snake River in Idaho.
043	Cleary	Responds and explains costs and processes regarding licensing programs.
058	Rep. Kropf	Asks if OWRD has any streamlining suggestions for.
061	Cleary	Responds that OWRD has no legislation. Continues presentation.
078	Rep. Dingfelder	Asks for clarification of organization of OWRD.
081	Cleary	Clarifies OWRD organization. Offers additional clarification regarding OWRD organization. Continues presentation.
143	Chair Jenson	Asks about OWRD fee increases.
145	Cleary	Mentions future fee adjustment bill. Continues presentation.
155	Rep. Kropf	Asks about retirements during 03-05 biennium.
162	Cleary	Explains how position vacancies are being managed.
197	Rep. Kropf	Asks for clarification of OWRD staffing.
205	Cleary	Offers additional clarification of OWRD staffing.
238	Adam Sussman	Continues power point presentation "Introduction to Water Law." (D).
322	Chair Jenson	Asks about in-stream water rights.
334	Sussman	Responds that in-stream water right was not established until 1987.
339	Chair Jenson	Asks about original beneficial use.

346	Sussman	Responds that it is included in statute. Continues presentation.
389	Rep. Schaufler	Asks about senior and junior water users.
400	Sussman	Offers clarification of senior and junior water users. Continues presentation.
TAPE 3, B		
011	Chair Jenson	Discusses transfers of water rights.
017	Rep. Kruse	Explains that point-of-diversion has become major issue.
021	Rep. Kropf	Speaks in favor of flexibility in laws.
034	Cleary	Addresses flexibility in water laws by OWRD.
044	Chair Jenson	Emphasizes that water issues are complex.
058	Sussman	Continues presentation.
102	Rep. Tomei	Asks for explanation of water permit process.
107	Sussman	Explains permit process.
125	Rep. Tomei	Asks for further clarification regarding City of Wilsonville permitting process.
128	Cleary	Clarifies and explains Wilsonville example.
138	Rep. Tomei	Asks for further explanation of example.
140	Cleary	Further explains example.
145	Rep. Tomei	Ask follow regarding Wilsonville permitting.
147	Cleary	Offers clarification.
156	Sussman	Offers further clarification and explains process.
168	Dingfelder	Asks about re-visiting 5-year permitting process and asks about number of permits and extensions issued.
175	Sussman	Answers that OWRD does not have intention to re-visit 5-year provision. Clarifies statute.
185	Cleary	States that he is unsure of number of permits requiring extension.
196	Chair Jenson	Explains complexities of water issues.
236	Sussman	Continues presentation.
302	Rep. Dingfelder	Asks about over-appropriated basins in Oregon.
307	Cleary	Explains over-appropriation.
369	Chair Jenson	Explains that committee will see future legislation regarding water usage. Asks about usage and availability for permitting process.
419	Cleary	Clarifies usage and availability for permitting process.
438	Sussman	Continues presentation.
TAPE 4, B		
038	Chair Jenson	Asks for explanation of irrigation and agriculture.
042	Sussman	Explains irrigation and agriculture. Continues presentation.
076	Chair Jenson	Asks for causes of increase in water transfer requests.
088	Sussman	Explains reasons for water transfer request increase.
130	Chair Jenson	Asks about potential areas to make changes to statute to expedite transfers.

140	Cleary	Explains future meeting at which issue will be addressed.
149	Rep. Flores	Asks about transfer processing status backlog.
157	Cleary	Responds that OWRD is trying to reduce backlog.
161	Chair Jenson	Explains benefit of water users having ability to better manage water usage.
179	Sussman	Continues presentation regarding statewide water rights.
218	Cleary	Continues presentation regarding key issues.
266	Rep. Dingfelder	Asks about OWRD staffing and funding dedicated to Klamath Basin adjudication.
270	Cleary	Explains staffing and funding for Klamath Basin adjudication.
324	Chair Jenson	Discusses Klamath Basin partnership issue with California and asks for additional information.
341	Cleary	Explains cooperation with California regarding Klamath Basin adjudication. Concludes presentation.
463	Chair Jenson	Adjourns meeting at 10:32 am.

EXHIBIT SUMMARY

A – HB 2033, prepared testimony, Kay Brown, ODFW, 1 p

B – HB 2033, prepared testimony, Nick Furman, OAC, ODCC, 1 p

C – HB 2033, prepared testimony, Chuck Craig, ODA, 1 p

D – Informational, prepared testimony, Paul Cleary, OWRD, 44 pp