

# SENATE COMMITTEE ON WATER AND LAND USE

January 22, 2003 Hearing Room D  
3:00 p.m. Tapes 1 - 2

**MEMBERS PRESENT:** Sen. Ted Ferrioli, Chair  
Sen. Charlie Ringo, Vice-Chair  
Sen. Jason Atkinson  
Sen. Rick Metsger

**STAFF PRESENT:** Judith Callens, Committee Administrator  
Megan Jensen, Committee Assistant

**MEASURE/ISSUES HEARD:** Organizational Meeting  
Member Introductions  
Adoption of Committee Rules  
Informational Meeting  
Water Resources Department overview

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 1, A</b>		
005	Chair Ferrioli	Calls meeting to order at 3:05 pm. Opens organizational meeting.
<b><u>ORGANIZATIONAL MEETING</u></b>		
010	Sen. Metsger	Introduces self.
047	Sen. Ringo	Introduces self.
061	Sen. Atkinson	Introduces self.
102	Chair Ferrioli	Introduces self.
206	Judith Callens	Committee Administrator. Introduces self and staff.
252	Chair Ferrioli	Discusses proposed committee rules ( <b>EXHIBIT A</b> ).
264	Callens	Explains proposed committee rules.
311	Sen. Atkinson	Asks what constitutes a subcommittee.
315	Chair Ferrioli	Responds.
<b>340</b>	<b>Sen. Ringo</b>	<b>MOTION: Moves to ADOPT the proposed Committee Rules dated 01/22/03.</b>
<b>345</b>		<b>VOTE: 4-0</b>
	<b>Chair Ferrioli</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
350	Chair Ferrioli	Closes organizational meeting and opens informational meeting.
<b><u>INFORMATIONAL MEETING</u></b>		
360	Paul Cleary	Water Resources Department (WRD) Director. Discusses WRD overview ( <b>EXHIBIT B – EXHIBIT D</b> ).
<b>TAPE 2, A</b>		
005	Cleary	Continues. Discusses WRD Commission operations.
108	Adam Sussman	WRD. Provides overview of water law.
150	Sen. Atkinson	Asks about the 1909 Oregon Water Code.

160	Sussman	Responds.
170	Sen. Atkinson	Asks for further clarification.
175	Cleary	Responds with information about adjudication.
198	Sussman	Follows up with explanation about the 1909 Water Code. Continues discussing water law.
218	Sen. Ringo	Asks whether water rights are the same as property rights.
220	Cleary	Responds.
234	Chair Ferrioli	Further discusses the complexities of water rights as property rights. Comments on the difficulties of water policy.
305	Sen. Atkinson	Comments on water adjudication complexities.
239	Cleary	Responds with information about other states' water laws.
352	Sen. Atkinson	Comments on an historic water rights case.
363	Chair Ferrioli	Comments that states have supremacy over water rights.
385	Cleary	Discusses tribal water rights claims.
<b>TAPE 1, B</b>		
005	Cleary	Continues discussing water rights.
040	Sussman	Discusses water rights permit system.
068	Sen. Atkinson	Inquires about conservation groups buying land with water rights in place.
074	Sussman	Responds and describes options.
091	Sen. Ferrioli	Comments further on water use by conservation group.
107	Sen. Atkinson	Comments on mill water rights in his district.
117	Cleary	Responds and discusses senior versus junior users of water.
138	Chair Ferrioli	Comments about confusion over instream water rights.
147	Sussman	Continues discussion of water rights.
182	Cleary	Concludes overview of water law.
212	Chair Ferrioli	Closes information meeting and adjourns meeting at 4:13 pm.

## **EXHIBIT SUMMARY**

**A – Informational Meeting, Proposed Committee Rules, staff, 3 p.**

**B – Informational Meeting, WRD, written testimony, Paul Cleary, 18 pp.**

**C – Informational Meeting, WRD, 2003 Legislative and Budget Proposals, Paul Cleary, 2pp.**

**D – Informational Meeting, WRD, “Water Rights in Oregon” booklet, Paul Cleary, 48 pp.**