

**HOUSE COMMITTEE ON STREAM RESTORATION**  
**& SPECIES RECOVERY**

May 9, 2001 Hearing Room E  
1:00 P.M. Tapes 117 - 118

**MEMBERS PRESENT:**

Rep. Bob Jenson, Chair  
Rep. Jan Lee, Vice-Chair  
Rep. Randy Leonard Vice-Chair  
Rep. Tim Knopp  
Rep. Jeff Kruse  
Rep. Patti Smith  
Rep. Carolyn Tomei  
Rep. Kelley Wirth

**MEMBER EXCUSED:** Rep. Al King

**VISTING MEMBER:** Rep. Jackie Dingfelder

**STAFF PRESENT:** Sandy Thiele-Cirka, Committee Administrator  
Linda K. Gatto, Committee Assistant

**MEASURES HEARD:**

SB 319 A – Public Hearing  
SB 869 A – Public Hearing & Work Session  
SB 870 A – Public Hearing & Work Session  
HB 3637 – Work Session  
HB 2184 – Work Session  
HB 3808 – Work Session

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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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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 117, A</b>		
004	Chair Jenson	Calls the meeting to order at 1:05 p.m. as a subcommittee and opens a public hearing on SB 319 A.
<b><u>SB 319 A – PUBLIC HEARING</u></b>		
030	Dick Bailey	Administrator, Water Rights Adjudication Division, Water Resource Department, (WRD). Submits report from the Hydroelectric Task Force and prepared testimony, <b>(EXHIBIT A)</b> . Reads testimony in support of SB 319 A.
047	Bailey	Provides and overview of task force report and intent of SB 319 A.
070	Chair Jenson	Closes the subcommittee public hearing on SB 319 A and opens a subcommittee public hearing on SB 869 A.
<b><u>SB 869 A – PUBLIC HEARING</u></b>		
087	Paul Cleary	Director, WRD. Submits prepared testimony, <b>(EXHIBIT B)</b> .
095	Tom Byler	Legislative Coordinator, WRD. Reviews the main points of SB 869 A.
134	Rep. Lee	Questions water transfers.
135	Byler	Responds that the bill, as amended, eliminates the reference to

143 Chair Jenson the transfer statute.  
Closes the public hearing on SB 869A and opens the public hearing on SB 870A.

Prepared testimony submitted by Robert Ramig; (EXHIBIT C); Peter Wells; (EXHIBIT D) and Antone Minthorn; (EXHIBIT E)

**SB 870 A – PUBLIC HEARING**

147 Cleary WRD. Submits prepared testimony, (EXHIBIT F). Provides an overview on SB 870 A.  
179 Byler Comments on City of Pendleton and the John Day area transfer interests.  
210 Chair Jenson Closes the public hearing on SB 870 A and opens a work session on HB 3637.

Prepared testimony submitted by Robert Ramig; (EXHIBIT G); Peter Wells; (EXHIBIT H) Antone Minthorn; (EXHIBIT I) and Pete Test, (EXHIBIT J)

**HB 3637 – WORK SESSION**

247 Sandy Thiele-Cirka Explains HB 3637 –14 through –18 amendments (EXHIBIT K)  
297 Rep. Wayne Krieger House District 48. States this is a compromise bill. Discusses accountability, residency requirements, and public interests.  
419 Rep. Krieger Concludes testimony in support of the –18 amendments.  
422 Rep. Tomei Questions if each member would have a hunting or fishing license.

**Tape 118, A**

014 Rep. Krieger Responds any member appointed and explains the residency requirement of the license.  
010 Rep. Tomei Comments that an individual with acceptable knowledge who does not have a hunting or fishing license.  
**024 Rep. Kruse MOTION: Moves HB 3637 –18 amendment dated 5/9/01.**  
**030 Rep. Tomei Explains her opposition to the license requirement.**  
**035 Rep. Krieger Responds there are many people who are non-consumptive users of wildlife.**  
**050 Rep. Wirth States that due to the exclusion of the conservation member and the license requirement, she will vote no.**  
**067 VOTE: 4-4**  
**AYE: 4 - Knopp, Kruse, Smith P, Jenson**  
**NAY: 4 - Lee, Leonard, Tomei, Wirth**  
**EXCUSED: 1 – King**  
**The motion FAILS.**

077 Chair Jenson Closes the work session on HB 3637 and opens the work session on HB 2184.

**HB 2184 – WORK SESSION**

089 Doug Riggs Representing PacWest Communications and the Central Oregon Cities Organization. Introduces Mary Meloy  
101 Mary Meloy Director of Public Works, City of Redmond. Submits prepared testimony (EXHIBIT L) and states support for HB 2184.  
160 Martha Pagel Attorney, Schwabe, Williamson, & Wyatt. Submits prepared testimony that explains HB 2184 –4 amendments, (EXHIBIT M).  
176 Pagel Concludes testimony noting that the bill focuses on mitigation, the process of offering credits, and the banking concept.  
195 Sen. Bev. Clarno Senate District 27. Testifies in support of HB 2184.  
207 Rep. Leonard Questions if there are any opponents to the bill.  
208 Pagel Responds that she is not aware of any.  
210 Riggs Adds that there have been on going discussions and has been an

216	Rep. Wirth	inclusive process.
224	Pagel	Questions if this applies only to the Deshutes basin.
261	Rep. Dingfelder	Responds affirmatively.
270	Pagel	Questions the fiscal impact.
		Responds there will be workload for the department and to her knowledge there is no fiscal.
254	Rep. Dingfelder	Expresses concern about the backlog of water rights permits.
306	Cleary	Refers to the scenic waterways map, <b>(EXHIBIT N)</b> . States the bill is banking tool.
380	Rep. Kruse	Questions if there is an assumption that every ground water source can be connected to surface water.
399	Cleary	Responds the connection is modeled out, existing statute provides WRD to consider evidence of different characteristics.
417	Rep. Kruse	Expresses concern about the connections being made.
<b>Tape 117, B</b>		
009	Pagel	Responds to Rep. Kruse's concern stating there was controversy in the Deshutes Basin relating to particular ground water use impacts that would result in a mitigation and refers to line seven of the -4 amendments. States WRD requests an emergency clause.
042	Brendan McCarthy	Deputy Legislative Counsel. Explains concerns about the -4 amendments.
085	Rep. Dingfelder	Questions if the interface between ground water and surface water is the burden of WRD.
099	Riggs	Responds it is a burden under existing statute, this proposal does not change any provision of law.
129	Rep. Kruse	Questions if the reference to ORS 39835 should be removed.
137	McCarthy	Responds affirmatively. Notes the concerns should be addressed instead of referencing a statute.
189	Pagel	Explains the language was inserted at the request of WaterWatch because they don't want mitigation credits to limit protection for the scenic waterways. Adds that subsection nine refers to the potential interference.
200	Riggs	Continues discussion on potential interference.
311	Rep. Dingfelder	Questions if mitigation banks for groundwater has been attempted in other western states.
322	Riggs	Responds there are water banks in the west. Mitigating for the impacts of groundwater development on surface water rights is occurring in Washington state. Notes he has no information relating to mitigation credit banking.
360	Chair Jenson	Closes the work session on HB 2184 and opens the work session on HB 3808.
<b><u>HB 3808 – WORK SESSION</u></b>		
382	Glen Stonebrink	Oregon Cattlemen's Association. Submits and reviews <b>(EXHIBIT O)</b> .
<b>Tape 118, B</b>		
	Chair Jenson	Closes the work session on HB 3808 and opens the work session on SB 870A.
<b><u>SB 870A – WORK SESSION</u></b>		
056	Rep. Kruse	<b>MOTION: Moves SB 870A to the floor with a DO PASS recommendation.</b>
061		<b>VOTE: 6-0</b>

		<b>AYE: In a roll call vote, all members present vote Aye.</b>
		<b>EXCUSED: 3 - Smith, King, Tomei</b>
	<b>Chair Jenson</b>	<b>The motion CARRIES.</b>
<b>070</b>	<b>Rep. Kruse</b>	<b>MOTION: Moves SB 870A be placed on the CONSENT CALENDAR.</b>
		<b>VOTE: 6-0</b>
		<b>EXCUSED: 3 - Smith, King, Tomei</b>
	<b>Chair Jenson</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
	<b>Chair Jenson</b>	Closes the work session on SB 870A and opens the work session on SB 869A.
<b><u>SB 869 A – WORK SESSION</u></b>		
<b>072</b>	<b>Rep. Kruse</b>	<b>MOTION: Moves SB 869A to the floor with a DO PASS recommendation.</b>
<b>092</b>		<b>VOTE: 7-0</b>
		<b>AYE: In a roll call vote, all members present vote Aye.</b>
		<b>EXCUSED: 2 - Smith, King</b>
	<b>Chair Jenson</b>	<b>The motion CARRIES.</b>
<b>094</b>	<b>Rep. Kruse</b>	<b>MOTION: Moves SB 869A be placed on the CONSENT CALENDAR.</b>
<b>095</b>		<b>VOTE: 7-0</b>
		<b>EXCUSED: 2 - Smith, King</b>
	<b>Chair Jenson</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>095</b>	<b>Chair Jenson</b>	Closes the work session on SB 869A and adjourns the meeting at 2:35 p.m.

Submitted By,

Reviewed By,

Linda K. Gatto,  
Committee Assistant

Sandy Thiele-Cirka,  
Committee Administrator

**EXHIBIT SUMMARY**

- A. SB 319A, Hydroelectric Task Force and prepared testimony, Dick Bailey, 42 pp.**
- B. SB 869 A, prepared testimony, Paul R. Cleary, 3 pp.**
- C. SB 869 A, prepared testimony, Mayor Robert Ramig, 1 p**
- D. SB 869 A, prepared testimony, Peter Wells, 1 p**
- E. SB 869 A, prepared testimony, Chair Antone Minthorn,**
- F. SB 870 A, prepared testimony, Paul R. Cleary, 3 pp.**
- G. SB 870 A, prepared testimony, Mayor Robert Ramig, 1 p**
- H. SB 870 A, prepared testimony, Peter Wells, 1 p**
- I. SB 870 A, prepared testimony, Chair Antone Minthorn,**
- J. SB 870 A, prepared testimony, Pete Test, 1 p**
- K. HB 3637, -14 amendments dated 5/4/01, -15 amendments dated 5/4/01, -16 amendments dated 5/4/01, -17 amendments dated 5/4/01, -18 amendments dated 5/9/01, staff, 20 pp.**
- L. HB 2184, prepared testimony, Mary Meloy, 1 p**
- M. HB 2184, prepared testimony and -4 amendments dated 5/09/01, Martha O. Pagel, 6 pp.**
- N. HB 2184, map, Paul Cleary, 1 p**
- O. HB 3808, prepared testimony, Glen Stonebrink, 5 pp.-**