

HOUSE COMMITTEE ON
WATER POLICY

Hearing Room
Tapes 43 - 44

MEMBERS PRESENT:

Rep. Chuck Norris, Chair
Rep. Tim Josi, Vice-Chair
Rep. Avel Gordly
Rep. Veral Tarno
Rep. Jim Welsh

STAFF PRESENT:

Pat Zwick, Committee Administrator
Patricia Wehrli, Committee Assistant

MEASURES HEARD: HB 55 - Work Session
HB 2184 - Public Hearing and Work Session
HB 3092 - Public Hearing

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 43, A

004 CHAIR NORRIS: Convenes Meeting at 2:10 p.m.

022 JEANETTE HOLMAN, LEGISLATIVE COUNSEL: Stresses importance of committee having LC amendments before passing a bill out.

058 CHAIR NORRIS: Questions how quickly amendments can be returned to committee from Legislative Counsel.

078 CHAIR NORRIS: Opens PUBLIC HEARING on HB 3092.
Witnesses: Martin Loring, Department of Environmental Quality
Joni Low, League of Oregon Cities
Doug Hutchinson, Indian Affairs

083 STAFF ZWICK: Reviews provisions of HB 3092, Exhibit A.

090 MARTIN LORING, FINANCE MANAGER, DEPARTMENT OF ENVIRONMENTAL QUALITY: Testifies in favor of HB 3092.

110 LORING: Asks for an amendment to be added to HB 3092.

155 JONI LOW, LEAGUE OF OREGON CITIES: Testifies in favor of HB 3092.

164 CHAIR NORRIS: Explains the language of HB 3092 and asks for clarification from Martin Loring.

171 LORING: Agrees with Chair Norris' thoughts of an amendment, but has no suggestions for the language.

180 CHAIR NORRIS: We need a process of recognizing tribes, so that self proclaimed tribes do not abuse this system.

191 HUTCHENSON: It would be more proper to state "Federally recognized tribal government." Explains the state's process and its inadequacies.

211 JOSI: Clarifies only Federal recognized tribes.

225 CHAIR NORRIS : Closes the Public Hearing on HB 3092
Opens the Work Session On SB 55A.
Witnesses: Jerry Schmidt, Oregon Association of Realtors

Mar

Resources Department

267 JERRY SCHMIDT, OREGON ASSOCIATION OF REALTORS: Explains amendments, Exhibit C. Offers adjustments to the amendment discussed with Martha Pagel, Water Resources Department. (Adjustments noted on Exhibit C).

301 - Explains the intent of the Bill. Have added clarification of what a contract is.

329 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Explains the purpose of the amendments proposed.

358 MOTION: REP. JOSI: Moves the conceptual amendments as proposed by Jerry Schmidt, BE ADOPTED.

VOTE: Hearing no objections, the amendments are ADOPTED.

360 CHAIR NORRIS: We will hold this over for Work Session when LC draft
amendments are received.

373 Closes the Work Session on SB 55A.
Opens the Public Hearing on HB 2184
Witnesses: Doug Myers, WaterWatch
Reed Benson, WaterWatch
Jim Myron, Oregon Trout
Richard Kosesan, Water For Life

410 REP. WELSH: I do have a proposed amendment for this bill.

TAPE 44, A

021 REED BENSON, WATERWATCH Testifies in opposition to HB 2184. In order
for us to reach a compromise, we suggest the following amendments. (See
Exhibit E.)

096 BENSON: All the department has to find now is that it will be
a hardship to the user. But this does not remove the illegal use of the
water. There needs to be a way for the department to consider a value of
the law.

136 REP JOSI: If someone is blatantly abusing the law, the word "MAY"
takes care of the process of those who are abusing it.

206 REP JOSI: Asks how you would get anybody to fit the criteria with the
language that you propose.

209 BENSON: I think everyone fits that criteria.

214 - Explains some other requirements and amendments for HB 2184.

240 REP JOSI: One tenth per one cubic inch per second per one thousand
livestock. Questions the policy available now.

242 BENSON: If a permit is to be issued it has to comply with the Scenic
Waterways Act. But no permit is needed if there is no diversion from the
stream for stock watering.

251 REP JOSI: Clarifies that this doesn't have anything to do with
cattle being in a stream.

256 BENSON: Correct.

259 REP JOSI: Clarifies that the purpose of this is to get the cattle
away from the river.

263 BENSON: That is the purpose that was described in this provision,
yes.

268 JOSI: Questions the specific amount of water previously set out.

271 BENSON: The original HB 2184 required any exemption for livestock
watering to be limited to a tenth of a CSF per thousand head.

284 BENSON: What we were thinking of were that these licenses were short
term, if it was going longer then that then you need a permit. Five years
seemed like a little long so we came up with three.

285 REP GORDLY: Questions if WaterWatch participated in the drafting of the
original bill.

290 DOUG MYERS: No. But we have participated with the work groups since
then.

294 REP. GORDLY: Questions how to define "outweighs the public benefit".
Cites need for clearer language.

295 BENSON: We would be happy to go back and work on that.

306 RICHARD KOSESAN, WATER FOR LIFE. Hands in testimony from Jim Myron and
comments on his behalf. (Exhibit F)

326 KOSESAN: Explains suggested amendments on behalf of Jim Myron. This
would require the loss of the supplemental right, if you transfer.

391 - Continues discussing amendments.

TAPE 43, B

31 CHAIR NORRIS: Closes PUBLIC HEARING on HB 2184
Opens WORK SESSION on HB 2184.
Witness: Martha Pagel, Water Resources Department

45 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Introduces proposed
amendments to HB 2184 (Exhibit G).

92 REP. JOSI: Voices his concerns with the process.

98 PAGEL: We're talking only about enforcement regulations, which are handled
outside of our jurisdiction.

121 REP. TARNO: Questions the policy needed to stop an illegal taking.

124 PAGEL: We have the authority to overcome the usual trespass law.

160 - States that an attempt was made to include an exemption.

183 REP. JOSI: Asks what the benefits would be to have a permit with the strict limitations that exist.

187 CHAIR NORRIS: Explains the necessity.

192 REP. JOSI: Questions whether it is a personal benefit or a public benefit.

195 PAGEL: We view the livestock exemption as allowing a public benefit, right now having the livestock in the stream is a private benefit.

255 REP. WELSH: Asks about multiple diversion points, and how that might be included.

296 REP. JOSI: Asks about restrictions.

315 REP. TARNO: Suggests guidelines.

322 REP. JOSI: There needs to be limiting factors.

338 PAGEL: Makes comments on proposed clarifications.

400 REP. WELSH: Explains his concerns; discusses proposed amendments.

TAPE 44, B

40 CHAIR NORRIS: Closes the WORK SESSION on HB 2184
Adjourns the meeting at 4:15 p.m.

Submitted by,

Reviewed by,

Patricia Wehrli
Committee Assistant

Pat Zwick
Committee Administrator

EXHIBIT LOG:

A- HB 3092, Staff Measure Summary-- Pat Zwick, Committee Administrator -- 2 pages

B- Testimony on HB 3092 -- Martin Loring, Department of Environmental Quality -- 1 page

C - HB 2184, Proposed Amendments - - Jerry Schmidt, Oregon Association of Realtors - 1 page

E - Testimony on HB 2184 -- Reed Benson , WaterWatch -- 2 pages

F - Testimony on HB 2184 -- Jim Myron, Oregon Trout -- 1 page

G - Propsed Amendments to HB 2184 - Martha Pagel, Water Resources Department - 1 page

H - Testimony on HB 2184 -- Martha Pagel, Water Resources Department - 6 pages