

HOUSE COMMITTEE ON  
WATER POLICY

Hearing Room

Tapes & 58 - Tape #57 is defective, not used

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  
Gail E. Boesch, Committee Assistant

MEASURES HEARD:

HB 2917 - Public Hearing

HB 3086 - Public Hearing  
HB 2184 - Work Session  
HB 2753 - Work Session  
HB 2376 - Work Session  
SB 197 - Public Hearing and Work Session

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 , A

004 CHAIR NORRIS: Calls the meeting to order at 2:05 PM

011 Opens the Public Hearing on HB 2917

Witnesses: Rep. Liz VanLeeuwen

Reed Marbut, Water Resource Department  
Marge Wattier, Tualatin Valley Irrigation District  
Ladd Henderson, Santiam Water District  
Jerry Butler, Norpac foods  
Doug Myers, WaterWatch

015 STAFF: Presents overview of HB 2917, Exhibit A.

024 REP. LIZ VANLEEUEWEN: Introduces HB 2917 and the -1 amendments, Exhibit  
B; urges passage.

078 REP. TARNO: Question about rotation of crops and soil quality.

102 CHAIR NORRIS: Questions threat of forfeiture; questions whether time of year restrictions are a problem.

115 REP. VANLEEUEWEN: Time of year very definitely a problem.

123 REED MARBUT, WATER RESOURCE DEPARTMENT: Comments about HB 2917, and impact on water law.

- Use of water out of season is covered in HB 2184. Elaborates on complex decision-making processes involved in out of season water rights.

163 - Water availability will be the hallmark. We try to grant windows of opportunity for water use. Points out a practical implication

185 REP. JOSI: Requests clarification.

190 MARBUT: Provides clarification regarding water availability and water rights granted, as compared to the dictates of HB 2917.

208 - Discusses Sections 6 & 7 regarding adjudicated water rights.

231 - When the WRD issues a certificate on an adjudicated right, there is no way to change it.

247 MARBUT: Discusses Section 8, the amendment; and the current law. Ready, willing and able to use the water, but don't need it, then no forfeit for nonuse.

269 - Compares the new proposed law with current law, would leave law the same for the western region, but change the law for the eastern region. Suggests making change for the entire state.

288 - Submits Exhibit C. Comments about a parallel bill, SB 7.

307 CHAIR NORRIS: Comments that clarification is needed.

320 MARGE WATTIER, TUALATIN VALLEY IRRIGATION DISTRICT: Submits Exhibit D and reads from it, testifying in support of HB 2917.

395 - Continues reading, and submits an amendment to HB 2917.

TAPE 58, A NOTE, TAPE 57 IS DEFECTIVE.

005 LADD HENDERSON, SANTIAM WATER DISTRICT: Reads from prepared testimony. Supports HB 2917, Section 1, as amended.

045 JERRY BUTLER, NORPAC FOODS: Discusses Governor's food processors council,  
discusses seasons,

090 REP. GORDLY: You're suggesting there's a need to extend the season to keep up with demand.

095 BUTLER: Have tried many different crops over the years; HB 2917 will give us some help.

109 REP. TARNO: Questions nature of crops requiring an extended irrigation season.

126 DOUG MYERS, WATERWATCH: Opposes Section 1 of HB 2917, supports the rest of the bill.

142 - After hearing Reed Marbut's testimony, WaterWatch supports Sections 2 - 7.

164 CHAIR NORRIS: Closes the Public Hearing On HB 2917

171 BETH PATRINO, WATER RESOURCES DEPARTMENT: Clarifies Mr. Marbut's testimony for Chair Norris.

184 CHAIR NORRIS: Discusses the Attorney General's opinion, Exhibit C, suggests it as a potential amendment.

226 Opens the Public Hearing on HB 3086  
Witnesses: Bob Ehmann, City of Pendleton  
Doug Myers, WaterWatch  
Elizabeth Florio, Oregon Water Coalition  
Beth Patrino, Water Resources Department  
Martha Pagel, Water Resources Department

241 BOB EHMANN, CITY OF PENDLETON: Supports the -2 amendments to HB 3086, submits and summarizes Exhibit E

271 EHMANN: Explains the change in point of diversion, take it out at recharge station; aquifer is dropping 5-6 feet each year. Take water out at recharge station, purify it and pump it into aquifer.

309 REP. JOSI: Questions water rights compared to water being used.

330 EHMANN: Clarifies Pendleton's use of water and future plans.

360 DOUG MYERS, WATERWATCH: Questions purpose of bill.

405 - Discusses preferences in language of bill - keep it simple.

TAPE 56, B

006 ELIZABETH FLORIO, OREGON WATER COALITION: Supports original HB 2917, but discusses amendments. Recommends taking out "existing" water rights and replacing with "senior".

018 CHAIR NORRIS: Clarifies that the hierarchy of water rights should not be disturbed by this bill.

030 BETH PATRINO, WATER RESOURCES DEPARTMENT: We're a little concerned about the way this amendment is drafted, would like to sit down with interested parties and discuss the language.

050 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Haven't had time to get together with the sponsors of the amendments to iron out things.

082 CHAIR NORRIS: Closes the Public Hearing On HB 3086

118 Opens the Work Session on HB 2184

125 STAFF: Introduces -5 and -6 amendments. Discusses emergency clause.

140 - Discusses subsequent referral to Ways and Means, and Exhibit G, Fiscal Analysis. Questions if subsequent referral should be rescinded.

155 PAGEL: Notes that figure is included in the WRD budget, would not need subsequent referral to Ways and Means.

166 CHAIR NORRIS: Referring to amended HB 2184, questions whether amendment takes care of REP. VANLEEUWEN's concerns.

Discussion follows, and it is determined that the amendment does not.

196 MOTION: REP. TARNO: Moves the -5 amendments as conceptually presented BE ADOPTED.

VOTE: Hearing no objections, the amendments are ADOPTED.

MOTION: REP. TARNO: Moves the -6 amendments as conceptually presented, BE ADOPTED.

VOTE: Hearing no objections, the amendments are ADOPTED.

MOTION: REP. JOSI: Moves an emergency clause amendment, BE ADOPTED.

VOTE: Hearing no objections, the amendments are ADOPTED.

MOTION: REP. TARNO: Moves to rescind subsequent referral to Ways and Means.

VOTE: Hearing no objections, the amendments are ADOPTED.

MOTION: REP. TARNO: Moves that HB 2184, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members are present and vote AYE.

CHAIR NORRIS: The motion CARRIES.

250 REP. GORDLY AND REP. TARNO will lead the discussion on the Floor.

256 CHAIR NORRIS: Closes the Work Session on HB 2184  
Calls a 10 minute recess.

256 CHAIR NORRIS: Reconvenes the meeting at 3:33 PM  
263 Opens the Work Session on HB 2376 and HB 2753 Concurrently

277 MARK NELSON, WATER FOR LIFE: Presents -2 amendment, and discusses it point by point (Exhibit H).

314 -"and qualified for exemption". Notes other minor changes.

330 - Need to do some cleaning up, but no substantive changes.

390 Continues presenting the -2 amendments to HB 2753, Exhibit H.

TAPE 58, B

005 NELSON: Conceptually, the work group has reached agreement.

009 REP. TARNO: Requests opportunity to revisit changes to amendment.

015 NELSON: Lists changes to amendment, Exhibit H.

071 CHAIR NORRIS: Questions if anyone has concerns about on and off channel.

080 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: States that the amendments as described are conceptually what the work group agreed to.

130 DOUG MYERS, WATERWATCH: Reported to the Governor that a consensus on ponds is very near. Compliments and comments on the Norris work group philosophy and success.

General discussion follows about whether to move amendments at this meeting.

186 CHAIR NORRIS: Closes the Work Session on HB 2753 and HB 2376.

212 Opens the Public Hearing on SB 197.  
Witnesses: Martha Pagel, Water Resources Department

220 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Submits Exhibit I, and introduces SB 197.

247 CHAIR NORRIS: Closes Public Hearing on SB 197  
Opens Work Session on SB 197

255 MOTION: REP. JOSI: Moves that SB 197 be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members that are present vote AYE. REP. WELSH is EXCUSED.

CHAIR NORRIS: The motion CARRIES.

REP. JOSI will lead the discussion on the Floor.

262 CHAIR NORRIS: Closes the Work Session on SB 197.

ADJOURNS the meeting at 4:00 PM.

Submitted by, Reviewed by,

Gail E. Boesch Pat Zwick  
Committee Assistant Committee Administrator

#### EXHIBIT SUMMARY:

A - HB 2917, Staff Measure Summary; Fiscal Impact Statement; Oregon Trout letter -- Pat Zwick, Committee Administrator -- 3 pages

B - HB 2917, Proposed Amendments (-1) -- REP. LIZ VANLEEUEWEN -- 1 page

C - Testimony on HB 2917/Letter from Department of Justice, 2/15/95 -- Reed Marbut, Water Resources Department -- 2 pages

D - Testimony on HB 2917, including proposed amendments -- Marge Wattier,  
Tualatin Valley Irrigation District -- 4 pages  
E - Testimony on HB 3086 -- Robert Ehmann, City of Pendleton -- 1 page  
F - HB 3086, Hand Engrossed by Staff With -1 and -2 Amendments -- 2 pages  
G - HB 2184, Fiscal Analysis -- Submitted by Staff -- 1 page  
H - HB 2753-2, Amendments submitted by Work Group--7 pages  
I - Testimony on SB 197 -- Martha Pagel, Water Resources Department -- 1  
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