

HOUSE COMMITTEE ON
WATER POLICY

Hearing Room
Tapes 76 - 77

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 2721 - Work Session
HB 2889 - Work Session
HB 2375 - Work Session
HB 3441 - Work Session
SB 54 A - 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 76, A

004 CHAIR NORRIS: Calls the meeting to order at 2:02 PM.

010 Announces that the Umatilla Indian representatives will enter their testimony regarding HB 3091, since they are in town, due to a misunderstanding on date of work session.

022 JOHN BEVIS, CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION: Submits and reads Exhibit A, regarding HB 3091.

062 REP. GORDLY: Questions if these folks will be here during discussion of HB 2375. Concerned about tribal concerns.

098 CHAIR NORRIS: Opens the Work Session on HB 2375.

106 JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS: Submits Exhibit B, and discusses the hand engrossed HB 2375 point by point, summarizes from exhibit.

166 -Injury test

200 - Registration issued by Water Resources Department. Discusses treatment of objections.

230 MARK NELSON, WATER FOR LIFE: Supports amendments, testifies that they meet WFL's major concerns.

- Meets a middle ground in terms of registration process.

261 BOETTCHER: Notes that all new provisions would sunset in December 31, 1997, and therefore not codified.

278 KEN YATES, OREGON FOOD PROCESSORS COUNCIL: Supports amendments and sunset as outlined.

293 CHAIR NORRIS: Questions if forfeiture statutes are still in place.

300 YATES: Yes.

310 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Conceptually supports the amendments. Wants to be clear on enforcement provision, believes that is what is intended.

324 REP. GORDLY: Still wants to have Mr. Bevis comment; notes that in previous work session she had heard that tribal water rights may be affected by this bill.

341 PAUL MINTHORN, DEPARTMENT OF NATURAL RESOURCES: Just wants to keep good clean water instream for fish and wildlife.

370 General discussion and comments by chair.

381 DOUG MYERS, WATERWATCH: Notes concerns about section 6, but withdraws objections after realization of the sunset clause.

- Questions mechanism for protest if fish and wildlife are hurt.

TAPE 77, A

004 YATES: Notes that all provisions of bill will sunset.

008 MOTION: REP. TARNO: Moves the amendments as conceptually presented by Oregon Water Resources Congress, Water For Life and others, to HB 2375, BE ADOPTED.

Hearing no objections, the amendments are ADOPTED.

Closes the Work Session on HB 2375

Opens the Work Session on HB 2721.

050 REP. WELSH: Discusses the -4 amendments to HB 2721, Exhibit C.

096 MOTION: REP. WELSH: Moves the -4 amendments to HB 2721, BE ADOPTED.

CHAIR NORRIS: Hearing no objections, the amendments are ADOPTED.

MOTION: REP. WELSH: Moves HB 2721, AS AMENDED, 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;

REP. WELSH will lead the discussion on the Floor.

120 CHAIR NORRIS: Closes the Work Session on HB 2721
Opens the Work Session on HB 2889

122 REP. TARNO: This bill came about because basin-wide standard rules are
too broad.

134 JAN BOETTCHER, ORWC: Expresses concerns about unfavorable impact.

167 PAGEL: Discusses basinwide standard

195 - Discusses potential amendments and SB 196, which is related.

208 REP. TARNO: Questions Ms. Pagel about hydraulic connection; about
scientific way of showing connection.

226 PAGEL: Yes, can be done by sophisticated groundwater tests; expensive;
can be done by scientific rule, and reasonable presumption.

260 CHAIR NORRIS: Proposes a change in wording; could we narrow language
regarding aquifers, to something we could all live with?

276 PAGEL: Submits language from work group, Exhibit D, -3 amendments to HB
2889.

335 RICHARD KOSESAN, WATER FOR LIFE: Submits Exhibit E, and testifies that
HB 2889 is not as complicated or threatening as asserted by its opponents.

364 MARK NELSON, WATER FOR LIFE: Testifies in support of HB 2889 as written.
These are things of process.

TAPE 76, B

015 NELSON: Continues testimony, urging passage in original form.

025 CHAIR NORRIS: Discusses critical groundwater areas.

043 NELSON: "And shall not apply a basinwide standard" - that's the issue of
process and fairness, in our point of view.

050 REP. TARNO: Suggests "unless an hydraulic connection could be shown"
Does it make sense?

Discussion follows.

063 PAGEL: Discusses general basinwide standard, "I'm not aware applicants
are not getting what they want."
- Soil types, and rule of thumb.

113 - "One heck of a fiscal impact".

123 CHAIR NORRIS: Closes the Work Session on HB 2889.
Opens the Work Session on HB 3441.

134 STAFF: Introduces the -2 amendments, Exhibit F

144 MOTION: REP. JOSI: Moves the -2 amendments to HB 3441, BE ADOPTED.

CHAIR NORRIS: Hearing no objections, the amendments are ADOPTED.

MOTION: REP. JOSI: Moves HB 3441, 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.

REP. NORRIS will lead the discussion on the Floor.

160 CHAIR NORRIS: Closes the Work Session on HB 3441
Opens the Public Hearing and Work Session on SB 54 A

184 MOTION:REP. WELSH: Moves SB 54A to the Floor with a DO PASS
recommendation.

Discussion follows.

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

CHAIR NORRIS: The motion CARRIES.

REP. WELSH will lead the discussion on the Floor.

214 CHAIR NORRIS: Closes the Public Hearing and Work Session on SB 54A

ADJOURNS the meeting at 3:15 PM.

Submitted by, Reviewed by,

Gail E. Boesch Pat Zwick
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - Testimony on HB 3091 -- John Bevis, Confederated Tribes of the Umatilla
Indian Reservation -- 3 pages
B - Testimony on HB 2375 -- Jan Boettcher, Oregon Water Resources Congress
-- 6 pages
C - HB 2889, Proposed Amendments (-3) -- Staff -- 1 page
D - HB 2721, Hand engrossed with -4 amendments -- Staff -- 4 pages
E - HB 2889, related statutes -- Richard Koesan, Water For Life -- 2 pages
F - HB 3441, Proposed Amendments (-2) -- Staff -- 10 pages