

HOUSE COMMITTEE ON  
WATER POLICY

Hearing Room  
Tapes - 82

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:

SB 494 A - Public Hearing and Work Session  
SB 510 A - Public Hearing and Work Session  
SB 511 A - Public Hearing and Work Session  
SB 681 A - Public Hearing and Work Session  
SB 963 A - Public Hearing and Work Session  
SB 1050 A - Public Hearing and Work Session  
SB 1051 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 , A

003 CHAIR NORRIS: Calls the meeting to order at 2:03 PM.  
  
Opens the Public Hearing on SB 494 A  
Witnesses: Sen.Bill Bryant

021 SEN. BILL BRYANT: Introduces SB 494 A and explains its purpose.  
  
Discussion follows

081 CHAIR NORRIS: Closes Public Hearing on SB 494.  
Opens Public Hearing on SB 1050  
Witnesses: Senator Bill Bryant

085 SEN. BRYANT: Presents overview of SB 1050.

100 CHAIR NORRIS: Closes the Public Hearing on SB 1050 A  
Opens Public Hearing On SB 1051  
Witnesses: Senator Bill Bryant

101 SEN. BILL BRYANT: Explains bill, which came from Oregon Water Resources

Congress, and passed unanimously in Senate.

118 CHAIR NORRIS: Closes Public Hearing on SB 1051.

125 Opens Public Hearing on SB 494 A  
Witnesses: Kip Lombard,  
Doug Myers, WaterWatch  
Steve Applegate, Water Resources Department

132 KIP LOMBARD, OREGON WATER RESOURCES CONGRESS: Submits Exhibit A,  
testifies regarding SB 494 A.

157 REP. TARNO: Give me an explanation why someone would want a transfer.

160 LOMBARD: Explains the transfer process.

197 - "What we're proposing in this bill", to provide an expedited transfer  
process.

210 - Discusses preconditions.

247 - No injury test. (Reading from Exhibit A).

305 - Continues, discusses "other minor amendments in bill".

336 - Notes he is referring to A Engrossed version of SB 494; will get to  
hand engrossed version later. Requests conceptual amendments requiring  
notice within 7 days (line 18, pg 2 ). Continues regarding other amending  
adjustments.

378 DOUG MYERS, WATERWATCH: Submits Exhibit B, and testifies in opposition  
to the bill.

405 REP. JOSI: Quotes part of bill, "isn't that implied notice?"

TAPE 81, A

005 MYERS: No, elaborates. That is the main objection - no public notice.  
Refers to Exhibit B.

017 REP. JOSI: Questions the importance of public notice.

029 MYERS: Discusses potential problems which encourage public notice.

040 - Bill has a lot of other problems; enumerates.

046 - Concludes, this bill would wipe out a lot of checks and balances  
currently in place.

053 STEVE APPLGATE, WATER RESOURCES DEPARTMENT: Testifies that WRD is  
generally in agreement with SB 494A as amended by suggestions from Kip  
Lombard.

065 REP. JOSI: Question about SB 494A and downstream users.

090 APPLGATE: Responds and elaborates.  
- Suggests amendment, insertion

111 CHAIR NORRIS: Gets clarification on amendments.

116 Closes Public Hearing on SB 494A  
Opens Work session on SB 494A

MOTION: REP. JOSI: Moves conceptual amendments to SB 494A, BE ADOPTED.

REP. GORDLY: Objects.

VOTE: In a roll call vote, REPS. JOSI, TARNO, WELSH, AND NORRIS vote AYE;  
REP. GORDLY votes NO.

Closes Work Session on SB 494  
Opens Public Hearing on SB 510A  
Witnesses: Senator Rod Johnson

Ray Cox  
Reed Marbut, Water Resources Department  
Kip Lombard, Oregon Water Resources Department  
Ron Yockim, Douglas County  
Martha Pagel, Water Resources Department

168 SENATOR ROD JOHNSON: Common sense bill; needs clarification.

- Submits and reads -A5 amendments. (Exhibit C )

255 RAY COX: Submits Exhibit D, a packet of testimony regarding his  
contested case hearing.

288 SEN. JOHNSON: Testifies about replacing section 9, and outstanding  
pending applications. Notes that this bill will have no effect on Mr.  
Cox's case.

325 REED MARBUT, WATER RESOURCES DEPARTMENT: Submits Exhibit E, and  
discusses amendments to SB 510A.

373 -Discusses surface water registrations.

TAPE 80, B

030 KIP LOMBARD, OREGON WATER RESOURCE CONGRESS: Supports the -A5  
amendments.

045 - Cox case is a separate animal; leave it that way.

070 - Discusses and explains SB 510 A, referring to Exhibit F.

115 - What we have added is that even if you have an easement, still  
obligated to notify; codification of rule.

135 - Clarified and strengthened sanctions - if you don't get the ownership,  
you don't get the permit. Taken care of the catch 22.

160 - No lender is going to loan money for dams unless there is a permit;  
condition of filling the pool.

190 RON YOCKIM, DOUGLAS COUNTY: Testifies in support of the -5 amendments,  
and SB 510A.

206 STEVE APPLGATE, WATER RESOURCES DEPARTMENT: Testifies in support of  
amended version of SB 510, including -5 amendments.

229 RAY COX: Expresses concerns about portions of bill; i.e.: waive  
requirement of notification in the case of a multiple user.

258 REP. JOSI: Questions when Mr. Cox became aware of problem.

265 CHAIR NORRIS: Where in bill is omission of notification that concerns  
you?

271 COX: Notes location.

281 LOMBARD: I think Mr. Cox misunderstands; explains and clarifies.

330 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: We thought that this was a fair way to approach situation; is a matter for district and landowner to work out.

385 COX: Notification is inherent constitutional right of property owners.

410 CHAIR NORRIS: Notes that if bill passes, might have to be "fine tuned in next session".

TAPE 81, B

30 REP. WELSH: I would prefer notification after point in time. Discusses condemnation laws.

050 REP. JOSI: Discusses Ms. Pagel's testimony; questions if there is a time in the process where it would be prudent to notify, and can we codify that time.

068 CHAIR NORRIS: Recesses the Public Hearing on SB 510  
Opens the Public Hearing on SB 963A  
Witnesses: Senator Bob Kintigh  
Martha Pagel, Water Resources Department

090 SEN. BOB KINTIGH: Introduces SB 963A and discusses it.

140 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Submits Exhibit G in support of passage.

157 CHAIR NORRIS: Closes Public Hearing on SB 963A  
Opens Work Session on SB 963A

160 MOTION: REP. TARNO: Moves SB 963A be sent to the floor with a DO PASS recommendation.

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

REP. TARNO will lead the discussion on the Floor.

172 Closes the Work Session on SB 963A

CHAIR NORRIS: Calls for 10 minute recess.

178 Opens Work Session on SB 510A

MOTION: REP. JOSI: Moves -3 amendments to SB 510A, BE ADOPTED.

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

MOTION: REP. JOSI: Moves -5 amendments to SB 510A, BE ADOPTED.

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

MOTION: REP. JOSI: Moves the conceptual amendments to SB 510A, dealing with waiver requirements dealing with 25 or more parties affected, BE ADOPTED.

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

216 CHAIR NORRIS: Closes Work Session on SB 510

233 Opens Public Hearing on SB 511A

Witnesses: Martha Pagel, Water Resources Department  
Kip Lombard, Oregon Water Resources Congress

240 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Supports the bill. Submits Exhibit H.

254 KIP LOMBARD, OREGON WATER RESOURCES CONGRESS: Submits Exhibit I, testifies in support of SB 511A.

General discussion follows. All are in support of passage.

388 CHAIR NORRIS: Closes the Public Hearing on SB 511A  
Opens the Work Session on SB 511A

390 MOTION: REP. JOSI: Moves SB 511A be sent to the floor with a DO PASS recommendation.

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

REP. WELSH will lead the discussion on the Floor.

TAPE 82, A

005 CHAIR NORRIS: Opens Public Hearing on SB 681 A  
Witnesses: Bob Hall, Portland General Electric  
Martha Pagel, Water Resources Department

010 STAFF: Presents overview.

025 BOB HALL, PORTLAND GENERAL ELECTRIC: Submits Exhibit J, and testifies in support of SB 681A.

038 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Testifies in support of SB 681 A.

040 CHAIR NORRIS: Closes Public Hearing on SB 681A  
Opens Work Session on SB 681A

044 MOTION: REP. JOSI: Moves SB 681A be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE; REP. GORDLY is EXCUSED.

CHAIR NORRIS: The motion CARRIES.

REP. JOSI will lead the discussion on the Floor.

053 CHAIR NORRIS: Closes work session on SB 681A

055 MOTION: REP. JOSI: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on SB 963A.

VOTE: In a roll call vote, all members present vote AYE; REP. GORDLY is EXCUSED.

077 CHAIR NORRIS: Ropens the Public Hearing on SB 1050A.

080 KIP LOMBARD, OREGON WATER RESOURCE CONGRESS: Submits Exhibit K, and testifies regarding bill.

185 CHAIR NORRIS: Closes the Public Hearing on SB 1050A  
Opens the Work Session on SB 1050A

190 MOTION: REP. WELSH: Moves SB 1050A be sent to the floor with a DO  
PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE; REP. GORDLY is  
EXCUSED.

CHAIR NORRIS: The motion CARRIES.

REP. WELSH will lead the discussion on the Floor.

198 CHAIR NORRIS: Closes the Work Session on SB 1050A  
Opens the Public Hearing on SB 1051A  
Witnesses: Kip Lombard, Oregon Water Resources Congress.

205 STAFF: Presents overview on SB 1051A.

229 KIP LOMBARD, OREGON WATER RESOURCES CONGRESS: Submits Exhibit L, and  
testifies in support of SB 1051A.

290 - Discusses amending language.

(NOTE: REP. GORDLY reenters the meeting at 4:25 PM).

295 CHAIR NORRIS: Restates intent of bill to gain understanding.

Closes Public Hearing on SB 1051A  
Opens Work Session on SB 1051A

300 MOTION: REP. TARNO: Moves SB 1051A 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. GORDLY will lead the discussion on the Floor.

331 CHAIR NORRIS: Closes the Work Session on SB 1051A

338 MOTION: REP. JOSI: Requests unanimous consent that the rules be  
SUSPENDED to allow REP. GORDLY to BE RECORDED as voting AYE on SB 511A, SB  
681A and SB 1050A.

351 REP. GORDLY: Votes AYE.

400 CHAIR NORRIS: ADJOURNS the meeting at 4:33PM.

Submitted by, Reviewed by,

Gail E. Boesch Pat Zwick  
Committee Assistant Committee Administrator

#### EXHIBIT SUMMARY:

A - Testimony on SB 494 A -- Kip Lombard, Oregon Water Resources Congress  
-- 7 pages  
B - Testimony on SB 494 A -- Doug Myers, WaterWatch -- 2 pages

C - SB 510 A, Proposed Amendments, -A5 -- Staff -- 1 page  
D - Testimony on SB 510 A -- Raymond R. Cox -- 32 pages  
E - Testimony on SB 510 A -- Reed Marbut, Water Resources Department -- 2  
pages  
F - Testimony on SB 510 A -- Kip Lombard, Oregon Water Resources Congress --  
3 pages  
G - Testimony on SB 963 A -- Martha Pagel, Water Resources Department -- 1  
page  
H - Testimony on SB 511 A -- Martha Pagel, Water Resources Department -- 1  
page  
I - Testimony on SB 511 A -- Kip Lombard, Oregon Water Resources Congress --  
1 page  
J - Testimony on SB 681 -- Robert Hall, Portland General Electric -- 2 pages  
K - Testimony on SB 1050 A -- Kip Lombard, Oregon Water Resources Congress  
-- 2 pages  
L - Testimony on SB 1051 A -- Kip Lombard, Oregon Water Resources Congress  
-- 1 page