

HOUSE COMMITTEE ON
WATER POLICY

Hearing Room
Tapes - 84

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 963 A - Work Session
SB 494 A - Work Session
SB 510 A - Work Session
SB 513 A - Public Hearing and Work Session
SB 516 A - Public Hearing and Work Session
SB 1033 A - 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 , A

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

019 Opens the Work Session on SB 963A

021 STAFF: Presents overview.

031 MOTION: REP. JOSI: Moves to ADOPT SB 963A-2 amendments dated
05/04/95.

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

035 MOTION: REP. JOSI: Moves SB 963A be sent to the floor with a DO
PASS AS AMENDED recommendation.

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

CHAIR NORRIS: The motion CARRIES.

REP. TARNO will lead discussion on the Floor.

050 CHAIR NORRIS: Closes the Work Session on SB 963A
053 Opens Work Session on SB 494A

055 STAFF: Introduces amendments, Exhibit A.

085 JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS: Points out in bill where
notice provisions are stated (Hand Engrossed SB 494A, Exhibit B).

102 DOUG MYERS, WATERWATCH: Comments on notification provisions, upon being

questioned by REP. GORDLY.

130 REP. JOSI: Notes that there are checks and balances.

132 MOTION: REP. JOSI: Moves to ADOPT SB 494A-4 amendments dated
05/04/95.

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

140 MOTION: REP. JOSI: Moves SB 494A be sent to the floor with a DO
PASS AS AMENDED recommendation.

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

CHAIR NORRIS: The motion CARRIES.

REP. JOSI will lead discussion on the Floor.

155 CHAIR NORRIS: Closes the Work Session on SB 494 A
Opens the Work Session on SB 510A

160 STAFF: Discusses SB 510A, and events of last meeting on it, as well as
the -6 amendments, Exhibit C, and Exhibit D.

175 MOTION: REP. JOSI: Moves to ADOPT SB 510A-6 amendments dated
05/04/95.

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

180 MOTION: REP. JOSI: Moves SB 510A, 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. GORDLY will lead the discussion on the Floor.

191 CHAIR NORRIS: Closes Work Session on SB 510A

200 CHAIR NORRIS: Opens the Public Hearing on SB 513A
Witnesses: Steve Applegate, Water Resources Department

212 STAFF: Introduces bill.

226 REP. TARNO: As used in this bill, what does "assignor" mean.

230 CHAIR NORRIS: Explains.

260 STEVE APPLGATE, WATER RESOURCES DEPARTMENT: Explains why SB 513A came
about.

280 CHAIR NORRIS: Closes Public Hearing on SB 513A
CHAIR NORRIS: Opens Work Session on SB 513A

285 MOTION: REP. JOSI: Moves SB 513A be sent to the Floor with a DO
PASS recommendation.

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

REP. NORRIS will lead the discussion on the Floor.

309 CHAIR NORRIS: Closes Work Session on SB 513A

318 CHAIR NORRIS: Opens Public Hearing on SB 516A
Witnesses: Elizabeth Florio, Oregon Wheat Growers League
Steve Applegate, Water Resources Department

320 ELIZABETH FLORIO, OREGON WHEAT GROWERS LEAGUE: Testifies in support of

SB 516A.

357 REP. JOSI: Questions the difference between this bill and other
legislation recently passed.

360 CHAIR NORRIS: Clarifies the differences.

370 REP. JOSI: Where is the test for injury?

375 FLORIO: Points out location in bill.

405 STEVE APPELEGATE, WRD: Testifies in support of SB 516 A and has no
particular problems with -6 (Exhibit E), and -8 amendments (Exhibit F).

TAPE 84,A

005 CHAIR NORRIS: Discusses amendments. (-8)

025 DOUG MYERS, WATERWATCH: Strongly opposes SB 516A, submits Exhibit G.

074 - Calls attention to page two of testimony, for close to a thousand
instream water rights, objections have been filed.

125 RICHARD KOSESAN, WATER FOR LIFE: Generally in support of bill. "Just a
couple of issues"; discusses bill in relation to HB 2184.

166 REP. TARNO: Discusses screening, "I don't know how we can mandate it".

175 KOSESAN: Suggests insertion of language same as amendments to HB 2184,
regarding coordination of agencies between the Department of Fish and
Wildlife and Water Resources Department.

193 CHAIR NORRIS: I think that the language here does not result in injury;
discusses moving the point of diversion.

205 REP. JOSI: To Mr. Applegate, when someone has a certificate that is
being proved up, and the whole idea of protection for injury -- how do we
protect those certificates not proven up, and instream water rights that
have not gone through the process?

222 APPELEGATE: Explains that the language of existing water rights includes
broad water use authorization. Discusses Myers testimony, "he is correct
regarding injury to an application would not be considered in an injury
test".

236 JOSI: You would look for a broad application of injury test?

240 APPELEGATE: That is correct.

246 VES GARNER, OREGON WATER COALITION: This particular measure simply gives
the landowner some latitude; doesn't enlarge a common right at all.
Supports SB 516 A.

303 - Adds further comments regarding water availability model.

326 CHAIR NORRIS: Closes the Public Hearing on SB 516A
Work Session on SB 516A

338 KOSESAN: Provides amending language from HB 2184 which Water For Life
wants to see inserted in SB 516A.

Discussion follows regarding HB 2184 and SB 516A and whether to amend as
requested.

TAPE 83, B

005 Discussion continues regarding the Water For Life amendments.

050 REP. GORDLY: Clarifies that the discussion is leaning toward proceeding
without this amending language, since it is already incorporated in HB

2184.

062 STAFF: Discusses the -6 and the -8 amendments.

070 MOTION: REP. JOSI: Moves to ADOPT SB 516A-6 amendments dated
05/04/95.

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

080 MOTION: REP. JOSI: Moves to ADOPT SB 516A-8 amendments dated
05/04/95.

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

085 MOTION: REP. JOSI: Moves SB 516A, AS AMENDED, be sent to the Floor
with a DO PASS recommendation.

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

CHAIR NORRIS: The motion CARRIES.

REP. WELSH will lead the discussion on the Floor.

113 CHAIR NORRIS: Closes the Work Session on SB 516A

117 Opens the Public Hearing on SB 1033 A

132 DOUG MYERS, WATERWATCH: Requests time next week to testify, notes there
are others who also want to speak.

STAFF: Submits for the record, Exhibit H, a letter of testimony on SB
1033A.

145 CHAIR NORRIS: Recesses the Public Hearing on SB 1033A until further
notice.

ADJOURNS the meeting at 3:15 PM.

Submitted by, Reviewed by,

Gail E. Boesch Pat Zwick
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - SB 494 A, Proposed Amendments (-4) -- Staff -- 1 page
B - SB 494 A, Hand engrossed with -4 amendments -- Staff -- 7 pages
C - SB 510 A, Proposed Amendments (-6) -- Staff -- 5 pages
D - SB 510 A, Hand engrossed with -6 amendments -- Staff -- 10 pages
E - SB 516 A, Proposed Amendments (-6); Hand engrossed with -6 amendments --
Staff -- 3 pages
F - SB 516 A, Proposed Amendments (-8) -- Staff -- 1 page
G - Testimony on SB 516 A -- Doug Myers, WaterWatch -- 2 pages
H - Testimony on SB 1033 A -- Marion Poor -- 1 page