

SENATE COMMITTEE ON  
WATER AND LAND USE

Hearing Room  
Tapes 136-137

MEMBERS PRESENT:

Sen. Rod Johnson, Chair  
Sen. Bob Kintigh, Vice-Chair  
Sen. Neil Bryant  
Sen. Ron Cease  
Sen. Bill Dwyer

STAFF PRESENT:

Karen Quigley, Committee Counsel  
Patricia Wehrli, Committee Assistant

MEASURES HEARD: HB 2753 PUBLIC HEARING AND WORK SESSION

HB 2782 PUBLIC HEARING AND WORK SESSION  
HB 3086 PUBLIC HEARING AND WORK SESSION  
HB 2917 PUBLIC HEARING AND WORK SESSION  
HB 3043 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 , SIDE A

004 CHAIR JOHNSON: Convenes the meeting at 1:00 PM.

OPENS THE PUBLIC HEARING ON HB 2753

Witnesses:

Vas Gardner, Soil and Water Conservation District  
Martha Pagel, Director, Water Resources Department

014 VAS GARDNER, SOIL AND WATER CONSERVATION DISTRICT: Testifies in support  
of HB 2753.

020 MARTHA PAGEL, DIRECTOR, WATER RESOURCE DEPARTMENT: Testifies in support  
of HB 2753.

040 CHAIR JOHNSON: OPEN THE WORK SESSION ON HB 2753

MOTION: VICE CHAIR KINTIGH moves HB 2753 to the Floor with a DO PASS  
recommendation.

VOTE: In a roll call vote the motion CARRIES. All members present and  
vote AYE. CARRIER: KINTIGH

059 CHAIR JOHNSON: OPENS THE PUBLIC HEARING ON HB 2782

Witnesses:

Kelly Ross, Oregon Association of Realtors  
Art Schlack, Association of Oregon Counties  
Dick Benner, Department of Land Conservation and Development, (DLCD)

060 KELLY ROSS, OREGON ASSOCIATION OF REALTORS: Testifies in support of HB  
2782. (See Exhibit A)

161 ART SCHLACK, ASSOCIATION OF OREGON COUNTIES: Testifies in support of HB  
2782.

172 DICK BENNER, DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT, (DLCD):  
Testifies in opposition to HB 2782.

( There's a reasonable amount of time available to get land approved for  
fire protection.

( This prevents LCDC from providing time limits.

292 SEN. BRYANT: Did Justice Deneke propose a time restraint?

BENNER: No, there were some recommendations he supported and some that he did not.

305 SEN. BRYANT: Asks for Judge Deneke recommendation.  
( Discusses what happened in Jackson County.

VICE CHAIR KINTIGH: Can something be changed to make this more acceptable to DLCD?

TAPE 137 SIDE A

013 BENNER: Discusses proposed amendments. (See Exhibit B)  
( This would leave building codes alone.

Discussion occurs between the members about the proposed amendments.

CHAIR JOHNSON: OPENS THE WORK SESSION ON HB 2782  
Witness: Kelly Ross, Oregon Association of Realtors

SEN. BRYANT: Explains his understanding of the bill.

082 KELLY ROSS, OREGON ASSOCIATION OF REALTORS: Clarifies the intent of the bill.

SEN. DWYER: Don't zoning changes change the contract?

ROSS: Zoning changes only effect the process of things that haven't been applied for yet.

123 SEN. DWYER: What's a reasonable expectation of time that the government should need to react on these conflicts?

ROSS: There should be sufficient time. Jackson County does have a one year time limit.

138 BOB RINDY, Department of Land Conservation and Development, (DLCD):  
The language that we are proposing does not effect applications.

SEN. BRYANT: Does that only effect pending applications?

162 RINDY: Yes.

MOTION: SEN. KINTIGH moves HB 2782 to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote the motion CARRIES. Sens. Bryant, Dwyer, Kintigh and Johnson vote AYE. Sen. Cease votes NAY. CARRIER: JOHNSON

CHAIR JOHNSON: OPENS THE PUBLIC HEARING ON HB 3086  
Witnesses:  
Martha Pagel, Director, Water Resources Department  
Bob Leavy, Echo Oregon  
Elizabeth Florio, Oregon Wheat Growers  
Rick Rogers, Senate Majority Office  
Jim Myron, Oregon Trout

261 MARTHA PAGEL, DIRECTOR, WATER RESOURCES DEPARTMENT: Testifies in support of HB 3086. (See Exhibit C)

298 BOB LEAVY, ECHO OREGON: Explains the screening process and it's regulations. (See Exhibit D)

322 ELIZABETH FLORIO, OREGON WHEAT GROWERS: Testifies in support.

342 RICH ROGERS, SENATE MAJORITY OFFICE: Testifies in support of HB 3086. (See Exhibit E)

Sen. Dwyer, Sen. Kintigh and Rick Rogers discuss the requirements for a fish screen.

TAPE 136 SIDE B

008       PAGEL: Discusses sub point three of Exhibit E. Asks for notice through  
the department mailing.  
          ( The ten year requirement is acceptable.

041       CHAIR JOHNSON: What is the advantage of making this only available to  
long standing water users?

046       PAGEL: Ten years allows you more opportunity of studying things like  
the drought levels.

068       CHAIR JOHNSON: Asks that Sen. Adams and Rep. Norris discuss the  
proposed amendments.

083       JIM MYRON, OREGON TROUT: Testifies in support of HB 3086.

107       PAGEL: Discusses the references to the tax laws and townships that  
define the proposed amendments better.  
          ( The point of diversion needs to be clarified much better.

141       CHAIR JOHNSON: OPENS WORK SESSION ON HB 3086

          MOTION: SEN. DWYER moves to amend the Adams proposed amendments as  
proposed.

          VOTE: Hearing no objection, the motion CARRIES.

          MOTION: SEN. DWYER moves HB 3086 as amended to the Floor with a DO PASS  
recommendation.

          VOTE: In a roll call vote the motion CARRIES. All members present vote  
AYE. Sen. Cease is EXCUSED. CARRIER: ADAMS

214       CHAIR JOHNSON: OPENS THE PUBLIC HEARING ON HB 2917  
          Witnesses:  
          Pete Test, Oregon Farm Bureau  
          Ves Gardner, Soil Conservation  
          Jan Boettcher, Oregon Water Resources Congress  
          Reed Marvin, Water Resources Department  
          Jim Myron, Oregon Trout

233       VES GARNER, SOILS CONSERVATION: Testifies in support of HB 2917. (See  
Exhibit G)

263       SEN. BRYANT: What would the priority be on the last application?

          GARNER: The priority date would be applied to the rate, duty and point of  
diversion.

316       JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS: Discusses Sen. Bryant's  
hypothetical situation with him.

343       REED MARVIN, WATER RESOURCES DEPARTMENT: Explains "subordinate".

          PAGEL: Stored water is released through specific contracts. (See Exhibit  
H)

384       GARNER: There wouldn't be an need for Willamette Valley farmers to  
contract water during that time.

TAPE 137 SIDE B

008       BOETTCHER: Discusses proposed amendments. ( See Exhibit I)

          CHAIR JOHNSON: Discusses expanding the use of the word "drought".

047       JIM MYRON, OREGON TROUT: Testifies in support of HB 2917.

089       CHAIR JOHNSON: OPENS THE WORK SESSION ON HB 2917

          MOTION: SEN. DWYER moves to delete the word "violate" on line thirteen and  
insert "repair the aviechment or maintenance of" and on line fourteen after  
the word "established" add the phrase "for the water source".

VOTE: Hearing no objection, the motion CARRIES. All members present.

MOTION: CHAIR JOHNSON moves HB 2917 to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote the motion CARRIES. All members present vote AYE. Sens. Bryant and Cease are EXCUSED. CARRIER: KINTIGH

124 CHAIR JOHNSON: OPEN THE PUBLIC HEARING ON HB 3043  
Witnesses:  
Larry George, Oregonians in Action  
Jennifer Robison, Division of State Lands, (DSL)

128 LARRY GEORGE, OREGONIANS IN ACTION: Testifies in support of HB 3043.  
(See Exhibit K)

138 JENNIFER ROBISON, DIVISION OF STATE LANDS, (DSL): Testifies in support of HB 3043. Proposes amendments to section five. (See Exhibit L)

200 CHAIR JOHNSON: OPENS THE WORK SESSION ON HB 3043

MOTION: SEN. DWYER moves to accept the amendments as proposed in exhibit L.

VOTE: Hearing no objection, the motion CARRIES.

MOTION: SEN. DWYER moves HB 3043 to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote the motion CARRIES. All members present vote AYE. Sen. Bryant and Cease are EXCUSED. CARRIER: JOHNSON

221 CHAIR JOHNSON: Adjourns the meeting at 4:20 PM

Submitted by

Reviewed by

Patricia Wehrli  
Committee Assistant  
Committee Counsel

Karen Quigley

#### EXHIBITS

AA- Staff Measure Summary on HB 2753--Karen Quigley, Committee Counsel--1  
page  
A- Testimony on HB 2782--Kelly Ross, Oregon Association of Realtors--5 pages  
B- Testimony on HB 2782--Richard Benner, DLCD--1 page  
AB- Staff Measure Summary on HB 3086--Karen Quigley, Committee Counsel--1  
page  
C- Testimony on HB 3086--Martha Pagel, Water Resource Department--1 page  
E- Testimony on HB 3086 --Bob Levy, Oregon Water Coalition--1 page  
F- Proposed Amendments on HB 3086--Rick Rogers, Senate Majority Office--1  
page  
G- Testimony on HB 2917--Ves Garner, Oregon Farm Bureau Federation--8 pages  
I- Testimony on HB 2917--Martha Pagel, Water Resource Department--1 page  
J- Proposed Amendments on HB 2917--Jan Boettcher, Water Resources Congress-1  
page  
K- Testimony on HB 3043--Larry George, Oregonians in Action--2 pages  
M- Testimony on HB 3043--Gary Gustafson, Division of State Lands--2 pages  
N- Testimony on HB 3043--Kristi Halvorson, Halvorson-Mason Constructors--6  
pages