

SENATE COMMITTEE ON WATER POLICY

July 22, 1993 Hearing Room 137 2:00 p.m. Tapes 63 - 64

MEMBERS PRESENT: Sen. Bill Dwyer, Chair Sen. Bob Kintigh, Vice-Chair Sen. Wes Cooley

Sen. Frank Roberts Sen. Tricia Smith

STAFF PRESENT: Lisa Zavala, Administrator Pamella Andersen, Committee Clerk

MEASURE CONSIDERED: HB 3203

[--- Unable To Translate Graphic ---] These minutes contain materials which paraphrase and/or summarize statements made during this session

TAPE 63, SIDE A

004 CHAIR DWYER: Calls the meeting to order at 2:05 p.m. - Opens the work session on HB 3203

WORK SESSION ON HB 3203

ADMIN. ZAVALA: notes the -a5 amendments (EXHIBIT A) - the Water Resources Department, interest groups and a working group have worked on MARTHA PAGEL, WATER RESOURCES DEPARTMENT: we have made some further changes 023 - describes concept of the changes - 1) apply to surface

- all this does is allow us to accept the application - so we go through the full application review process - page 2, line 2 138 - section

SEN. KINTIGH: notes ORS on page 3; is that critical groundwater?

PAGEL: yes. - on (b) line, 6, page 3, as originally drafted, it had language which has been deleted - it was our intention these rules

ADMIN. ZAVALA: I spoke with Jeannette Holman and confirmed the department does have that authority - Anne Squier and our assistant attorney

SEN. COOLEY: on page 2, of the hand-engrossed we agreed upon - line 31, "the following manner" versus "as follows"

CHAIR DWYER: do you want to have the record show there is no substantive difference?

240 PAGEL: that is how I would view it

SEN. COOLEY: would you argue that in court that way?

PAGEL: yes, based upon this legislative history - to the extent there would be conflict between their rules and these - what we intended wh

SEN. COOLEY: is my understanding there would be no...and now it appears there would be ... public input could change that - we are trying

RON YOCKIM, ATTORNEY: the more I listen to Sen. Cooley, I feel the language as follows is a slightly stronger reflection that you mu

SEN. KINTIGH: in section 3, "repeal in 95" do you expect the backlog resolved by then?

330 PAGEL: I don't know if the backlog will be entirely gone by then - these provisions will be gone by then or we will have corrected t

SEN. COOLEY: with the sunset it won't slip by, somebody will review it - on line 30 and 31 change to "as follows" not "in the followi

CHAIR DWYER: if that is our intent, then let's say it

370 MOTION: SEN. COOLEY MOVES TO DELETE "IN THE FOLLOWING MANNER" AND INSERT "AS FOLLOWS"

VOTE: NO OBJECTION

MOTION: SEN. COOLEY MOVES TO ADD "A" ON LINE 8 FOLLOWING "WATER FOR"

VOTE: NO OBJECTION

364 SEN. COOLEY: not only are looking at a backlog, but we have pending applications - we probably should have put in the word "transfer" -

PAGEL: transfers certainly do exist; we have a number of them pending

415 SEN. COOLEY: but are you intending this to apply to those also?

PAGEL: in my work on this bill I did not have transfers in my mind - transfers don't have the same standards applied to them - if part of th

SEN. COOLEY: in the transfer application statutes there is an extension ... - do you have the ability to extend?

PAGEL: I believe that is on the applicant

TAPE 64, SIDE A

SEN. COOLEY: if we have back transfers that have not been evaluated do you have the ability to extend that period or is it lost?

PAGEL: I am not aware of that requirement

SEN. COOLEY: when I use "application" are we applying only to water right applications?

PAGEL: the issue of transfers and not allowing a backlog to build and our ability to continue...if it is our fault the application is not pr

MOTION: COOLEY MOVES 3203-5A, AS AMENDED, TO THE FLOOR WITH A DO PASS RECOMMENDATION

VOTE: PASSES UNANIMOUSLY. CARRIED BY COOLEY

CHAIR DWYER: Closes the work session on HB 3203. - Adjourns the meeting at 2:40 p.m.

Submitted by,

Pamela Berger Assistant

EXHIBIT LOG:

A Proposed Amendment HB 3203-5 - Staff - 3 pages