

SENATE COMMITTEE ON WATER POLICY

February 11, 1993 Hearing Room 137 3:00 p.m. Tape 8

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

Sen. Frank Roberts

MEMBERS EXCUSED: Sen. Tricia Smith

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

MEASURES CONSIDERED: SB 129

[--- Unable To Translate Graphic ---] 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. [--- Unable To Translate Graphic ---]

TAPE 8, SIDE A

004 CHAIR DWYER: Calls the meeting to order at 3:10 p.m.

PUBLIC HEARING ON SB 129 - EXHIBITS A and B

WITNESSES: Martha Pagel, Director, Department of Water Resources
John Borden, Administrator, Field Services and Enforcement Division,
Department of Water Resources Jim Myron, WaterWatch

008 MARTHA PAGEL: (introduces EXHIBIT A) Reviews bill. - Primary purpose is to clarify persons wishing to obtain a water right must submit an application and receive a permit prior to

construction. - Fills existing gap which does not prohibit construction prior to

permitting.

030 CHAIR DWYER: You also want to delete Section 2 on the back page?

PAGEL: Yes. Section 2 would have added a general provision for the Department to request other information from the applicant. - Page 2, line 22 already provides broad authority which the Attorney

General's Office states does the same job. - Specifically adds references to dams and impoundment structures.

SEN. ROBERTS: Joined the meeting at 3:13 p.m.

SEN. COOLEY: Under line 5, except for the exemptions included in ORS

537.142, we should include ORS 537.143 which covers limited licensing. - If not exempted, all limited licenses would have to be permitted. -

ORS 537.545, ground water exemption, should be added as well.

057 PAGEL: We will investigate that further. - The section proposed to be amended is intended to refer to surface

waters only. - ORS 547.143 language, references ORS 537.130 which addresses limited

licenses. We could provide you with an A.G. opinion on that.

068 SEN. COOLEY: Sometimes we make assumptions and later in the process we discover problems. We need to circumvent potential problems. We need

to definitely understand the impacts of that on which we are voting.

081 CHAIR DWYER: Should we amend page 1, line 24 to include proposed dam and impoundment structures? It makes no reference to those structures

in that statute.

092 PAGEL: That is a very good suggestion.

093 SEN. KINTIGH: Would this mean if a person wanted to make a dam on a creek for the fish they would have to have a water right?

JOHN BORDEN: One is now required for that, except that you do not need the permit "in hand" prior to construction.

CHAIR DWYER: This makes sense; otherwise people are building things with no assurance they can use them. 109 - We have another bill coming on grandfathering of ponds. We will be able to take care of existing ponds to some extent.

110 JIM MYRON: (introduces EXHIBIT B) Supports the bill. It makes no sense to allow people to construct something they may not be able to use.

130 CHAIR DWYER: How does the committee wish to address this? Do you want to hand engross the amendments?

SEN. ROBERTS: There is agreement on the amendments. We should approve the amendments and have them hand-engrossed. - Are they prepared to get the language right now?

142 PAGEL: It would be preferable to review the language. We are concerned about not erring on the issues Senator Cooley raised.

145 CHAIR DWYER: Closes the hearing. We will reschedule this for a work session.

147 SEN DWYER: Adjourns the meeting at 3:22 p.m.

Submitted by,

Reviewed by,

Pamella Andersen

Lisa Zavala Clerk
Administrator

EXHIBIT LOG:

A Testimony on SB 129, Martha Pagel, 2 pages. B Testimony on SB
129, Jim Myron, 1 page.