

HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

February 06, 2014
8:00 AM

Hearing Room D

MEMBERS PRESENT: Rep. Brad Witt, Chair
Rep. Caddy McKeown, Vice Chair
Rep. Sal Esquivel, Vice Chair
Rep. Brian Clem
Rep. Wayne Krieger
Rep. Jeff Reardon
Rep. Jim Thompson
Rep. Ben Unger
Rep. Gail Whitsett

VISITING MEMBER: Sen. Doug Whitsett

STAFF PRESENT: Beth Patrino, Committee Administrator
Shelley Raszka, Committee Assistant

MEASURES/ISSUES HEARD: HB 4044 – Public Hearing
HB 4064 – Public Hearing
Informational Meeting
Water Rights: Law, Science and Administration

Recording Log

8:01:35 AM Meeting Called to Order by Chair Witt

8:03:09 AM Meeting Recessed

8:05:02 AM Meeting Reconvened

8:05:03 AM **HB 4044 and HB 4064 - Public Hearing**

8:05:11 AM {Exhibit} 1: Bruce Topham, cattle rancher, Sprague River Valley

8:05:20 AM Chair Witt

8:05:31 AM Topham

8:06:09 AM Chair Witt

8:06:28 AM Topham

8:10:02 AM Chair Witt

8:10:40 AM **Water Rights: Law, Science and Administration - Informational Meeting**

8:11:08 AM Janet Neuman, Senior Counsel, Tonkon Torp LLP

8:21:19 AM Chair Witt

8:21:36 AM Rep. Krieger

8:21:41 AM Neuman

8:21:43 AM Rep. Krieger

8:21:45 AM Neuman
8:23:17 AM Rep. Whitsett
8:23:39 AM Neuman
8:23:53 AM Rep. Reardon
8:23:59 AM Chair Witt
8:24:01 AM Neuman
8:24:08 AM Chair Witt
8:24:44 AM {Exhibit} 2-3: Marshall Gannett, Hydrologist, Oregon Water Science Center, US Geological Survey
8:25:13 AM Roy Haggerty, Professor, Department of Geosciences, Oregon State University
8:25:33 AM Chair Witt
8:25:37 AM Gannett
8:35:05 AM Haggerty
8:43:50 AM Gannett
8:44:51 AM Chair Witt
8:45:01 AM Rep. Whitsett
8:45:54 AM Gannett
8:46:41 AM Rep. Whitsett
8:46:44 AM Gannett
8:46:47 AM Chair Witt
8:46:53 AM Rep. Clem
8:47:04 AM Haggerty
8:47:33 AM Gannett
8:48:22 AM Sen. Whitsett
8:48:46 AM Haggerty
8:49:33 AM Sen. Whitsett
8:49:45 AM Haggerty
8:50:08 AM Sen. Whitsett
8:50:20 AM Haggerty
8:50:24 AM Sen. Whitsett
8:50:28 AM Haggerty
8:50:34 AM Chair Witt
8:50:35 AM The following written testimony is submitted for the record without public testimony:
8:50:36 AM {Exhibit} 4: Douglas Woodcock, Field Services Administrator, Oregon Water Resources Department
8:50:37 AM {Exhibit} 51: Phil Ward, Oregon Water Resources Department

8:51:16 AM **HB 4044 and HB 4064 - Public Hearing**
8:51:37 AM Beth Patrino, Committee Administrator
8:52:14 AM Chair Witt
8:52:43 AM {Exhibit} 5: Rep. Gail Whitsett, House District 56
8:57:09 AM {Exhibit} 6: Sen. Doug Whitsett, Senate District 28
9:04:24 AM Chair Witt
9:04:36 AM Rep. Krieger

9:07:25 AM Chair Witt
9:07:31 AM Rep. Clem
9:07:34 AM Sen. Whitsett
9:08:05 AM Chair Witt
9:08:50 AM Rep. Mike McLane, House District 55
9:16:29 AM Chair Witt
9:16:44 AM Rep. Clem
9:19:14 AM Rep. McLane
9:19:57 AM Chair Witt
9:20:32 AM Brent Cheyne, project irrigator, farm owner, Klamath Falls
9:21:02 AM Chair Witt
9:21:30 AM Cheyne
9:23:34 AM Chair Witt
9:23:43 AM {Exhibit} 52-53: David Oxley, resident, Klamath County
9:25:41 AM Grant Knoll, board member, Klamath Irrigation District
9:27:39 AM Chair Witt
9:27:53 AM Rep. Clem
9:28:23 AM Cheyne
9:28:33 AM Rep. Clem
9:29:05 AM Cheyne
9:29:13 AM Chair Witt
9:29:54 AM Sen. Whitsett
9:30:00 AM Cheyne
9:30:09 AM Knoll
9:30:14 AM Sen. Whitsett
9:30:18 AM Chair Witt
9:31:28 AM {Exhibit} 7: Erika Bentsen, rancher, Sprague River Valley
9:33:59 AM {Exhibit} 8-9: Virginia Topham, cattle rancher, Sprague River Valley
9:35:32 AM {Exhibit} 10-11: Tom Mallams, Klamath County Commissioner
9:37:49 AM Chair Witt
9:38:39 AM {Exhibit} 12-13: Dave Cacka, fourth generation farmer, Klamath Project
9:40:36 AM Chair Witt
9:40:40 AM Kirk Maag, Water Rights Attorney, Stoel Rives, LLP
9:42:23 AM {Exhibit} 14-15: Jeff Stone, Executive Director, Oregon Association of Nurseries
9:43:46 AM Chair Witt
9:43:56 AM Sen. Whitsett
9:44:14 AM Cacka
9:44:18 AM Sen. Whitsett
9:44:44 AM Chair Witt
9:45:55 AM Maag
9:46:12 AM Chair Witt
9:46:56 AM Maag
9:47:07 AM Chair Witt
9:47:11 AM Rep. Whitsett
9:47:23 AM Maag

9:47:40 AM Rep. Whitsett
9:48:02 AM Maag
9:48:19 AM Rep. Whitsett
9:48:26 AM Chair Witt
9:49:15 AM Mallams
9:49:41 AM Chair Witt
9:49:47 AM Rep. Clem
9:50:13 AM Maag
9:50:42 AM Rep. Clem
9:50:57 AM Sen. Whitsett
9:51:49 AM Maag
9:52:26 AM Sen. Whitsett
9:53:07 AM Rep. Clem
9:53:31 AM Maag
9:54:12 AM Chair Witt
9:54:37 AM Aaron Knott, Department of Justice
9:55:21 AM {Exhibit} 16-17: Jas Adams, Department of Justice
9:59:33 AM Chair Witt
10:00:22 AM {Exhibit} 18-19: Curtis Martin, President, Oregon Cattlemen's Association
10:03:52 AM Matt Cyrus, Deschutes County Farm Bureau
10:04:42 AM Rex Barber, farmer, Deschutes Basin
10:06:52 AM Chair Witt
10:06:58 AM Rep. Clem
10:07:10 AM Martin
10:07:14 AM Rep. Clem
10:08:09 AM Chair Witt
10:08:40 AM {Exhibit} 20-21: Eric Quaempts, Director, Natural Resources Department,
Confederated Tribes of the Umatilla Indian Reservation (via telephone)
10:10:44 AM Chair Witt
10:10:57 AM Quempts
10:11:10 AM {Exhibit} 22-23: Kimberly Priestly, Waterwatch of Oregon
10:13:11 AM Chair Witt
10:13:16 AM Tom Wolf, Trout Unlimited
10:15:20 AM {Exhibit} 24-25: Angela Crowley-Koch, Legislative Director, Oregon
Environmental Council
10:16:28 AM Sen. Whitsett
10:16:50 AM Priestly
10:17:23 AM Sen. Whitsett
10:17:37 AM Priestly
10:17:44 AM Sen. Whitsett
10:17:46 AM Priestly
10:17:58 AM Rep. Whitsett
10:18:20 AM Priestly
10:19:06 AM Chair Witt
10:20:54 AM {Exhibit} 26-28: William Kennedy, rancher, Klamath Falls
10:23:45 AM Katie Fast, Oregon Farm Bureau Federation

10:25:34 AM Chair Witt
10:25:38 AM {Exhibit} 54: Kelsey Ferry, resident, Lakeview
10:27:19 AM Chair Witt
10:27:23 AM Rep. Reardon
10:28:06 AM Kennedy
10:28:43 AM Chair Witt
10:28:44 AM {Exhibit} 29-30: witness registration
10:28:45 AM The following written testimony is submitted for the record without public testimony:
10:28:46 AM {Exhibit} 31: 17 Oregon farm owners and employees
10:28:47 AM {Exhibit} 32: Cameron Curtiss, Rock Creek Ranch
10:28:47 AM {Exhibit} 33: Willem DeJong, resident, Bonanza
10:28:47 AM {Exhibit} 34-35: Frank Hammerich, Manager, Langell Valley Irrigation District
10:28:48 AM {Exhibit} 36: Margaret Jacobs, 4th generation farmer, Sprague River Valley
10:28:48 AM {Exhibit} 37: Jennifer Kem, resident
10:28:49 AM {Exhibit} 38: Dave Krueger, ranch owner
10:28:50 AM {Exhibit} 39: D. Kent Patton, Veterinarian, Patton Ranch Management, LLC
10:28:51 AM {Exhibit} 40-41: Scott and Margie Runels, Mt. Scott Ranch
10:28:52 AM {Exhibit} 42: Ann SeCoy, resident
10:28:53 AM {Exhibit} 43: Larry and Joan Sees, residents, Sprague River Basin
10:28:54 AM {Exhibit} 44: Mark Stuntebeck, Manager, Klamath Irrigation District
10:28:55 AM {Exhibit} 45: Brandan Topham, resident, Sprague River
10:28:56 AM {Exhibit} 46: Susan Topham, resident, Sprague River
10:28:57 AM {Exhibit} 47-48: Christine Valentine, Administrator, Oregon State Board of Geologist Examiners
10:28:58 AM {Exhibit} 49: Weston Walker, Partner, Walker Brothers, Klamath Basin
10:28:59 AM {Exhibit} 50: Jeff Woodwick, Product Manager, Jeld-Wen Tech Center
10:29:33 AM Meeting Adjourned by Chair Witt

Exhibit Summary

8:05:11 AM {Exhibit} 1: HB 4044, written testimony, Bruce Topham, 2 pp
8:24:44 AM {Exhibit} 2: Water Rights: Law, Science and Administration, *Groundwater/Surface-Water Interaction: Fundamental Concepts*, PowerPoint presentation, Marshall Gannett, 24 pp
8:24:44 AM {Exhibit} 3: Water Rights: Law, Science and Administration, *Streamflow Depletion by Wells – Understanding and Managing the Effects of Groundwater Pumping on Streamflow*, report, Marshall Gannett, 94 pp
8:50:36 AM {Exhibit} 4: Water Rights: Law, Science and Administration, *Application of Science to Water Right Regulation and Permitting*, PowerPoint presentation, Douglas Woodcock, 18 pp
8:50:37 AM {Exhibit} 51: Water Rights: Law, Science and Administration, written testimony, Phil Ward, 3 pp

- 8:52:43 AM** {Exhibit} 5: HB 4064, written information, Rep. Gail Whitsett, 1 p
- 8:57:09 AM** {Exhibit} 6: HB 4044, -1 amendments, Sen. Doug Whitsett, 2 pp
- 9:23:43 AM** {Exhibit} 52: HB 4044, written testimony, David Oxley, 2 pp
- 9:23:43 AM** {Exhibit} 53: HB 4064, written testimony, David Oxley, 2 pp
- 9:31:28 AM** {Exhibit} 7: HB 4044, written testimony, Erika Bentsen, 2 pp
- 9:33:59 AM** {Exhibit} 8: HB 4044, written testimony, Virginia Topham, 2 pp
- 9:33:59 AM** {Exhibit} 9: HB 4044, written testimony of Stan Stonier, Virginia Topham, 1 p
- 9:35:32 AM** {Exhibit} 10: HB 4044, written testimony and written information, Tom Mallams, 10 pp
- 9:35:32 AM** {Exhibit} 11: HB 4064, written testimony and written information, Tom Mallams, 10 pp
- 9:38:39 AM** {Exhibit} 12: HB 4044, written testimony, Dave Cacka, 5 pp
- 9:38:39 AM** {Exhibit} 13: HB 4064, written testimony, Dave Cacka, 5 pp
- 9:42:23 AM** {Exhibit} 14: HB 4044, written testimony, Jeff Stone, 2 pp
- 9:42:23 AM** {Exhibit} 15: HB 4064, written testimony, Jeff Stone, 2 pp
- 9:55:21 AM** {Exhibit} 16: HB 4044, memorandum, Jas Adams, 2 pp
- 9:55:21 AM** {Exhibit} 17: HB 4064, memorandum, Jas Adams, 2 pp
- 10:00:22 AM** {Exhibit} 18: HB 4044, written testimony, Curtis Martin, 2 pp
- 10:00:22 AM** {Exhibit} 19: HB 4064, written testimony, Curtis Martin, 2 pp
- 10:08:40 AM** {Exhibit} 20: HB 4044, written testimony, Eric Quaempts, 2 pp
- 10:08:40 AM** {Exhibit} 21: HB 4064, written testimony, Eric Quaempts, 2 pp
- 10:11:10 AM** {Exhibit} 22: HB 4044, written testimony, Kimberley Priestley, 3 pp
- 10:11:10 AM** {Exhibit} 23: HB 4064, written testimony, Kimberley Priestley, 3 pp
- 10:15:20 AM** {Exhibit} 24: HB 4044, written testimony, Angela Crowley-Koch, 2 pp
- 10:15:20 AM** {Exhibit} 25: HB 4064, written testimony, Angela Crowley-Koch, 2 pp
- 10:20:54 AM** {Exhibit} 26: HB 4044, written testimony, William Kennedy, 6 pp
- 10:20:54 AM** {Exhibit} 27: HB 4064, written testimony, William Kennedy, 6 pp
- 10:20:54 AM** {Exhibit} 28: HB 4064, written testimony, William Kennedy, 3 pp
- 10:25:38 AM** {Exhibit} 54: HB 4044, written testimony, Kelsey Ferry, 1 p
- 10:28:44 AM** {Exhibit} 29: HB 4044, witness registration, staff, 3 pp
- 10:28:44 AM** {Exhibit} 30: HB 4064, witness registration, staff, 3 pp
- 10:28:46 AM** {Exhibit} 31: HB 4064, written testimony, 17 Oregon farm owners and employees, 17 pp
- 10:28:47 AM** {Exhibit} 32: HB 4064, written testimony, Cameron Curtiss, 2 pp
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