

HOUSE SELECT COMMITTEE ON WATER

April 5, 1979

The meeting was called to order by Chairman Day at 11:15 a.m. with all members present except Representatives Dassinger, Hershel Robbins, and Roth, who was excused leaving her vote on the following issues.

Representative Scully began by stating that he had just spoke to Mr. Jim Sansaver from the Department of Interior, Washington. He said if the Indian's were included in SB 76, there would be federal litigation. His feeling was that he did not get his job done when he was here.

Representative Day expanded on the conversation stating that the cases were ready to be filed and this is the tribes stand not a threat. At the last meeting with the Indians they thought that we were indicating to down stream states that we had an excess of water by making them quantify their water.

Representative Curtiss stated that she did not feel they would have a hard and fast case until adjudication was done.

SENATE BILL NO. 76

Representative Scully moved the adoption of the subcommittees substitute bill.

He stated that he had explained the changes they made at yesterdays meeting and all that had been added was the section on federal and Indian reservations which was passed to be added at yesterdays meeting.

He said there was a conflict on the speedup process and there may be other changes, but we think the best way to deal with them would be in a conference committee with the Senators.

Representative Kemmis said he had some minor technical problems with the bill but they could be resolved in conference committee, also.

Representative Scully moved to exclude lines 2 through 6 on page 13. The motion was carried unanimously.

Representative Nathe questioned page 1, lines 10 through 12, on who would be on the committee.

Representative Scully stated that this had come up in the subcommittee and they could not come up with any better language but it meant the senior judges in that division.

Representative Day questioned page 1, lines 15 and 16, where it states that a district judge may not sit as a water judge in more than one division. There may be times where they may have to fill in for each other because of a disqualification or something.

Representative Kemmis stated that this problem could be addressed in the conference committee.

The motion to adopt the subcommittees substitute bill was carried unanimously.

Representative Hand moved, BE CONCORRED IN AS AMENDED. The motion was carried unanimously.

Representative Hand moved to let the staff attorney make any clerical changes that may be necessary in the substitute bill. The motion was carried unanimously.

HOUSE BILL NO. 745

Representative Day stated that this was the bill the committee requested to have referred to the Water Committee for consideration. He felt there should be a way to state that the oversight committee would be overseeing water adjudication.

Representative Kemmis moved the following amendments:

1. Title, line 5.  
Following: "RESOURCES"  
Insert: "AND ADJUDICATION"
2. Page 1, line 9.  
Following: "resources"  
Insert: "and adjudication"
3. Page 1, line 11.  
Following: "resources"  
Insert: "and adjudication"
4. Page 1, line 21.  
Following: line 9  
Insert: "(3) The committee shall oversee the implementation of the water rights adjudication system established by [Senate Bill #76] and may make recommendations to agencies, courts, and the legislature relating to water adjudication as it considers necessary. Such recommendations may include proposals for legislation."

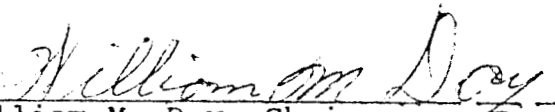
The motion was carried unanimously.

Representative Hand moved to include an immediate effective date. The motion was carried unanimously.

Representative Kemmis moved, DO PASS AS AMENDED. The motion was carried unanimously.

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The meeting was adjourned at 11:55 a.m.

  
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William M. Day, Chairman

Judy J. Mook, Secretary