

Senate Bill 610

Sponsored by Senator NELSON, Representative JENSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Water Resources Department to issue permits to appropriate water from Upper Columbia River for use in Columbia Basin. Allows issuance only to persons who will use water in lieu of using ground water from critical ground water areas to recharge or replenish ground water in critical ground water areas or to provide additional water for use by municipal corporation.

Limits appropriation to 200,000 acre-feet per year. Specifies allocation of appropriation among allowed uses.

Repeals authority of department to issue permits under Act on January 2, 2034. Provides that repeal of authority does not affect permits issued before January 2, 2034.

A BILL FOR AN ACT

1
2 Relating to Columbia River water.

3 Whereas the agricultural region of northeast Oregon along the Columbia River has some of the
4 richest farm soils in the world but, due to restrictions on the use of water, this land is underutilized
5 and the area's vast potential for economic development has remained largely untapped; and

6 Whereas the ground water level in the Columbia Basin is receding and even severe restrictions
7 on the withdrawal of ground water have not replenished critically low ground water levels; and

8 Whereas farmers in the Columbia Basin are forced to plant low-return crops because of the lack
9 of ground water and, in many cases, have allowed their rich farm lands to sit idle; and

10 Whereas the basin plan adopted for the Columbia River includes a reservation of 30,000,000
11 acre-feet of water from the Upper Columbia River for economic use in Oregon, but Oregon uses only
12 approximately 2,000,000 acre-feet of that reservation; and

13 Whereas the added revenues and increased property values resulting from the use of the re-
14 served water will benefit schools, public health care and services to children and families and will
15 improve public safety; and

16 Whereas the additional cultivation and processing resulting from the use of the reserved water
17 will promote vital research and development in the agricultural and food processing clusters of the
18 state's economy; and

19 Whereas appropriation of an additional 200,000 acre-feet per year from the main stem of the
20 Columbia River for 25 years is necessary to preserve, recharge and replenish ground water in crit-
21 ical ground water areas and to supplement municipal uses of water; and

22 Whereas use of water from the main stem of the Columbia River in lieu of water in critical
23 ground water areas will ensure the preservation of water resources in the Columbia Basin, permit-
24 ting municipalities to be less dependent upon wells for drinking water; and

25 Whereas recharging and replenishing critical ground water areas in the Columbia Basin with
26 reserved Columbia River water will benefit fish and wildlife in the Columbia Basin and the Columbia
27 River; and

28 Whereas Oregon's utilization of up to the 1.08 percent average annual withdrawal rate main-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 tained by the State of Washington will not have a detrimental effect on fish in the Columbia River
 2 or on other uses of Columbia River water; now, therefore,

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 4 of this 2007 Act:**

5 (1) “Columbia Basin” means the counties in the State of Oregon that are appurtenant to
 6 the Upper Columbia River or in which are located tributaries of the Upper Columbia River.

7 (2) “Critical ground water area” means an area designated a critical ground water area
 8 under ORS 537.730.

9 (3) “Upper Columbia River” means that portion of the Columbia River that is upstream
 10 from Bonneville Dam, including those areas inundated by impounded waters at full pool ele-
 11 vations.

12 **SECTION 2.** (1) The Water Resources Department shall issue a permit to appropriate
 13 water from the Upper Columbia River for use in the Columbia Basin to a person who will
 14 use the water:

15 (a) In lieu of using ground water from critical ground water areas that the person would
 16 otherwise be able to legally use, or that the person is unable to use because of a curtailment
 17 order;

18 (b) To recharge or replenish ground water in critical ground water areas; or

19 (c) To provide additional water for a municipal corporation that already holds a water
 20 right for municipal use of water.

21 (2) A permit may be issued under this section only to a person who has a means to de-
 22 liver the water through ownership or authorized use of a water delivery system.

23 (3) A permit issued under this section for the use of water from the Upper Columbia
 24 River in lieu of using ground water from critical ground water areas is not affected by any
 25 subsequent curtailment of use of water from the critical ground water areas.

26 (4) Subject to subsection (5) of this section, the Water Resources Department shall issue
 27 permits for appropriation of water until 200,000 acre-feet per year are appropriated.

28 (5) The Water Resources Department shall ensure that water appropriated under this
 29 section is apportioned in the following manner to holders of permits issued under this sec-
 30 tion:

31 (a) 195,000 acre-feet per year to permit holders who will use the water in lieu of ground
 32 water in critical ground water areas or to recharge or replenish ground water in critical
 33 ground water areas.

34 (b) 5,000 acre-feet per year to permit holders who will use the water to provide additional
 35 water for a municipal corporation.

36 (6) ORS 537.135 (5) does not apply to:

37 (a) The use of water in lieu of ground water under a permit authorized by this section;
 38 or

39 (b) The recharging or replenishing of ground water under a permit authorized by this
 40 section.

41 **SECTION 3.** The rights of a person holding a permit issued under section 2 of this 2007
 42 Act are in addition to and not in lieu of any rights conferred by the Water Rights Act as
 43 defined in ORS 537.010.

44 **SECTION 4.** The Water Resources Commission shall adopt rules to implement sections
 45 1 to 4 of this 2007 Act.

1 **SECTION 5.** On or before April 1, 2008, all state agencies shall amend or repeal all rules
2 of the agencies as necessary to make the agencies' rules consistent with sections 1 to 4 of
3 this 2007 Act.

4 **SECTION 6.** Sections 1 to 5 of this 2007 Act are repealed January 2, 2034.

5 **SECTION 7.** The repeal of sections 1 to 5 of this 2007 Act by section 6 of this 2007 Act
6 does not affect the validity of any permits issued under section 2 of this 2007 Act before
7 January 2, 2034, and the appropriations of water made under sections 1 to 4 of this 2007 Act
8 survive the repeal of sections 1 to 5 of this 2007 Act.
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