

A-Engrossed
House Bill 3454

Ordered by the House May 1
Including House Amendments dated May 1

Sponsored by COMMITTEE ON RULES

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.

[Modifies requirements for tapping water out of or discharging water into irrigation canal or drainage ditch.]

Directs Water Resources Department to develop integrated state water resources strategy. Specifies components to be included in strategy. Requires department to review and update strategy every five years. Requires department to give Environmental Quality Commission notice before adopting original strategy and any revisions of strategy.

Directs department to submit report on strategy to Seventy-sixth Legislative Assembly by February 1, 2011.

A BILL FOR AN ACT

1
2 Relating to water control; creating new provisions; and amending ORS 536.220.

3 Whereas the Legislative Assembly directs the Water Resources Department to study the state's
4 existing water resources, the means and methods of conserving and augmenting water resources and
5 the existing and contemplated needs and uses of water resources; and

6 Whereas the Water Resources Commission and Water Resources Department seek to address
7 Oregon's water supply needs and to restore and protect streamflows and watersheds in order to
8 ensure the long-term sustainability of Oregon's ecosystems, economy and quality of life; and

9 Whereas surface water is almost completely allocated across the state, and ground water levels
10 have declined precipitously in several areas; and

11 Whereas the Legislative Assembly notes that proper utilization and control of the water re-
12 sources of the state can be achieved only through a coordinated, integrated state water resources
13 strategy and through plans and programs for the preservation of the state's water resources; and

14 Whereas water quantity, water quality and ecosystem services are inextricably linked; and

15 Whereas to develop a coordinated and integrated state water resources strategy it is important
16 for the Water Resources Department to work closely with the Department of Environmental Quality
17 and the State Department of Fish and Wildlife and to consult with other natural resource agencies
18 in the state; and

19 Whereas the development of a long-term, integrated state water resources strategy is a cooper-
20 ative and collaborative process; now, therefore,

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

22 **SECTION 1.** ORS 536.220 is amended to read:

23 536.220. (1) The Legislative Assembly recognizes and declares that:

24 (a) The maintenance of the present level of the economic and general welfare of the people of
25 this state and the future growth and development of this state for the increased economic and gen-

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 eral welfare of the people thereof are in large part dependent upon a proper utilization and control
2 of the water resources of this state, and such use and control is therefore a matter of greatest
3 concern and highest priority.

4 (b) A proper utilization and control of the water resources of this state can be achieved only
5 through a coordinated, integrated state water resources policy, through plans and programs for the
6 development of such water resources and through other activities designed to encourage, promote
7 and secure the maximum beneficial use and control of such water resources, all carried out by a
8 single state agency.

9 (c) The economic and general welfare of the people of this state have been seriously impaired
10 and are in danger of further impairment by the exercise of some single-purpose power or influence
11 over the water resources of this state or portions thereof by each of a large number of public au-
12 thorities, and by an equally large number of legislative declarations by statute of single-purpose
13 policies with regard to such water resources, resulting in friction and duplication of activity among
14 such public authorities, in confusion as to what is primary and what is secondary beneficial use or
15 control of such water resources and in a consequent failure to utilize and control such water re-
16 sources for multiple purposes for the maximum beneficial use and control possible and necessary.

17 (2) The Legislative Assembly, therefore, finds that:

18 (a) It is in the interest of the public welfare that a coordinated, integrated state water resources
19 policy be formulated and means provided for its enforcement, that plans and programs for the de-
20 velopment and enlargement of the water resources of this state be devised and promoted and that
21 other activities designed to encourage, promote and secure the maximum beneficial use and control
22 of such water resources and the development of additional water supplies be carried out by a single
23 state agency which, in carrying out its functions, shall give proper and adequate consideration to
24 the multiple aspects of the beneficial use and control of such water resources with an impartiality
25 of interest except that designed to best protect and promote the public welfare generally.

26 (b) The state water resources policy shall be consistent with the goal set forth in ORS 468B.155.

27 **(3)(a) The Water Resources Department shall, to help implement the state water re-**
28 **sources policy specified in subsection (2) of this section, develop an integrated state water**
29 **resources strategy that is designed to meet Oregon's water needs.**

30 **(b) The department shall, working closely with the Department of Environmental Quality**
31 **and the State Department of Fish and Wildlife, develop the integrated state water resources**
32 **strategy in consultation with other state, local and federal agencies, with other states, with**
33 **Indian tribes, with stakeholders and with the public.**

34 **(c) In carrying out its duties under this section, the Water Resources Department shall,**
35 **working closely with the Department of Environmental Quality and the State Department**
36 **of Fish and Wildlife, develop data on an ongoing basis that forecasts Oregon's water needs,**
37 **including but not limited to in-stream, underground water, human consumption and water**
38 **supply needs.**

39 **(d) The integrated state water resources strategy shall describe Oregon's water needs,**
40 **including but not limited to in-stream, ecosystem services, water quality and water supply**
41 **needs. The integrated state water resources strategy shall also describe the following:**

42 **(A) Objectives of the strategy;**

43 **(B) Actions designed to achieve the objectives of the strategy;**

44 **(C) Plans related to the challenges presented by climate change;**

45 **(D) Additional factors, including but not limited to population growth and land use**

1 **change;**

2 **(E) Communication and partnership with key stakeholders;**

3 **(F) Specific functions and roles for other state agencies, including but not limited to the**
4 **State Department of Agriculture, the State Forestry Department, the Department of Human**
5 **Services, the Economic and Community Development Department, the Department of Land**
6 **Conservation and Development, the Oregon Watershed Enhancement Board and the State**
7 **Parks and Recreation Department; and**

8 **(G) Public policy options and recommendations.**

9 **(e)(A) The Water Resources Commission shall give the Environmental Quality Commis-**
10 **sion notice of the integrated state water resources strategy prior to adoption of the strategy.**
11 **The strategy shall take effect upon adoption by the Water Resources Commission.**

12 **(B) The Water Resources Commission shall review and update the integrated state water**
13 **resources strategy every five years. The Water Resources Commission shall give notice to**
14 **the Environmental Quality Commission before adopting any revisions of the strategy. Re-**
15 **visions of the strategy shall take effect upon the Water Resources Commission adopting the**
16 **revised strategy by reference in rule.**

17 **SECTION 2. (1) The Water Resources Department shall, working closely with the De-**
18 **partment of Environmental Quality and the State Department of Fish and Wildlife, submit**
19 **a report by February 1, 2011, to the Seventy-sixth Legislative Assembly, in the manner pro-**
20 **vided in ORS 192.245, detailing benchmarks and progress toward the development of the in-**
21 **tegrated state water resources strategy described in ORS 536.220 and discussing whether the**
22 **strategy will be complete by December 31, 2012.**

23 **(2) As part of the report specified in subsection (1) of this section, the Water Resources**
24 **Department, working closely with the Department of Environmental Quality and the State**
25 **Department of Fish and Wildlife and in consultation with other state agencies, may identify**
26 **legislative amendments and submit budget recommendations, including but not limited to**
27 **requests for a long-term, dedicated funding source to implement the integrated state water**
28 **resources strategy.**

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