

A-Engrossed
Senate Bill 193

Ordered by the Senate April 7
Including Senate Amendments dated April 7

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Water Resources Department)

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.

[*Directs*] **Authorizes** Water Resources Department to develop **integrated** state water resources strategy. [*Specifies content of strategy.*] *Directs* department to report to legislature regarding strategy.

Directs Water Resources Commission to give Environmental Quality Commission notice of strategy. Directs Water Resources Commission to review and update strategy every five years.

A BILL FOR AN ACT

1
2 Relating to state water resources strategy; 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 stream flows 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 consult with other natural resource agencies in
18 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 may, 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 may, in consultation 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)(A) The Water Resources Commission shall give the Environmental Quality Commis-**
 35 **sion notice of the integrated state water resources strategy prior to adoption of the strategy.**
 36 **The strategy shall take effect upon adoption by the Water Resources Commission.**

37 **(B) The Water Resources Commission shall review and update the integrated water re-**
 38 **sources strategy every five years. The Water Resources Commission shall give notice to the**
 39 **Environmental Quality Commission before adopting any revisions of the strategy. Revisions**
 40 **of the strategy shall take effect upon the Water Resources Commission adopting the revised**
 41 **strategy by reference in rule.**

42 **SECTION 2. (1) The Water Resources Department shall, in consultation with the De-**
 43 **partment of Environmental Quality and the State Department of Fish and Wildlife, submit**
 44 **a report by February 1, 2011, to the Seventy-sixth Legislative Assembly, in the manner pro-**
 45 **vided in ORS 192.245, detailing progress toward the development of the integrated state water**

1 **resources strategy.**

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

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