

Senate Bill 193

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 **as introduced**.

Directs Water Resources Department to develop state water resources strategy. Specifies content of strategy. Directs department to report to legislature regarding strategy.

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 consult with other natural resource agencies in the state; and

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

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

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

22 536.220. (1) The Legislative Assembly recognizes and declares that:

23 (a) The maintenance of the present level of the economic and general welfare of the people of
24 this state and the future growth and development of this state for the increased economic and gen-
25 eral welfare of the people thereof are in large part dependent upon a proper utilization and control
26 of the water resources of this state, and such use and control is therefore a matter of greatest
27 concern and highest priority.

28 (b) A proper utilization and control of the water resources of this state can be achieved only
29 through a coordinated, integrated state water resources policy, through plans and programs for the
30 development of such water resources and through other activities designed to encourage, promote

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 and secure the maximum beneficial use and control of such water resources, all carried out by a
2 single state agency.

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

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

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

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

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

24 **(b) The department shall, in consultation with the Department of Environmental Quality,**
25 **develop the state water resources strategy in consultation with other state, local and federal**
26 **agencies, with other states, with Indian tribes, with stakeholders and with the public.**

27 **(c) In carrying out its duties under this section, the Water Resources Department shall,**
28 **in consultation with the Department of Environmental Quality, develop data on an ongoing**
29 **basis that forecasts Oregon's water needs, including but not limited to in-stream, under-**
30 **ground water, human consumption and water supply needs.**

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

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

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

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

37 **(D) Additional factors, including but not limited to population growth and land use**
38 **change;**

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

40 **(F) Specific functions and roles for other state agencies, including but not limited to the**
41 **State Department of Fish and Wildlife, the State Department of Agriculture, the State**
42 **Forestry Department, the Department of Human Services, the Economic and Community**
43 **Development Department, the Department of Land Conservation and Development, the**
44 **Oregon Watershed Enhancement Board and the State Parks and Recreation Department; and**

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

1 (e)(A) The state water resources strategy shall take effect when it is adopted by refer-
2 ence in rules promulgated by both the Water Resources Commission and the Environmental
3 Quality Commission.

4 (B) The commissions shall review and update the state water resources strategy every
5 five years thereafter. Any revisions of the strategy shall take effect when the revised strat-
6 egy is adopted by reference in rules promulgated by both the Water Resources Commission
7 and the Environmental Quality Commission.

8 SECTION 2. (1) The Water Resources Department shall, in consultation with the De-
9 partment of Environmental Quality, submit a report by February 1, 2011, to the Seventy-
10 sixth Legislative Assembly, in the manner provided in ORS 192.245, detailing benchmarks and
11 progress toward the development of the state water resources strategy described in ORS
12 536.220 and discussing whether the strategy will be complete by December 31, 2012.

13 (2) As part of the report specified in subsection (1) of this section, the Water Resources
14 Department, in consultation with the Department of Environmental Quality and with other
15 state agencies, may identify legislative amendments and submit budget recommendations,
16 including but not limited to requests for a long-term, dedicated funding source to implement
17 the state water resources strategy.

18