

Senate Bill 788

Sponsored by Senator DINGFELDER, Representative SHIELDS; Senators MONROE, ROSENBAUM, Representatives BAILEY, DEMBROW, WITT

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**.

Makes legislative findings regarding peak and ecological flows. Requires Water Resources Department to ensure that water storage project contains provisions to ensure protection of peak and ecological flows necessary to maintain stream morphology and habitat before department issues certain permits or limited licenses.

A BILL FOR AN ACT

1
2 Relating to water.

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

4 **SECTION 1. The Legislative Assembly finds and declares that:**

5 (1) **Responsible water management in the 21st century requires balancing water allo-**
6 **cations for human use while at the same time improving protections of peak and ecological**
7 **flows.**

8 (2) **To meet water demand now and in the future, water suppliers are increasingly fo-**
9 **cusing on new water storage projects. These water storage projects rely on unallocated**
10 **winter water, as water in the late spring, summer and early fall is already fully allocated.**

11 (3) **High water flows and spring water runoff are important for sustaining and supporting**
12 **rivers and streams, as well as fish, other species and communities.**

13 (4) **To balance these various needs, Oregon must better understand and protect the high**
14 **water flows necessary to meet the ecological needs of fish and other species and to create**
15 **and maintain in-stream habitat. Oregon also must protect the winter and spring water flows**
16 **necessary to support healthy fish populations and to create and maintain healthy habitat**
17 **conditions in rivers and streams.**

18 **SECTION 2. As used in sections 1 to 3 of this 2009 Act:**

19 (1) **"Peak and ecological flows" means the high flows in a stream or river that create and**
20 **maintain stream morphology and habitat and that provide the ecological triggering flows and**
21 **other flows that native fish populations and aquatic insects and organisms need to fulfill**
22 **their life cycles.**

23 (2) **"Water storage project permit" means any permit or limited license issued by the**
24 **Water Resources Department for water storage above or below ground.**

25 **SECTION 3. (1) Before issuing a water storage project permit, and on the basis of infor-**
26 **mation submitted in studies by the State Department of Fish and Wildlife, the Water Re-**
27 **sources Department shall ensure that the water storage project permit contains conditions**
28 **to ensure the protection of peak and ecological flows necessary to maintain stream**
29 **morphology and habitat and to ensure the protection of other flows necessary for the con-**
30 **servation, maintenance and enhancement of native fish populations and aquatic insects and**

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 **organisms.**

2 **(2) The applicant for a water storage project permit is responsible for funding any studies**
3 **necessary under this section to ensure protection of peak and ecological flows and other**
4 **flows.**

5 **(3) The State Fish and Wildlife Commission shall develop standards for studies conducted**
6 **under this section.**

7 **(4) If studies under this section are conducted by a party other than the State Depart-**
8 **ment of Fish and Wildlife, the State Department of Fish and Wildlife shall evaluate the re-**
9 **sults of the study and provide a report to the Water Resources Department regarding the**
10 **adequacy of the study.**

11 **SECTION 4. Sections 1 to 3 of this 2009 Act apply to water storage project permits first**
12 **applied for on or after the effective date of this 2009 Act.**

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