

# Senate Bill 190

Sponsored by Senator NELSON (Presession filed.)

## 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**.

Classifies certain waters of Columbia River to be used for specific purposes. Reserves specified amount of Columbia River natural flows for in-state use and classifies for specific purposes. Declares management policy for Columbia River. Imposes duties and restrictions on state agencies and public corporations regarding granting and regulation of water use in Columbia River and tributaries. Grants Water Resources Commission rulemaking authority.

## A BILL FOR AN ACT

1  
2 Relating to the beneficial use of Columbia River Basin waters.

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

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

5 (1) **Except as provided in subsection (2) of this section, for purposes of maximizing eco-**  
6 **nommic development of this state and attaining an integrated and coordinated program for the**  
7 **benefit of this state, the highest and best use of the waters of the Columbia River from the**  
8 **Oregon-Washington border near river mile 309 to the confluence with the Pacific Ocean is**  
9 **in-stream use for power development, navigation, recreation, wildlife and fish life purposes.**

10 (2) **For purposes of maximizing economic development of this state and attaining an in-**  
11 **tegrated and coordinated program for the benefit of this state as a whole, the highest and**  
12 **best use of 30 million acre-feet annually of natural flows of the Columbia River is use ex-**  
13 **clusively within the State of Oregon for domestic, livestock, municipal, mining, industrial,**  
14 **agricultural, irrigation, pollution abatement, power development, recreation, wildlife and fish**  
15 **life purposes.**

16 **SECTION 2. (1) Except as provided in subsection (2) of this section, the waters of the**  
17 **Columbia River from the Oregon-Washington border near river mile 309 to the confluence**  
18 **with the Pacific Ocean are classified exclusively for in-stream use for power development,**  
19 **navigation, recreation, wildlife and fish life purposes.**

20 (2) **Thirty million acre-feet annually of natural flows of the Columbia River are classified**  
21 **exclusively for use within the State of Oregon for domestic, livestock, municipal, mining,**  
22 **industrial, agricultural, irrigation, pollution abatement, power development, recreation,**  
23 **wildlife and fish life purposes.**

24 (3) **The Water Resources Commission may not accept or grant an application for the use**  
25 **of water within this state or over which this state has concurrent jurisdiction for a purpose**  
26 **that is not described in the classifications established by this section, unless the purpose is**  
27 **expressly authorized by law. If a use of water for a purpose that is not described in the**  
28 **classifications established by this section is expressly authorized by law, the commission may**  
29 **grant an application for the use only if:**

30 (a) **The commission determines that the proposed use will not have a significant impact**

**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 on the use of water for the purposes described in the classifications; and

2 (b) The commission provides the State Land Board and other interested individuals or  
3 agencies a copy of the notice required under ORS 536.380 of intent to grant the application.

4 (4) The planning, construction and operation of any structures or works for the use of  
5 water for a purpose described in the classifications established by this section shall conform  
6 with the applicable provisions of ORS 536.310, including but not limited to the preference for  
7 multiple purposes.

8 **SECTION 3.** (1) State agencies shall take all practicable steps to ensure that power sys-  
9 tem planning and operation agreements and procedures for mainstream federal projects in  
10 the Columbia River include an express requirement that project operators provide in-stream  
11 flows sufficient to support the use of Columbia River waters for navigation, recreational  
12 purposes and fish life.

13 (2) State agencies shall take all practicable steps to ensure that hydroelectric peaking  
14 operations for mainstream federal projects in the Columbia River:

15 (a) Minimize adverse impacts on other beneficial uses of water;

16 (b) Do not exceed project limits on reservoir rates of change; and

17 (c) Do not cause excessive reservoir fluctuations that interfere with beneficial uses of  
18 water.

19 **SECTION 4.** (1) The Water Resources Department shall act as coordinator for state ef-  
20 forts to effectively manage Columbia River water for the highest and best use. The depart-  
21 ment shall work with all appropriate state agencies to ensure that a combination of  
22 additional storage development, wise use of available ground water supplies and implemen-  
23 tation of cost-effective conservation measures are available to satisfy future demands in the  
24 Columbia River Basin.

25 (2) Subject to section 5 of this 2011 Act, an agency or public corporation of this state  
26 may not grant out-of-state appropriations of waters of the Columbia River or its tributaries.

27 **SECTION 5.** Sections 2 to 4 of this 2011 Act do not modify or alter any right to use water,  
28 or alter or modify the priority of that use, as the right exists on the effective date of this  
29 2011 Act.

30 **SECTION 6.** The Water Resources Commission shall adopt rules pursuant to ORS chap-  
31 ter 183 for the purpose of implementing sections 2 to 4 of this 2011 Act.

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