

See below for DRAFT amendment language submitted to Legislative Counsel for drafting on 3/14. Most of the bill has been struck. The black text is taken from the base bill. The red text modifies original language from the base bill.

DOES NOT AMEND OR STRIKE EXISTING STATUTES

STATE OF WATER RESOURCES REPORT AND BASIN ASSESSMENTS

SECTION 1.

- (1) The Water Resources Department shall periodically produce a state of water resources report that includes basin assessments for all basins of this state, which must characterize the department's understanding of basin **water supply and demand**, including the availability of surface and ground water to meet current and future in-stream and out-of-stream water needs.
- (2) The state of water resources report and basin assessments must describe, at minimum:
- (a) **Estimated** water supply from all sources.
 - (b) The amount of water legally appropriated to instream and out-of-stream uses and the estimated water diverted and used, by sector of use and source.
 - (c) Where and when water is fully or over-appropriated and evidence of **any issues resulting from** over-appropriation.
 - (d) An overview of the Department's history of regulating surface and ground water sources, **including an overview of the frequency** and the nature of complaints filed with the department **regarding supplies, distribution, and regulation**.
 - (e) An estimate of shortfalls during **a representative drought year** for each basin, for in-stream and out-of-stream uses.
 - (f) **The Department's current understanding of the hydraulic connection between groundwater and surface water and how that affects current and future supply and demand.**
 - (g) Any gaps in information that limit the department's ability to provide a full accounting of current water supply or demand or the extent of appropriation for in-stream and out-of-stream uses.
 - (h) Drinking water supply needs, as well as drinking water supply and demand-related opportunities to meet the needs, based on consultation with drinking water supply providers and the Oregon Health Authority.
 - (i) Water supply needs to maintain the current level of agricultural production and anticipated increases in agricultural production, as well as water supply and demand-related opportunities to meet the needs, based on consultation with Oregon State University and the State Department of Agriculture.

(j) Water supply needs to support fish and wildlife, abate pollution, promote water quality and support recreation, as well as water supply and demand-related opportunities to meet the needs, based on consultation with the Department of Environmental Quality, the State Department of Fish and Wildlife and the State Parks and Recreation Department.

(k) Water supply needs for other beneficial uses of water, including beneficial uses of water by industry, by livestock, for navigation, for storage and for hydropower.

(l) Opportunities for water conservation and storage, both above and below ground, or other ways to reduce demand or increase supplies to address current and future shortfalls.

(m) Anticipated changes to water supply and demand resulting from climate change, population change, land use change and other relevant factors.

(n) The data, methods and assumptions used to develop the report and basin assessments.

(o) Any other information determined by the Water Resources Department to be useful in formulating basin plans or updating basin program rules.

(5) The department shall append to the report and basin assessments a vulnerability and resilience assessment that evaluates:

(a) Anticipated changes in surface and ground water supply and demand under possible future climate conditions and population growth scenarios in each basin.

(b) The vulnerability and resilience of various water use sectors under the scenarios.

(6) The department:

(a) Shall update the report and basin assessments **no less than every 8 years prior to or in conjunction with the update to the integrated water resources strategy described in ORS 536.220.**

(b) Shall strive to avoid duplication of efforts and to integrate and coordinate development of the report and basin assessments with other complementary processes.

(c) Shall use the report and basin assessments to inform:

(A) Updates to the integrated state water resources strategy described in ORS 536.220.

(B) Basin plans and basin program rules.

(C) Any basin-scale water planning efforts.

(D) The development of place-based integrated water resources **plans.**

(d) Shall ensure that information used to develop the report and basin assessments is **publicly available.**

(g) Shall use the best available scientific information to develop the report and basin

assessments.

(h) Shall summarize additional data, information, or studies that are needed to adequately characterize basin-specific issues or fill gaps in existing water resources information, **including proposed activities and associated costs.**

(i) May contract for production of the report or basin assessments.

(j) Shall develop a plan for prioritizing and sequencing the development of, and updates to, basin assessments.

(k) Shall develop a process for soliciting and incorporating public feedback into the state of the water resources report and basin assessments.

(l) Shall hold public meetings in each basin to share the results of the relevant basin assessment prior to finalizing the basin assessment.

REMOVE SUBSECTIONS 7-19

SECTION 2. The Water Resources Commission shall:

(1) On or before December 31, 2024:

(a) Produce an initial basin assessment for each basin in this state that describes:

(A) The Water Resources Department's understanding of the information described in (a) to (g).

(B) The data, methods and assumptions used to develop the initial basin assessments, and **priority data gaps to be filled.**

(b) Report in the manner described in ORS 192.245 to a committee or interim committee of the Legislative Assembly related to water on:

(A) The initial basin assessments contained in (1) above.

(B) A description of how the Commission intends to use the results and findings from the basin assessments to inform Department processes.

(C) How information collected **for purposes of** developing the water availability and allocation tool described in section 7 of this 2023 Act will be used in the state of water resources report and basin assessments described XXX.XXX.

(D) Progress in implementing section 1, chapter 608, Oregon Laws 2021, and how information resulting from implementation of the requirements of section 1, chapter 608, Oregon Laws 2021, will be used to inform the state of water resources report, basin assessments and the water allocation and accounting tool described in section 7 of this 2023 Act.

(C) Recommended investments to fill key data gaps.

(3) On or before December 31, 2028, produce the full state of water resources report and basin assessments described in ORS 536.300. Subsequent updates shall be timed in accordance with

Commented [HB1]: This is HB 2018 (2021)

updates to the integrated water resources strategy described in ORS 536.220.

EVALUATION OF BASIN PLANNING AND BASIN PROGRAMS

SECTION 3. (1) On or before December 31, 2024, the Legislative Policy and Research Office, in consultation with the Water Resources Commission, shall report, in the manner described in ORS 192.245, to a committee or interim committee of the Legislative Assembly related to water on:

- (a) How basin planning and basin program rules could be better utilized to sustainably allocate and manage water resources.
- (b) How to support integrated, coordinated basin programs that achieve the policy objectives set forth in ORS 536.220, 536.231, 536.235, 536.238, 536.241, 536.300, and 536.310.
- (c) Needs and opportunities for increased flexibility and accountability in basin program rules to improve management outcomes for instream and out-of-stream water uses.

(2) The report must include:

- (a) A thorough review of relevant statutes and rules.
- (b) A thorough review of Oregon's past and current approaches to basin planning and management.
- (b) A comparative analysis of relevant approaches in other states.
- (d) Policy and funding recommendations to modernize Oregon's approach to basin planning and management.

REMOVE CURRENT SECTION 4-5

SECTION 4. Sections 3 and 4 of this 2023 Act are repealed on January 2, 2029

REMOVE SECTION 6

WATER AVAILABILITY AND ALLOCATION TOOL

SECTION 7. (1) The Water Resources Department shall develop and maintain a publicly available water **availability** and allocation tool that uses up-to-date information to show:

- (a) Estimated water supply and use.
- (b) Where and when water may be available for appropriation.

(2) In implementing this section, the department:

- (a) Shall include surface and ground water.

- (b) Shall include in-stream and out-of-stream uses.**
- (c) Shall consider the hydraulic connectivity of surface and ground water.**
- (d) May incorporate anticipated future water availability and demand information.**
- (e) Shall update the tool no less than every 16 years to reflect best available information and current conditions.**
- (f) Shall coordinate updates of the tool with the completion of basin assessments.**
- (g) May contract for development, maintenance or updating of the tool.**
- (h) Shall make publicly available with the tool a report describing the data, methods and assumptions used to develop the tool.**
- (i) Shall develop and implement a plan to ground truth the tool within water basins across the state.**
- (j) Shall refine the tool as needed to reflect water basin-specific hydrological and water use information.**

REMOVE SECTIONS 8-20

REMOVES APPROPRIATIONS – WILL BE HANDLED THROUGH FISCAL ANALYSIS