

D R A F T

SUMMARY

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

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Relating to state water resources strategy; creating new provisions; and amending ORS 536.220.

Whereas the Legislative Assembly directs the Water Resources Department to study the state's existing water resources, the means and methods of conserving and augmenting water resources and the existing and contemplated needs and uses of water resources; and

Whereas the Water Resources Commission and Water Resources Department seek to address Oregon's water supply needs and to restore and protect stream flows and watersheds in order to ensure the long-term sustainability of Oregon's ecosystems, economy and quality of life; and

Whereas surface water is almost completely allocated across the state and ground water levels have declined precipitously in several areas; and

Whereas the Legislative Assembly notes that proper utilization and control of the water resources of the state can be achieved only through a coordinated, integrated state water resources strategy and through plans and programs for the preservation of the state's water resources; and

Whereas water quantity, water quality and ecosystem services are inextricably linked; and

Whereas to develop a coordinated and integrated state water resources

1 strategy it is important for the Water Resources Department to work closely
2 with the Department of Environmental Quality and consult with other na-
3 tural resource agencies in the state; and

4 Whereas the development of a long-term, integrated state water resources
5 strategy is a cooperative and collaborative process; now, therefore,

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

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

8 536.220. (1) The Legislative Assembly recognizes and declares that:

9 (a) The maintenance of the present level of the economic and general
10 welfare of the people of this state and the future growth and development
11 of this state for the increased economic and general welfare of the people
12 thereof are in large part dependent upon a proper utilization and control of
13 the water resources of this state, and such use and control is therefore a
14 matter of greatest concern and highest priority.

15 (b) A proper utilization and control of the water resources of this state
16 can be achieved only through a coordinated, integrated state water resources
17 policy, through plans and programs for the development of such water re-
18 sources and through other activities designed to encourage, promote and se-
19 cure the maximum beneficial use and control of such water resources, all
20 carried out by a single state agency.

21 (c) The economic and general welfare of the people of this state have been
22 seriously impaired and are in danger of further impairment by the exercise
23 of some single-purpose power or influence over the water resources of this
24 state or portions thereof by each of a large number of public authorities, and
25 by an equally large number of legislative declarations by statute of single-
26 purpose policies with regard to such water resources, resulting in friction
27 and duplication of activity among such public authorities, in confusion as
28 to what is primary and what is secondary beneficial use or control of such
29 water resources and in a consequent failure to utilize and control such water
30 resources for multiple purposes for the maximum beneficial use and control
31 possible and necessary.

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

2 (a) It is in the interest of the public welfare that a coordinated, integrated
3 state water resources policy be formulated and means provided for its
4 enforcement, that plans and programs for the development and enlargement
5 of the water resources of this state be devised and promoted and that other
6 activities designed to encourage, promote and secure the maximum beneficial
7 use and control of such water resources and the development of additional
8 water supplies be carried out by a single state agency which, in carrying out
9 its functions, shall give proper and adequate consideration to the multiple
10 aspects of the beneficial use and control of such water resources with an
11 impartiality of interest except that designed to best protect and promote the
12 public welfare generally.

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

15 **(3)(a) The Water Resources Department shall, to help implement**
16 **the state water resources policy specified in subsection (2) of this sec-**
17 **tion, develop an integrated state water resources strategy that is de-**
18 **signed to meet Oregon's water needs.**

19 (b) The department shall, in consultation with the Department of
20 Environmental Quality, develop the state water resources strategy in
21 consultation with other state, local and federal agencies, with other
22 states, with Indian tribes, with stakeholders and with the public.

23 (c) In carrying out its duties under this section, the Water Re-
24 sources Department shall, in consultation with the Department of
25 Environmental Quality, develop data on an ongoing basis that fore-
26 casts Oregon's water needs, including but not limited to in-stream,
27 underground water, human consumption and water supply needs.

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

- 1 **(A) Objectives of the strategy;**
2 **(B) Actions designed to achieve the objectives of the strategy;**
3 **(C) Plans related to the challenges presented by climate change;**
4 **(D) Additional factors, including but not limited to population**
5 **growth and land use change;**
6 **(E) Communication and partnership with key stakeholders;**
7 **(F) Specific functions and roles for other state agencies, including**
8 **but not limited to the State Department of Fish and Wildlife, the State**
9 **Department of Agriculture, the State Forestry Department, the De-**
10 **partment of Human Services, the Economic and Community Develop-**
11 **ment Department, the Department of Land Conservation and**
12 **Development, the Oregon Watershed Enhancement Board and the**
13 **State Parks and Recreation Department; and**
14 **(G) Public policy options and recommendations.**

15 **(e)(A) The state water resources strategy shall take effect when it**
16 **is adopted by reference in rules promulgated by both the Water Re-**
17 **sources Commission and the Environmental Quality Commission.**

18 **(B) The commissions shall review and update the state water re-**
19 **sources strategy every five years thereafter. Any revisions of the**
20 **strategy shall take effect when the revised strategy is adopted by ref-**
21 **erence in rules promulgated by both the Water Resources Commission**
22 **and the Environmental Quality Commission.**

23 **SECTION 2.** **(1) The Water Resources Department shall, in consul-**
24 **tation with the Department of Environmental Quality, submit a report**
25 **by February 1, 2011, to the Seventy-sixth Legislative Assembly, in the**
26 **manner provided in ORS 192.245, detailing benchmarks and progress**
27 **toward the development of the state water resources strategy de-**
28 **scribed in ORS 536.220 and discussing whether the strategy will be**
29 **complete by December 31, 2012.**

30 **(2) As part of the report specified in subsection (1) of this section,**
31 **the Water Resources Department, in consultation with the Depart-**

1 **ment of Environmental Quality and with other state agencies, may**
2 **identify legislative amendments and submit budget recommendations,**
3 **including but not limited to requests for a long-term, dedicated fund-**
4 **ing source to implement the state water resources strategy.**

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The following information was obtained from the records of the

Department of the Interior, Bureau of Land Management, on

the subject of the above captioned matter.

It is noted that the above captioned matter