



Oregon

Tina Kotek, Governor

Water Resources Department

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MEMORANDUM

TO: Water Resources Commission

FROM: Racquel Rancier, Deputy Director of Strategy and Administration
Lisa Snyder, Administrator of Administrative Services Division
Bryn Hudson, Legislative Coordinator

SUBJECT: Agenda Item E, December 13, 2024
Water Resources Commission

Budget and Legislative Update

I. Introduction

The 83rd Legislative Assembly will convene for the 2025 Legislative Session on January 21, 2025. In this informational report, staff will provide an overview of the 2025-2027 Governor's Recommended Budget (GRB) and the 2025 Legislative Session.

II. Budget Development Process and Governor's Recommended Budget

The process to develop and approve state agency budgets starts long before the Oregon Legislature convenes. The Department initiated internal discussions for 2025-2027 budget ideas in late 2023 and began soon after to seek feedback from stakeholders.

In the early part of 2024, the Department began building its budget based on instructions provided by the Department of Administrative Services Chief Financial Office (DAS CFO). This starts with an agency's current service level (CSL) budget. CSL is calculated based on the current biennium's Legislatively Approved Budget adjusted for expected cost increases such as inflation, while subtracting out items such as one-time costs or programs.

Proposed additions and reductions (Policy Option Packages) to the agency's CSL were included in the Department's Agency Request Budget, submitted to DAS CFO in August 2024. Due to uncertain state budgetary outlooks, the Department was directed to cap general fund requests at 1% of the general fund current service level budget; just over \$1 million for the Department.

Thereafter, the Governor's Recommended Budget was developed, using the Agency Request Budgets, the current and projected financial position of the state, budget policies, as well as current law, and Governor's priorities. The GRB is anticipated for release on December 2, 2024, and will serve as the starting point for budget discussions with the Legislature.

A summary of the GRB will be made available on our legislative website (oregon.gov/owrd/programs/policylawandrules/LegislativeAndBudget) as soon as possible following release of the document. Staff will provide an overview during the meeting.

III. Overview of 2025 Legislative Session and Deadlines

Water bills are generally referred to the House Land Use, Agriculture, Natural Resources and Water and the Senate Natural Resources Committees. The Department's budget will be heard in the Joint Ways and Means (JWM) Natural Resources Subcommittee; however, bonding bills are traditionally handled by the JWM Capital Construction Subcommittee.

Information about the Legislative Session, including committee appointments, can be viewed online at www.oregonlegislature.com by clicking on the OLIS icon.

IV. 2025 Legislation

If approved to move forward by the Governor, the Department will be pursuing four pieces for legislation for the 2025 session:

- **LC 393 – Klamath Leases and Temporary Transfers Sunset Date:** The Department's authority to approve temporary transfers and leases for determined claims in the Upper Klamath Basin, which is undergoing an active adjudication, sunsets in January 2026. If this authority sunsets, the Department will not be able to approve leases or temporary transfers until the adjudication is completed, which limits water users' ability to use their water rights. Because it is unclear when the adjudication will be completed, the Department proposes to extend the current sunset date and insert language to repeal the program upon completion of the adjudication.
- **LC 397 – Water Right Transaction and Dam Safety Fees:** Staff in both the Dam Safety and Water Right Transactions Division are partially supported by fees. These programs are core to the Department's mission of responsibly managing Oregon's water resources and maintaining public safety. The Department is facing shortfalls to support staff funded by dam safety annual fees and water right transaction fees. This bill increases Water Right Transaction Fees by 135% and Dam Safety Annual Fees by 56% to maintain existing service levels.
- **LC 402 – Well Construction Program Fees:** The Department's well construction program is almost entirely funded by fees. The ability for the agency to inspect wells to protect public health and safety and to prevent groundwater contamination and waste of groundwater resources requires: (1) inspections of wells; (2) well log technical reviews; (3) licensing of well drillers. The Department is facing shortfalls to support staff funded by Start Card fees and Well Driller Licensing and Landowner Permit fees. The bill increases the Start Card fee by 40% and Well Driller Licensing and Landowner Permit fees by approximately 10%.
- **LC 408 – Harney Conservation Reserve Enhancement Program Other Funds Transfer:** The Harney Valley CREP is a voluntary program operated through the USDA Farm Service Agency (FSA) in partnership with OWRD that seeks to improve groundwater conditions in the Harney basin by incentivizing landowners to voluntarily cancel groundwater rights within the Greater Harney Valley Groundwater Area of

Concern. The bill proposes a technical change that would allow the unspent general fund allocation to roll into an “other funds” account each biennium, which would allow for the Department to commit to longer-term or lump-sum contracts to meet the needs of the participants enrolling in the program. Longer-term contracts (up to 15 years) would allow OWRD to enroll more participants and to better meet the needs of individual participants as the funding would be available beyond the current biennium.

Water will remain a large topic of focus for policy work for the 2025 session. The co-chairs for the House Agriculture, Land Use, Natural Resources and Water Committee have released their legislative agenda for a potential water package as shown in Attachment 1.

V. Conclusion

The Governor’s Recommended Budget will now be considered by the Joint Committee on Ways and Means, as well as its subcommittees. Ultimately, the final budget for the Department will be set by the Oregon Legislature. The Constitutional Sine Die deadline for adjournment is at the end of June. Staff will continue to keep the Commission apprised of important developments through the end of the 2025 Legislative Session.

Attachments:

1. Water Caucus Legislative Agenda

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2025 WATER PACKAGE OUTLINE			
REPRESENTATIVE HELM AND REPRESENTATIVE OWENS			
OCTOBER 2024 WORKING DRAFT			
Theme	Topic	Details	Status
Safe and Reliable Drinking Water	Groundwater and Drinking Water, Processes and Protections	Modernization of the Groundwater Quality Act to promote a more proactive approach to addressing groundwater management, improve effectiveness of the Act to address sources and pathways of contamination, and improve accountability for implementing the Act's requirements.	Legislative scoping in progress in coordination with the Governor's office
Safe and Reliable Drinking Water	Emergency Drinking Water Assistance	The Office of Resilience and Emergency Management included three budget proposals and a legislative concept in its Agency Request Budget that reinforce authority and funding to conduct water missions . This builds on past work such as water delivery to residents with limited access to safe drinking water due to groundwater contamination or municipal water system failure.	Developed by Office of Resilience and Emergency Management for purposes of its Agency Request Budget
Safe and Reliable Drinking Water	Drinking Water Source Protection Fund	The Drinking Water Source Protection Fund was created at OWEB in 2023 and funded, in part, with lottery bonds. However, the bond sale is scheduled to occur in the spring of 2025, necessitating additional resources for continuation of staff positions to process grants in the 2025-27 biennium.	Legislation/budget vehicle to be determined
Safe and Reliable Drinking Water	Water Well and Septic System Support	Many rural residents are responsible for supplying their own drinking water from wells and treating wastewater through onsite septic systems . This concept would provide funding to the OWRD Well Abandonment, Repair, and Replacement Fund and to the DEQ Onsite Septic Financial Aid Program to assist residents in maintaining, upgrading, or replacing their water and wastewater infrastructure when warranted due to declining groundwater levels, droughts, fires, or persistent groundwater quality concerns. It would also support the OSU Extension Well Water Program to conduct outreach and provide technical assistance.	Legislative Concept 2811
Safe and Reliable Drinking Water	Water Testing in Rental Properties and Land Sales	Building off previous House Bill 2860 (2019), this component seeks to ensure that renters have access to data about drinking water quality where households are supplied via permit-exempt domestic wells. The concept would also increase available groundwater quality data to help OHA and DEQ better understand where to target resources and education to improve public health. An additional concept is being scoped related to water test reporting in land sales .	Legislative Concept 2769 (rental properties); Legislative Concept 2561 (land sales)
Safe and Reliable Drinking Water	Well Construction Program Staff	OWRD's Well Construction Program, which oversees the construction and maintenance of wells , has historically been primarily supported by fees. However, those fees have not kept pace with anticipated program costs, in part due to fewer wells predicted to be drilled following new rules limited groundwater allocation. To address the nearterm gap prior to future fee discussions, a General Fund allocation is proposed to backfill several existing program positions for the 2025-27 biennium.	Legislative Concept 1834
Safe and Reliable Drinking Water	Small-Community Water Systems Vulnerability	Small community water systems face significant water challenges and often lack capacity to address known problems or necessary improvements. In 2023, funding was provided to the Oregon Association of Water Utilities to perform a vulnerability assessment of small and very small community water systems , provide needed technical assistance, and develop a training center. This concept will advance recommendations from the vulnerability assessment, allow continued provision of technical assistance, and help equip the training center.	Legislative Concept 1475
Safe and Reliable Drinking Water	Water Ratepayer Assistance	This concept explores a framework to help low-income ratepayers handle water-related utility bills, similar to bill assistance mechanisms that exist in the electricity sector.	Legislative Concept 2585
Efficient and Equitable Processes	Contested Case Process Improvements	This omnibus bill proposes to modernize contested case processes at OWRD and Office of Administrative Hearings to address and prevent backlogs, including topics such as standardizing processes, establishing clear hearing schedules, utilizing technology to facilitate hearings, avoiding unnecessary hearings on settled protests, limiting extensions after case referral, expanding capacity for settlement conferences, requiring issues to be raised with specificity, reducing unnecessary and excessively long filings, streamlining production of information, and allowing past rulings to help inform future decisions where appropriate.	Legislative Concept 3657

Efficient and Equitable Processes	OWRD Process Improvements	This omnibus bill proposes various improvements to OWRD processes , including topics such as shifting from paper mailings to electronic documents, adjusting deadlines for certain filings and fees to avoid unnecessary processing, limiting the number of extensions allowed for non-municipal water right applications, allowing the agency to reject applications where water use has already been restricted, and granting authority needed for the agency to expand acceptance of debit/credit card payments.	Legislative Concept 3279; Non-legislative opportunities for agency improvements are also being explored in consultation with the Governor's office
Efficient and Equitable Processes	OWRD Processing, Local Knowledge	This topic explores opportunities to increase basin-specific knowledge of OWRD caseworkers , in an effort to increase efficiency and processing capacity.	Legislative scoping in progress
Efficient and Equitable Processes	OWRD Water Right Contact Info	This concept would provide permissive authority for OWRD to update contact info for certificated water rights under ORS 537.330 and would also restore language from 2005 mandating that water right contact details are updated with OWRD during requests for assignment that occur during real estate closings.	Legislative Concept 1212
Efficient and Equitable Processes	Water Right Transfer Processes	This topic explores potential changes to water right transfer processes that can increase timeliness and flexibility of transfers while also considering resource impacts.	Legislative scoping in progress in consultation with the Governor's office
Informed Water Management	Water Use Measurement and Reporting Authority	This concept would ensure OWRD has authority to require measurement and reporting of water use to inform management and facilitate creative tools for sharing water. This includes consolidating requirements more clearly in one section of law; providing that OWRD may require any entity using water to measure and report the use of water diverted, rediverted, stored or otherwise appropriated; specifying explicit conditioning authority for transfers; and establishing enforcement provisions with authority for civil penalties. In addition, the proposal would adjust Serious Water Management Problem Area designations by redefining the name to be Water Data Priority Area, allowing reporting to be as frequent as necessary to accomplish the objective of reporting, and expanding the possible reasons for designation. The concept also seeks to increase flexibility and transparency of the Water Measurement Cost Share Revolving Fund. Discussion is also ongoing about the need for greater measurement and reporting of water levels.	Legislative Concept 2649
Informed Water Management	Water Data Portal	Oregon's water data is currently fragmented and difficult to access. In past sessions, the Legislature has provided resources and direction to DEQ for scoping, design, and development of an integrated water data portal, including evaluating state agency technical tools/software that could be utilized and creating a pilot version of the portal. The 2025 proposal would facilitate the next steps in Oregon Water Data Portal implementation , with consideration of administration, interagency coordination, data standards, database functionality, and ongoing funding. Lessons learned will be gleaned from other states who are undertaking similar efforts, including California and New Mexico.	Legislative Concept 2820
Informed Water Management	Water Data Gathering	In conjunction with support for Water Data Portal implementation, this concept will seek to sustain, restore, or increase funding to collect, process, manage, and make publicly available water data , such as through stream gages, observation wells, and weather stations, the restoration of funding for implementation of House Bill 2018 (2021), increased groundwater quality monitoring, and increased data collection and monitoring to improve understanding of instream water needs and habitat.	Legislative scoping in progress
Informed Water Management	Basin Assessments	In 2023, OWRD was directed to provide an updated scope for the 1998 Water Stewardship and Supply Initiative, which was provided in September 2024. The original and updated scope include a State of the Water Resources Report, updated Basin Assessments , and efforts to advance storage both above and below ground. For 2025, a placeholder draft has been prepared to advance recommendations contained in the updated scope.	Legislative Concept 3542
Informed Water Management	Groundwater Sustainability Scorecard	Building off the statewide groundwater recharge study authorized and funded through HB 2018 (2021), this concept would clarify outreach and public engagement activities as well as direct OWRD to use the study results to develop a Groundwater Sustainability Scorecard that could be used to prioritize support and actions to achieve and maintain sustainability in groundwater reservoirs across the state.	Legislative Concept 3316

Informed Water Management	Place-Based Planning Fund and Implementation	The 2015 Legislature authorized and provided funding for a pilot phase of place-based integrated water resources planning. The pilot phase resulted in four state-recognized place-based plans and an evaluation to guide the continued development of the widely supported program. The 2023 Legislature created a permanent Place-Based Water Planning Fund and authorized other activities to support ongoing planning. For 2025, this concept would provide additional funding for the Place-Based Water Planning Fund and resources for implementation of state-recognized place-based plans. Ongoing conversations are needed to modernize basin planning statutes and clarify the relationship between basin plans and place-based plans.	Legislative Concept 2748
Better Sharing of Scarce Resources	Water Reuse Opportunities	This component would build on past work related to water reuse by creating a Recycled Water Program and interagency program team to identify and overcome barriers, provide education and training, and improve state coordination in fulfilling water reuse directives and encouraging more water reuse.	Legislative Concept 3333
Better Sharing of Scarce Resources	Water Banking Authority	A bill draft has been obtained to accommodate proposals related to water banking in the Deschutes Basin, as brought forward by an ongoing stakeholder collaborative in that basin. A separate but compatible concept is also being explored regarding water bank authority at the state level, which could designate processes and sideboards for how other local water banks might be established.	Legislative Concept 3831 (Deschutes Basin); Legislative Concept 2518 (statewide)
Better Sharing of Scarce Resources	Aquifer Storage and Recharge	This concept directs OWRD, in consultation with DEQ, OHA, and other interested parties, to identify and reduce barriers and develop technical assistance resources to expand beneficial aquifer recharge and aquifer storage and recovery in Oregon. The proposal requires a report to the Legislature by October 2026.	Legislative Concept 2436
Better Sharing of Scarce Resources	Other Flexibility Tools/Pilots	This topic considers opportunities to help address place-specific challenges and opportunities , including continuation of collaborative efforts in the Chewaucan/Lake Abert watershed that were directed by the Legislature in 2023, continued support for sustainable groundwater management in the Harney Basin, and possible targeted support for the Klamath, Umatilla, and Deschutes Basins.	Legislative scoping in progress
Better Sharing of Scarce Resources	Groundwater Voluntary Agreements	A placeholder bill has been prepared that could accommodate statutory direction or clarification for voluntary groundwater agreements (ORS 537.745)	Legislative Concept 2798
Better Sharing of Scarce Resources	Critical Groundwater Management Area	A placeholder bill has been prepared that could accommodate statutory direction or clarification for critical groundwater management areas (ORS 537.730-742)	Legislative Concept 3546
Better Sharing of Scarce Resources	Serious Water Management Problem Area	A placeholder bill has been prepared that could accommodate statutory direction or clarification for serious water management problem areas and associated measuring and monitoring (ORS 540.435)	Legislative Concept 2776
Better Sharing of Scarce Resources	Beneficial Use and Waste	Discussions are ongoing related to possible clarifications or refinements of principles such as beneficial use and waste that could help promote efficient use of water. A placeholder draft has been prepared that could accommodate content on this topic.	Legislative Concept 2610
Better Sharing of Scarce Resources	Efficiency Standards	This proposal would establish a minimum water efficiency standard for irrigation districts in the upper Deschutes Basin, with as a rebuttable presumption informed by relevant data on crops needs, historic water use in the basin, and current agency permitting practices.	Legislative Concept 2568
Better Sharing of Scarce Resources	Farmer's Right to Efficiency	Farmers who desire to use less water sometimes feel unable to do so when the underlying water right is held by an irrigation district that chooses to deliver a larger rate and duty. This proposal would assert the farmer's right to efficiency and prevent them from being required to receive more water than desired, absent a practical necessity of the broader water delivery system.	Legislative Concept 2364
Better Sharing of Scarce Resources	Overappropriated Water Resources	As a result of past groundwater allocation policies and practices, groundwater in various parts of the state has been overappropriated. This concept explores the possibility of developing a program to fund the voluntary cancellation of groundwater rights in fully-appropriated or over-appropriated groundwater reservoirs and to support voluntary repurposing of land to continue providing multiple benefits. The design of this program will draw from other state sponsored programs in Idaho, Nevada, and California and presents the only way to permanently retire groundwater rights in partnership with willing water rights holders. See HB 3357 (2023).	Legislative Concept 2480

Infrastructure and Strategic Investments	OWRD Funding Program Improvements	Improvements to existing OWRD grant programs have been identified by tracking performance over time, with the aim of making programs more accessible and impactful. Proposed changes for Feasibility Study Grants include removing the \$500k cap on applications, changing the cost match requirement from 50% to 25%, and broadening eligibility for solutions beyond conservation, reuse, and storage. Proposed changes for Water Projects Grants and Loans include revising and clarifying application requirements, allowing for consideration of additional project benefits, and shifting Water Management and Conservation Plans to be required at time of award rather than time of application.	Legislative Concept 3240
Infrastructure and Strategic Investments	Federal Funding Readiness	There is a desire to expand state capacity to track, coordinate, offer technical assistance, and interface with communities on federal and other funding opportunities. This concept would advance those goals through an appropriation to the Federal Readiness and Leverage Fund to be used as match for federal investments, as well as by creating a State and Federal Grants Coordinator position in Regional Solutions to (a) increase accessibility to state grant opportunities, (b) improve interagency coordination around grant opportunities, and (c) address barriers to applying for and managing state grants.	Legislative Concept 2375
Infrastructure and Strategic Investments	Infrastructure Statewide Inventory	There is interest to build on Business Oregon's water infrastructure inventory and the Legislature's direction for DLCDC to report on methods for evaluating and prioritizing water infrastructure investments related to housing. Discussions are ongoing regarding opportunities and next steps on a statewide strategic investment framework.	Legislative scoping in progress
Infrastructure and Strategic Investments	Workforce Development	Allocating resources to an innovative workforce development pilot program will help train, educate, and create a sustainable workforce pipeline of future water sector employees , including by organizing a regionally diverse pool of utilities that have a direct need for a pipeline of well-trained employees, increasing outreach and awareness of careers for underserved communities, and creating an alternate path into the workforce. Additionally, broadening reciprocity to allow for the recruitment of qualified water operators from other states will help address challenges.	Legislative scoping in progress
Infrastructure and Strategic Investments	Water Equity Funding and Capacity	This concept proposes continuation of funding for University of Oregon's Just Futures Institute / Climate Solutions Center to understand and address water needs of environmental justice communities . Past grants have gone to tribal and community-led projects addressing water concerns and building capacity across the state. In 2025, the fund could be expanded to also provide educational materials for the general public and act as a research and educational space that supports communities and legislators in project and policy development. A separate concept is being scoped related to creation of a natural resources/water Tribal Liaison to increase capacity in that area within LCIS.	Legislative Concept 2597 (Water Equity Fund); Legislative Concept 2602 (LCIS capacity)
Infrastructure and Strategic Investments	Build On Past Investments: OCRF Water Work	Following on past drought package investments, this concept would provide additional funding to the Oregon Conservation & Recreation Fund for water-related work under its existing mission.	Legislative Concept 1460
Infrastructure and Strategic Investments	Build On Past Investments: Food Systems Resilience	Following on past drought package investments, this concept would continue funding for food system resilience programs , addressing significant unmet demand seen in previous grant rounds for small-scale farms and ranches, farmers markets, food hubs and regional food system infrastructure.	Legislative Concept 2980
Infrastructure and Strategic Investments	Aquatic Invasive Species	Aquatic invasive species are of increasingly serious concern in western states. Several concepts are being prepared in this area, including a proposal authorizing agencies to partner with irrigation districts to operate boat check stations, as well as a concept seeking to increase resources for aquatic invasive species monitoring and response . A placeholder draft has also been obtained for potential outcomes from an ongoing Washington-Oregon working group on the threat of invasive quagga mussels.	Legislative Concept 2605 (boat check stations); Legislative Concept 2655 (funding mechanism); Legislative Concept 2011 (working group)