



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

2009 Proposed Legislative Concepts As of November 2008

The Water Resources Department (WRD) has prepared legislative concepts for the 2009 Legislative Session. These concepts are meant to streamline Departmental operations, ensure the fees and resources necessary to maintain services, and provide greater consistency in statutory language. Three of them also provide the underpinnings of the Governor's Headwaters-to-Ocean (H2O) Initiative, addressing water resource issues in the areas of: planning, measurement, and implementation / construction.

As with its proposed 2009 budget, the Water Resources Department has incorporated ideas that originated with the Water Resources Commission, stakeholder groups, the regulated community, and the Governor's office. There are seven legislative concepts in all. They are:

- LC #325 Allow the Instream Lease of Claim of a Water Right that Has Been Included in a Final Order: This legislative concept modifies (ORS 537.348) to make a claim of a water right included in the final order of determination eligible for in-stream lease prior to the court's issuance of a final decree in adjudication cases. The most immediate need for this statutory change is in the Klamath Basin. It is the Department's goal to file the Order of Determination for all 730 claims in the Klamath Basin Adjudication with the Klamath Circuit Court before June 30, 2011. While the claimants await a final decree from the court, some may have interest in leasing their rights instream in order to demonstrate beneficial use and to restore stream flows when the water will not be used for irrigation or other purposes.
- LC #659: Establish a Water Development Grant and Loan Fund: This legislative concept establishes a fund allowing the Department to provide loans and/or grants for the implementation and construction of water supply development projects (e.g., conservation, re-use, and storage), as well as other water resource management projects (e.g., fish passage and improved stream flow). The Department anticipates the need for project implementation funding as a follow-up to SB 1069 and other feasibility study efforts. This legislative concept and accompanying budget request are designed to capitalize a fund for water resource management projects.
- LC #660: Exempt Certain Wave Energy Projects from Certain Hydroelectric Licensing Statutes: The concept continues to include wave energy projects under the hydroelectric licensing statutes (ORS 543.014), but exempts them from the "no injury" statute (ORS 543.017) on a time-limited basis. The concept provides the Water Resources Commission with authority to develop rules that require additional protections while the exemption is in effect.

This legislative concept allows wave energy projects that do not exceed five megawatts to connect to the power grid, while retaining the state's authority to protect the environment, ensure public participation, and promote consistency with comprehensive land planning.

- LC #327: Increase Start Card Fees. This concept modifies 537.762 (5) to increase start card fees from \$125 to \$225 for paper filing. The Department takes very seriously the legislative charge to manage the ground water resource to protect public welfare, safety and health, and the well inspection program is a key element of the state's ground water program. This fee increase will allow the Department to sustain its well inspection program with statutorily authorized start card fees.
- LC #661: Establishing Fees for Data Entry Related to Geotechnical Holes: Amend ORS 537 to assess a new fee on the administrative processing of geotechnical holes (test wells for mining and other industries). Data from these holes are entered into an on-line data system at the Water Resources Department. This fee will support the costs of entering, storing, and retrieving the data. During FY 2006-07 the Department received paperwork from about 120 different engineering, well construction and environmental consulting firms, related to about 8,500 geotechnical wells.
- LC #662: Water-Use Measurement: This legislative concept furthers the water-use measurement strategy first laid out by the Oregon Water Resources Commission in 2000 and places a time-line on completing the Commission's water-use measurement strategy by 2012. It also calls for an Advisory Committee of no more than nine members, designed to evaluate and recommend: (1) whether additional surface water diversions should be brought into a statewide measurement program, and (2) potential sources of future funding for a water measurement program. The legislative concept requires a report to the Legislature with recommendations from the Advisory Committee no later than 2012.
- LC #663: Developing and Communicating an Integrated Water Resources Strategy: This legislative concept would build upon the already-existing statutory language in ORS 536.220, to clarify the lead role the Water Resources Department will play in the development of an integrated water resources strategy. The Department of Environmental Quality will be responsible for developing water quality-specific narratives and data in the strategy. The draft concept emphasizes the need for stakeholder participation, notes the importance of continued data collection and analysis, and describes important components of a strategy, including: objectives, actions to achieve the objectives, adaptation plans related to climate change, an assessment of additional factors such as population growth or land-use change, and public policy options and recommendations. The strategy shall take effect upon adoption of associated rules by both the Water Resources Commission and Environmental Quality Commission, with an initial progress report due to the Legislature by Feb. 1, 2011, and the first completed strategy due Dec. 12, 2012. Updates should be completed every five years thereafter. Ensuing reports to the Oregon Legislature may include legislative concepts or budget recommendations.