



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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### 2009 Proposed Legislative Concepts As of July 2008

The Water Resources Department (WRD) has prepared legislative concepts (LCs) that are few in number and technical nature, as it has in the past. These concepts are meant to streamline Departmental operations, ensure the fees and resources necessary to maintain services, and provide greater consistency in statutory language.

In addition, the Governor's office has added two concepts related to the Headwaters to Ocean (H<sub>2</sub>O) Initiative to WRD's legislative portfolio. These are interagency concepts, introduced as placeholders for now.

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: 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.
- 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 stages of water supply development projects (e.g., conservation, re-use, and storage), as well as water resource management projects (e.g., fish passage and improved stream flow).
- LC #660: Exempt Certain Wave Energy Projects from Hydroelectric Licensing Statutes: WRD proposes revisions to ORS 543.014 hydropower licensing requirements, to accommodate small, pilot wave energy projects. Because these statutes were originally written for river-based hydroelectric projects, they do not work particularly well in an ocean setting and, in practice, present insurmountable barriers to the construction of pilot wave energy projects.
- LC #327: Increase Start Card Fees. Modify 537.762 (5) to increase start card fees from \$125 to \$225 for paper filing. A reduced fee of \$200 for electronic filing will be implemented through rule-making.
- LC #661: Establishing Fees for Data Entry Related to Geotechnical Holes: Add ORS 537.767 to assess a new fee of \$25 on the administrative processing of geotechnical holes

(test holes for mining and other industries). A reduced fee of \$10 for electronic filing will be implemented through rule-making.

- LC #662: Climate Change—Statewide Water (H<sub>2</sub>O) Initiative: This is a comprehensive, multi-year initiative that addresses unmet needs related to improving water quality, ensuring adequate supplies of water in the face of climate change impacts on precipitation patterns, and addressing the need for water to serve ecosystem functions. The Initiative proposes the dedication of a small percentage of lottery dollars for a ten-year period to address these needs.
- LC #663: Climate Change—Statewide Water (H<sub>2</sub>O) Initiative: This bill would establish necessary program authorities for several state agencies to carry out a comprehensive program of addressing unmet needs for improving water quality, increasing water supply for human use and health, as well as assuring the ecosystem benefits that clean and abundant water provides.

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