



Oregon

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Water Resources Department

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MEMORANDUM

TO: The Oregon Water Resources Commission

FROM: Brenda Bateman, Senior Policy Coordinator 

SUBJECT: Agenda Item H, August 9, 2013
Water Resources Commission Meeting

Legislative Wrap-Up – 2013 Session

I. Introduction

From February 4 through July 8, 2013, Oregon's 77th Legislative Assembly convened in Salem. The session had a number of water-related bills, both budget and policy in nature. The Legislature made significant new investments in Oregon's 2012 Integrated Water Resources Strategy, advancing several IWRS Recommended Actions in the process. The Legislative Assembly adjourned *Sine Die* on July 8, 2013. *This report is informational only. No action is required.*

Attachment 1 is an end-of-session Legislative Summary, describing both the Department's budget highlights as well as water-related policy bills.

II. Water-Related Policy Bills

Successful water-related bills that originated with the Department included:

- Senate Bill 199 (Continue the Department's Split Season Leasing Program);
- Senate Bill 200 (Split a Permit into Multiple Ownerships); and
- House Bill 2259 (Extend the Sunset and Increase the Department's Transaction Fees).

Successful water-related bills that originated outside the Department included:

- Senate Bill 837 (In-Conduit Hydro);
- Senate Bill 839 (Water Supply Development);
- House Joint Memorial 7 (Encouraging Federal Investment in Water Infrastructure); and
- House Bill 2620 (Regional Planning)

III. Budget Bills Affecting WRD

Bills containing the Department's budget details included:

- Senate Bill 5547 (The Department's Primary Budget)
- Senate Bills 5506 and 5533 (Lottery Bonds Authorization); and
- House Bill 5008 (End of Session Adjustments)

For several of these budget and policy bills, the Department has provided testimony on-line. Go to: http://www.oregon.gov/owrd/pages/law/legislative_updates.aspx.

Bills in their final, enrolled, form reside on the Oregon Legislature website. Go to: http://www.leg.state.or.us/bills_laws/.

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Attachment 1: OWRD's 2013-15 Legislative Summary



Oregon Water Resources Department

2013-15 Legislative Summary

2013-15 Legislatively Adopted Budget (Analysis Dated 07-11-13)

	2009-11 Legislatively Adopted Budget	2011-13 Legislatively Adopted Budget	2013-15 Legislatively Adopted Budget
General Fund	\$ 21,035,526	\$ 20,614,684	\$ 26, 504, 946
Other Funds, including fees	9,983,185	10,403,841	10,625,121
Other Funds (grants and loans)	3,591,125	18,758,324	23,920,890
Lottery Fund (Debt Service)	354,911	706,751	574,025
Federal Funds	1,197,639	1,195,479	1,272,735
Total Funds	\$ 36,162,386	\$ 51,679, 079	\$ 62,898,717
Full-Time Equivalent (FTE)	146.29	144.59	154.80

2013-15 Significant Investments, Residing in SB 5547

Package #101 – Reinstate Water-Use Reporting Program (1 FTE; \$174K in General Fund)

Related to Integrated Water Resources Strategy Recommended Action #2B

A significant input in the understanding of Oregon's water resources is measuring and reporting the amount of surface and groundwater diverted for beneficial use. This re-instates the Department's water-use reporting position, necessary to fulfill statutory responsibilities and provide technical assistance to water users.

Package #102 – Secure Instream Protections (2 FTE; \$366K in General Fund)

Related to Integrated Water Resources Strategy Recommended Actions #3A and #11B

These two staff, one hydrologist and one water right application analyst, will partner with the Dept. of Fish and Wildlife to determine and secure additional instream flows to support instream needs.

Package #103 – Re-Capitalize the Measurement Cost Share Fund (\$100K in General Fund)

Related to Integrated Water Resources Strategy Recommended Action #2B

The Water Resources Commission's "2000 Measurement Strategy" requires measurement devices on significant points of diversion in high priority watersheds. The cost to install appropriate measurement devices can be significant; cost-share dollars are critical to this Strategy's success.

Package #105 – Collect Groundwater Data (1.75 FTE; \$780K General Fund)

Related to Integrated Water Resources Strategy Recommended Actions #1B and #1C

Two hydrogeologists and 13 monitoring wells will increase the Department's capacity for collecting and analyzing groundwater data, assessing options for new groundwater appropriation, and responding in a timely manner to customer requests for assistance.

Package #106 – Collect Surface Water Data (2.63 FTE; \$730K General Fund)

Related to Integrated Water Resources Strategy Recommended Actions #1B and #1C

Two hydrologic technicians, one information services position, and 16 stream gages will improve the Department's capacity for surface water data collection and monitoring, and inter-agency coordination to collect and share data.

2013-15 Significant Investments for WRD, continued

Pkg #201 – Implement Oregon’s Integrated Water Resources Strategy (1 FTE; \$209K in General Fund)

Related to Integrated Water Resources Strategy Recommended Action #13A

One senior staff will coordinate the implementation of Oregon’s 2012-2017 Integrated Water Resources Strategy (IWRs). Responsibilities include negotiation with federal partners for stored water, creation of a template for use in integrated water resources management planning at the local level, and development of Oregon’s 2017-22 Integrated Water Resources Strategy.

Package #202 – Conduct Basin Groundwater Investigations (\$250K in General Fund)

Related to Integrated Water Resources Strategy Recommended Action #1A

These investigations are critical for understanding the relationship between surface water and groundwater, and determining the location and characteristics of groundwater. This information is an important input for economic development and streamflow protection in each basin. Cost-shared with the U.S. Geological Survey.

Package #203 – Build Field Services Capacity (1.83 FTE; \$342K in General Fund)

Related to Integrated Water Resources Strategy Recommended Actions #2C and #10

This provides a watermaster for Wallowa County where there currently is none and an assistant watermaster in Klamath County to help with the increased workload in the wake of the Klamath Adjudication.

Package #204 – Water Supply Development Prog. (2 FTE; \$415K General Fund; \$10.2M Lottery Bonds)

Related to Integrated Water Resources Strategy Recommended Action #10E

Two staff will evaluate and pursue water supply development options in Oregon, Washington, and Canada. The Department will also provide support to task forces described in SB 839 (2013). \$10.2M in lottery bonds will provide a modest investment in water supply development projects.

Package #205 – Water Development Loan Fund – Umatilla Project (\$10 Million in Bonds)

Related to Integrated Water Resources Strategy Recommended Action #10B

The Umatilla Water Commission may request that the Department provide a loan of up to \$10 million from the Water Development Loan Fund. Funding would come from bond issuance, with repayment occurring over 30 years by the Umatilla Water Commission. Calculate additional debt service at approximately \$700K.

Package #206 – Continue Grants for Feasibility Studies (0.5 FTE; \$891K General Fund)

Related to Integrated Water Resources Strategy Recommended Action #13C

It can be difficult to find funding for the feasibility study stage of project development. In previous sessions (2008 and 2011), the Oregon Legislature granted \$2 million to Oregon communities to study the feasibility of water conservation, reuse, and storage projects. Requires a 50 percent cost match from the applicant.

Package #208 – Extend Water Transaction Fee Schedule (\$996K in Fees)

Related to Integrated Water Resources Strategy Recommended Action #13B

The Department’s fee schedule for water right transactions sunsets on July 1, 2013. House Bill 2259 increases the Department’s transaction fees and dam safety fees for a four-year period beginning July 1, 2013. The fees will sunset July 1, 2017, reverting to 2009-13 levels. The new fee schedule retains eight water rights staff.

2013 WRD Budget Note

The Water Resources Department will report on a quarterly basis to the House and Senate environment and natural resources committees regarding the status of the Columbia River Treaty Review undertaken by the Bonneville Power Administration and the U.S. Army Corps of Engineers. The report shall include information regarding Oregon’s perspective and key interests in areas such as hydropower, flood risk management, ecosystem-based function, navigation, and water supply.

2013 Water-Related Statutory Changes

Water Resources Department Bills

- Senate Bill 199 (Split Season Leasing) Effective January 1, 2014
- Delays sunset of the Department's Split Season Leasing Program to January 2, 2024.
 - Clarifies statutory language describing the program; does not change program administration.
- Senate Bill 200 (Split a Permit into Multiple Ownerships)..... Effective January 1, 2014
- Allows an agricultural water right holder to split a permit, after meeting certain requirements and producing specific documentation.
- House Bill 2259 (Transaction Fees).....Effective July 1, 2013
- Increases the Department's transaction fees and dam safety fees for a four-year period beginning July 1, 2013. The fees will sunset July 1, 2017, reverting to 2009-13 levels
 - Supports Integrated Water Resources Strategy Recommended Action #13B.

Non-Department Bills

- Senate Bill 837 (In-Conduit Hydro)..... Effective upon passage
- Allows in-conduit hydro developers a choice: install fish passage as required by the Oregon Department of Fish and Wildlife or pay into a statewide fish passage account that will fund fish passage at ODFW-identified priority locations. Requires a program review by Oct. 1, 2018.
 - Supports Integrated Water Resources Strategy Recommended Actions #4B and #11D.
- Senate Bill 839 (Water Supply Development)..... Effective upon passage
- Establishes criteria and conditions for projects to receive grants and loans from a new Water Supply Development Account. Highlights water re-allocation studies by the U.S. Army Corps of Engineers and Basin Studies by the Bureau of Reclamation as qualifying projects. Establishes net environmental public benefit requirements for the Umatilla Basin Aquifer Recovery Project. Creates two task forces to implement and review various aspects of the bill.
 - Supports Integrated Water Resources Strategy Recommended Actions #9C, #10B, #10E.
- House Bill 2620 (Regional Planning)..... Effective January 1, 2014
- Directs the Governor's Office to develop a plan to align state economic and community development programs with regional and community-based development programs.
 - Supports Integrated Water Resources Strategy Recommended Actions #9A and #9B.
- House Bill 5008 / SB 5506 / SB 5533 (Funding Authorization & Limitation)..... Effective upon passage
- These bills together authorize the Water Resources Department to receive and expend lottery bonds for the purposes of developing water supply projects including, but not limited to, piping and lining irrigations canals; completion of the Umatilla Basin Aquifer Recovery Project, repairing the Dam at Wallowa Lake and constructing a new reservoir in Juniper Canyon; the Willamette Basin Long-Term Water Allocation Study; the Deschutes Basin Study; and development of above and below ground water storage projects with partners in Oregon, Washington, and Canada.
 - SB 5533 recapitalizes Oregon Business Development Dept.'s Special Public Works Fund with \$12M.
 - HB 5008 authorizes the Dept. of Administrative Services to provide \$500K GF for the East Valley Water District to complete an Environmental Impact Study on a proposed water storage project.
 - Supports Integrated Water Resources Strategy Recommended Actions #7A, #9C, #10B, and #10E.
- House Joint Memorial 7 (Federal Investment in Water-Related Infrastructure) May 22, 2013
- Urges Congress to increase investment in the Drinking Water State Revolving Fund and Clean Water State Revolving Fund.
 - Supports Integrated Water Resources Strategy Recommended Action #7A.

Other Agency Budgets Related to the Integrated Water Resource Strategy

Senate Bill 5502 – Oregon Department of Agriculture (ODA) Budget

- Package 315 makes two positions permanent in the Pesticide Outreach and Compliance Program. With \$464K, the program will perform outreach and compliance monitoring in the pesticides program. Supports IWRS Recommended Action #12B.
- Package 320 improves Pesticide Stewardship monitoring with \$1.5M and one staff to partner with DEQ, monitoring agricultural water quality. Supports IWRS Recommended Action #12B.
- Package 325 adds \$963K in General Fund and three positions to improve Agricultural Water Quality Effectiveness Monitoring. Supports IWRS Recommended Actions #1B and #12C.
- Package 340 adds \$50K in Measure 76 Lottery Funds to assist the Oregon Invasive Species Council. Supports IWRS Recommended Action #11C.
- Package 420 authorizes \$214K in General Fund and Other Funds and one Agricultural Water Quantity position (0.75 FTE) to help implement Oregon's Integrated Water Resources Strategy and address availability of water for farmers and ranchers. Supports IWRS Recommended Action #2A.

Senate Bill 5520 – Oregon Department of Environmental Quality (DEQ) Budget

- Package 090 uses \$1.5M in General Fund to restore six positions – three for wastewater permitting and three for TMDL monitoring. Supports IWRS Recommended Action #12C.
- Package 120 support the Onsite Septic System Program with \$274K in Other Funds and two positions to provide service to customers and counties. Supports IWRS Recommended Action #12C.
- Package 122 adds \$238K in General Fund and two positions (1.26 FTE) to restart the collection of water quality and biological data to guide watershed restoration efforts under the Oregon Plan. Supports IWRS Recommended Actions #1C and #11D.
- Package 127 authorizes \$474K in General Fund and three positions (2.25 FTE) to help implement the state's Integrated Water Resources Strategy, focusing on water quality monitoring for fish, wildlife, habitat, and natural resource industries. Supports IWRS Recommended Actions #1B and #1C.
- Package 128 adds \$460K in General Fund and two positions (0.66 FTE) to implement a statewide groundwater quality monitoring program. With this funding plan, the entire state would be assessed every ten years. Supports IWRS Recommended Action #1B.
- Package 320 supports Pesticide Stewardship monitoring, adding \$748K in Other Funds from the Department of Agriculture and five positions (4 FTE) to work with ODA, helping local communities reduce pesticide movement into water bodies. Supports IWRS Recommended Action #12B.

Senate Bill 5521 – Oregon Department of Forestry (ODF) Budget

- Package 452 provides \$446K and one position (0.88 FTE) for Integrated Effectiveness Monitoring under the Watersheds Research Cooperative and Riparian Function and Stream Temperature (RipStream) Project. Supports IWRS Recommended Actions #1B and #11A.

House Bill 5013 – Oregon Department of Fish and Wildlife (ODFW) Budget

- Package 111 provides \$1M in Other Funds and 14 permanent positions (8 FTE) to inspect watercraft entering Oregon for Quagga and Zebra mussels and other aquatic invasive species. Supports IWRS Recommended Action #11C.
- Package 116 authorizes \$249K in General Fund and three biologists (1.67 FTE) to help implement the state's Integrated Water Resources Strategy. The positions will partner with WRD to identify and prioritize streamflow needs for fish as identified in IWRS Recommended Actions #3A and #11B.

House Bill 5028 – Oregon Business Development Department (Business Oregon) Budget

- Package 817 authorizes the Oregon Business Development Department to grant \$1.5M to the WISE (Water for Irrigation, Streams, and Economy) water management project for the Bear Creek and Little Butte Creek watersheds in Jackson County.