

Legislative Update

Water Resources Commission Meeting
November 15, 2013



Photo Credit: Andre Orso; ODOT; Creative Commons

Brenda Bateman and Racquel Rancier
OREGON WATER RESOURCES DEPARTMENT

Outline



- Update on Department's activities to implement Senate Bill 839 from 2013 Legislative Session
- Preview of 2014 Legislative Session



The Charge to Develop Recommendations



Oregon's Senate Bill 839 (2013)

- Develops sideboards for the public funding of water supply development projects →
- Directs the formation of task forces to assess:
 - Governance Issues
 - Seasonally Varying Flows
 - Science Sub-Task Force
 - Economic Sub-TF
- Sub TF Reports are due Feb. 1

77th OREGON LEGISLATIVE ASSEMBLY-2013 Regular Session

Enrolled Senate Bill 839

Sponsored by COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

CHAPTER

AN ACT

Relating to water; creating new provisions; amending ORS 541.700, 541.710, 541.720, 541.730, 541.740 and 541.830 and sections 17, 33, 34 and 46, chapter 907, Oregon Laws 2009; repealing ORS 541.600, 541.606, 541.611, 541.616, 541.621, 541.631, 541.636, 541.641, 541.646 and 541.725; appropriating money; and declaring an emergency.

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

SECTION 1. As used in sections 1 to 15 of this 2013 Act:

(1) "Newly developed water" means the new increment of water:

(a) Stored for a project providing new or expanded storage;

(b) Allocated to a use under a secondary water right for a project involving the allocation of previously uncontracted water stored by the United States Army Corps of Engineers under an existing water right; or

(c) Conserved for a project to allocate conserved water under the program described in ORS 537.455 to 537.500.

(2) "Seasonally varying flows" means the duration, timing, frequency and volume of flows, identified for the purpose of determining conditions for a new or expanded storage project, that must remain in-stream outside of the official irrigation season in order to protect and maintain the biological, ecological and physical functions of the watershed downstream of the point of diversion, with due regard given to the need for balancing the functions against the need to store water for multiple purposes.

SECTION 2. (1) The purpose of sections 1 to 15 of this 2013 Act is to establish a means for state government to support the development of water resource projects having economic, environmental and community benefits.

(2) The Legislative Assembly intends that any conditions or requirements described in sections 1 to 15 of this 2013 Act apply only to projects that receive loans or grants from the Water Supply Development Account established in section 3 of this 2013 Act.

SECTION 3. (1) The Water Supply Development Account is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Water Supply Development Account shall be credited to the account. Moneys in the account are continuously appropriated to the Water Resources Department for use in carrying out sections 1 to 15 of this 2013 Act.

(2) The department may expend moneys from the account for:

(a) Subject to subsection (4) of this section, making loans and grants to evaluate, plan and develop in-stream and out-of-stream water development projects approved by the Water Resources Commission, including but not limited to projects that:



SECTION 19. (1) As used in this section:

(a) “Consensus” means that no more than one member of a subgroup or task force objects to the product of the subgroup or task force.

(b) “Seasonally varying flows” has the meaning given that term in section 1 of this 2013 Act.

(2) The Governor shall appoint a task force consisting, subject to subsection (3) of this section, of such members as the Governor deems to be appropriate and sufficient to act as an advisory body on the functional needs of watersheds for seasonally varying flows and the financial feasibility of new water storage projects. The Governor shall consult with the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives and the Water Resources Commission prior to making appointments to the task force under this section.

(3) The task force membership shall include, but need not be limited to, a subgroup for addressing the functional needs of watersheds for seasonally varying flows and a subgroup to address the financial feasibility of new water storage projects. Each subgroup must have at least three members. Subgroup members must be persons with expertise in subjects relevant to the work of the subgroup. Task force members who are not subgroup members must be persons representing the interests of irrigated agriculture, municipal water suppliers, counties, the conservation community, Indian tribes, irrigation districts and industrial water users.

(4) When carrying out its functions, the subgroup on functional needs for seasonally varying flows shall consider the biological, ecological and physical functions in watersheds during periods that are outside of the official irrigation season, including but not limited to:

- (a) Stream channel development and maintenance;
- (b) Connectivity to floodplains;
- (c) Sediment transport and deposition;
- (d) Migration triggers for upstream movement of adult fish and downstream movement of fry and juvenile fish;
- (e) Fish spawning and incubation;
- (f) Juvenile fish rearing; and
- (g) Adult fish passage.

(5) When carrying out its functions, the subgroup on the financial feasibility of new water storage projects shall consider the practical aspects of developing and operating new water development projects, including but not limited to:

- (a) Practical engineering methods and applications;
- (b) The costs and benefits of the methodology and alternatives;
- (c) The economic feasibility of water storage development; and
- (d) The cost of complying with environmental benefit standards.



(6)(a) The subgroups shall report their findings and recommendations to the full task force no later than February 1, 2014. The findings and recommendations of a subgroup must have a consensus of the subgroup. Any member of a subgroup who objects to the findings and recommendations of the subgroup may provide separate findings and recommendations to the task force.

(b) The task force shall meet at times and places specified by the Governor or a designee of the Governor. The task force shall consider the subgroup reports and by consensus develop a recommended methodology for determining seasonally varying flows that optimizes the functional benefits to watersheds while also recognizing that:

(A) Many of the functional benefits will not occur unless a new water storage project is financially feasible; and

(B) New water storage will not be appropriate or feasible in many locations.

(c) The recommended methodology developed by the task force must utilize the best available scientific knowledge. Any member of the task force who objects to the recommended methodology developed by the task force may provide a separate recommendation for a methodology to the parties receiving the report under subsection (7) of this section.

(7) The task force shall submit a report in the manner provided in ORS 192.245, including any recommendations for legislation, to the Governor, to an interim committee of the Legislative Assembly related to natural resources and to the Water Resources Commission no later than July 1, 2014.

(8) The Water Resources Department shall provide staff support to the task force.

(9) Members of the task force are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses shall be paid out of funds appropriated to the department for purposes of the task force.

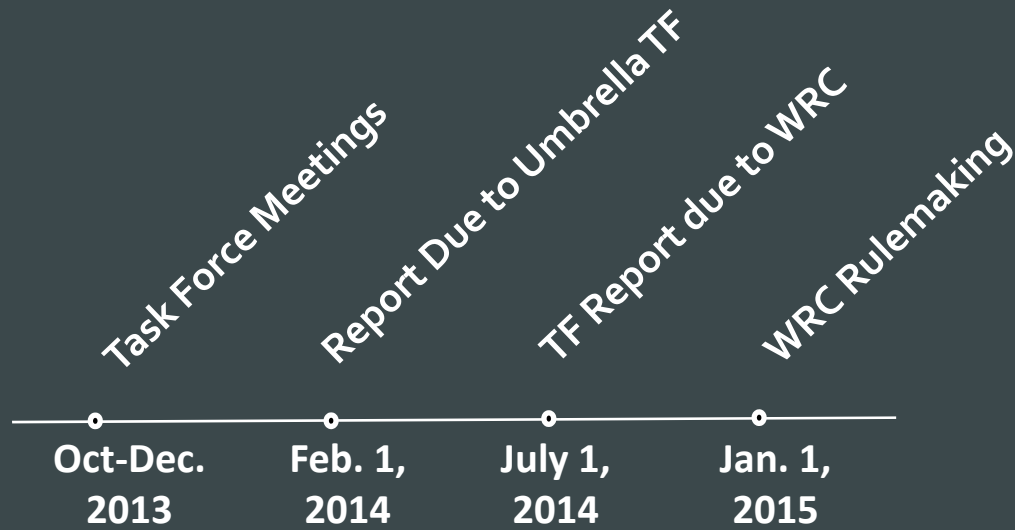
SECTION 20. (1) On or after the date that the Water Resources Commission receives a copy of the task force report required under section 19 of this 2013 Act, the commission shall adopt rules to establish a methodology for use in determining the seasonally varying flows for a stream of interest. In adopting the rules, the commission shall give consideration to adoption of the methodology described in the task force report. The commission shall complete adoption of the rule in time for the rule to take effect on January 1, 2015. As used in this subsection, “seasonally varying flow” has the meaning given that term in section 1 of this 2013 Act.

(2) The commission shall appoint the task force established in section 19 of this 2013 Act as provided in ORS 183.333 to act as an advisory committee to the commission for the consideration of rule adoption under this section.

Seasonally Varying Flows



Statutory Timeline



Preview of 2014 Legislative Session



Short Annual Session during Even-Numbered Years

- Scheduled from February 3 to March 9
- Limited number of measure requests
 - 2 per member
 - 3 per interim committee
 - 5 by the Executive Branch
 - 5 by the Judicial Branch
- Measure requests are due to Legislative Counsel Nov. 26
- Committee membership still undetermined



Photo Credit: Atelier Photo, Creative Commons

Preview of 2014 Legislative Session



Water Resources Department

Continuing Education Credits for Well Drillers

- Well-drillers are required to complete continuing education requirements for license renewal.
- Continuing education program sunsets on January 1, 2014.
- Continuing education helps to protect groundwater resources and improve compliance with state law.
- Oregon Groundwater Association is working with legislators to introduce a bill that would remove the sunset.

APPROVED ONLINE CONTINUING EDUCATION COURSES

current

- [Accident Investigation](#)
- [Aquifer Storage and Recovery](#)
- [Basic Geology and Groundwater](#)
- [Drilling Methods](#)
- [Drilling Safety](#)
- [Drilling Safety Certification-National Drilling Association](#)
- [Drilling Topics](#)
- [Drinking Water Topics](#)
- [Ergonomics for Everyone](#)
- [Fall Protection](#)
- [Geothermal Heating and Cooling](#)
- [Groundwater Knowledge Certification-National Drilling Association](#)
- [Hazard Communication Program](#)
- [Identifying and Controlling Hazards](#)
- [Injection Wells](#)
- [Inspections: What to Expect from Oregon OSHA](#)
- [Job Hazard Analysis \(JHA\)](#)
- [Lead in Construction](#)
- [Lockout/Tagout and Machine Safeguarding](#)
- [Lockout/Tagout](#)
- [Monitor Well Constructor Certification-National Drilling Association](#)

Questions?



Finley National Wildlife Refuge



Photo: George Gentry, USFWS

Thank you!