



# Update on Senate Bill 839

Oregon Water Resources Commission  
November 2014

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# Integrated Water Resources Strategy

- **Recommended Actions to understand Oregon's instream and out-of-stream needs and to articulate a strategy to meet those needs into the future**

## **Place-Based Planning Concept**

9.A - Undertake Place-Based Integrated Water Resources Planning

## **SB 1069 (2008) – Funding Feasibility Studies**

13.C - Fund communities needing feasibility studies for water conservation, storage and reuse projects

## **SB 839 (2013) – Funding to Support Projects**

3.A - Determine flows needed to support instream needs

10.A - Improve water-use efficiency and water conservation

10.B - Improve access to built storage

10.C - Encourage additional water reuse projects

10.E - Authorize and fund a water supply development fund

11.B - Develop additional instream protections

# Senate Bill 839 (2013)

- **Purpose: To establish a means for the state to support water supply development projects that provide economic, environmental and community benefits.**
- **Loans and grants to *evaluate, plan, and develop* both instream and out-of-stream water development projects**

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.

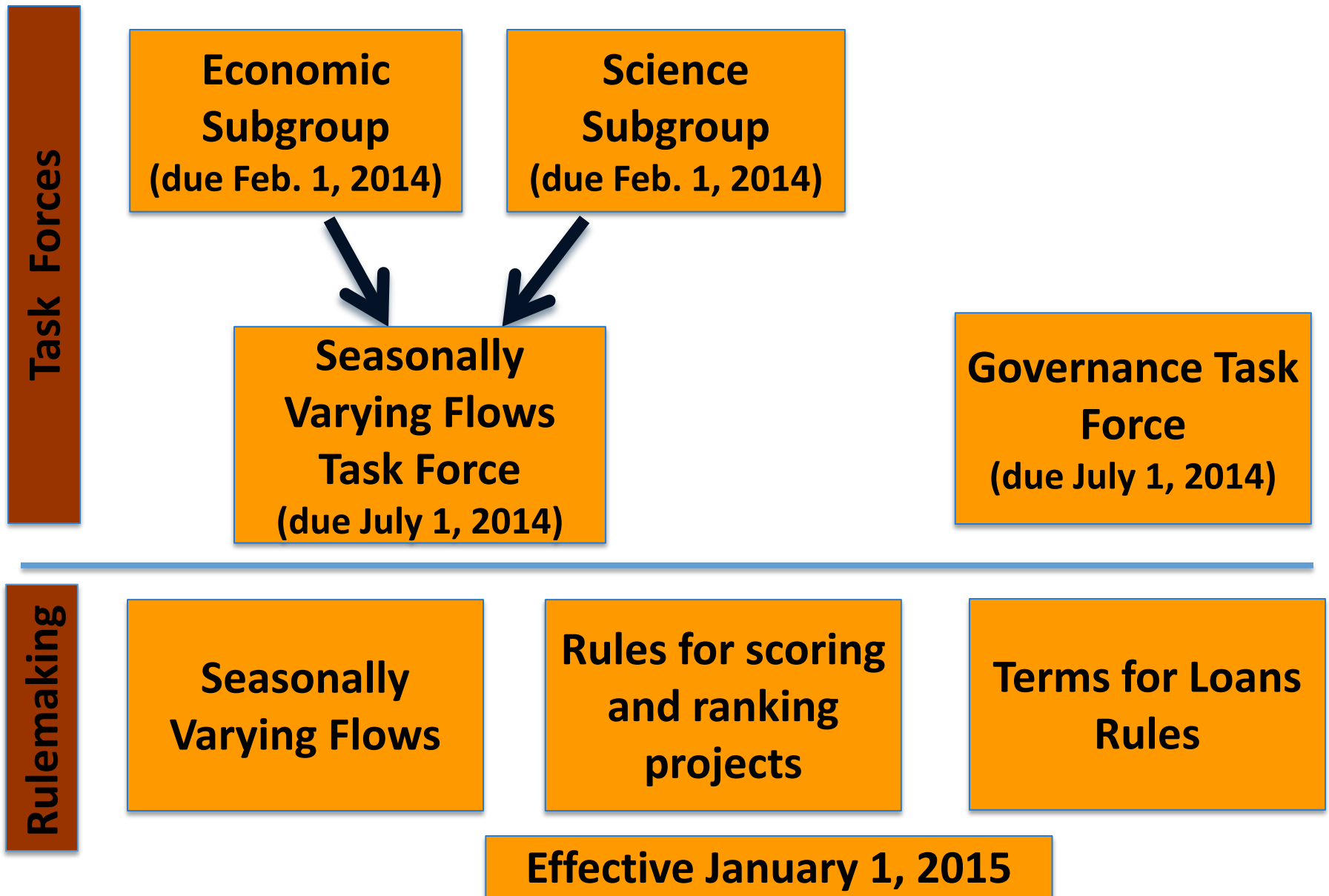
(2) The department may expend moneys from the account for:

(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:

Enrolled Senate Bill 839 (SB 839-B)

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# Senate Bill 839 (2013)





# **Governance Task Force**

# Scope of Governance Task Force – Section 18

- Review the structure established for water development project loans and grants
- Review the decision-making process outlined in the §1-15, including:
  - Role of the state in providing loan and grant funding for multipurpose water resources development.
  - Decision-making process for the allocation of newly developed water.

77th OREGON LEGISLATIVE ASSEMBLY-2013 Regular Session

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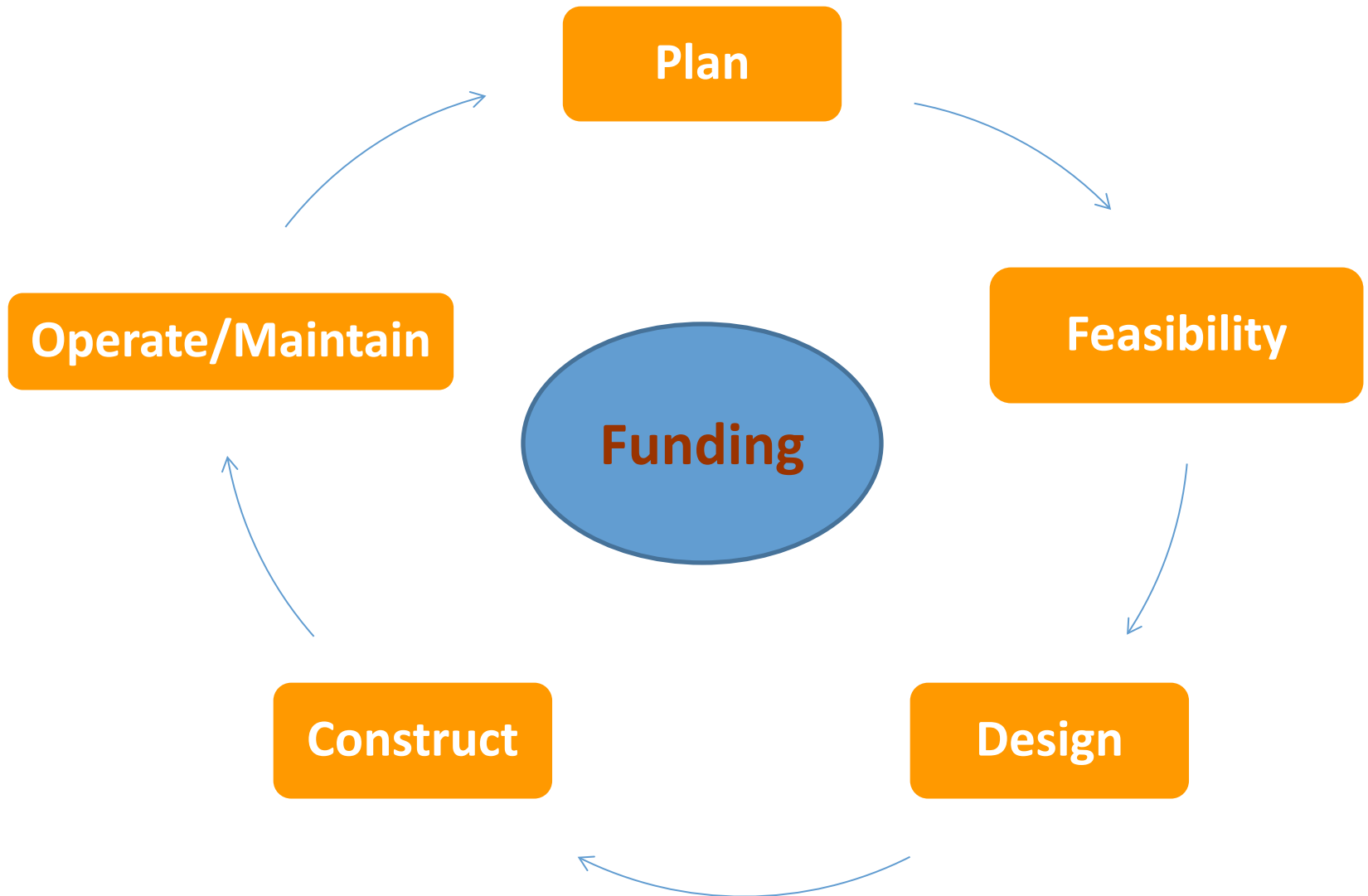
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# Governance Task Force





# **Seasonally Varying Flows (SVF)**

## **Task Force**



# Sub-Group Reports

A Proposed "Percent of Flow" Approach  
for Water Storage Projects in Oregon



Senate Bill 839 Science Subgroup Report  
February 1, 2014

Proposed Methods for Analyzing Feasibility, Costs, and Benefits  
of Water Storage Projects in Oregon

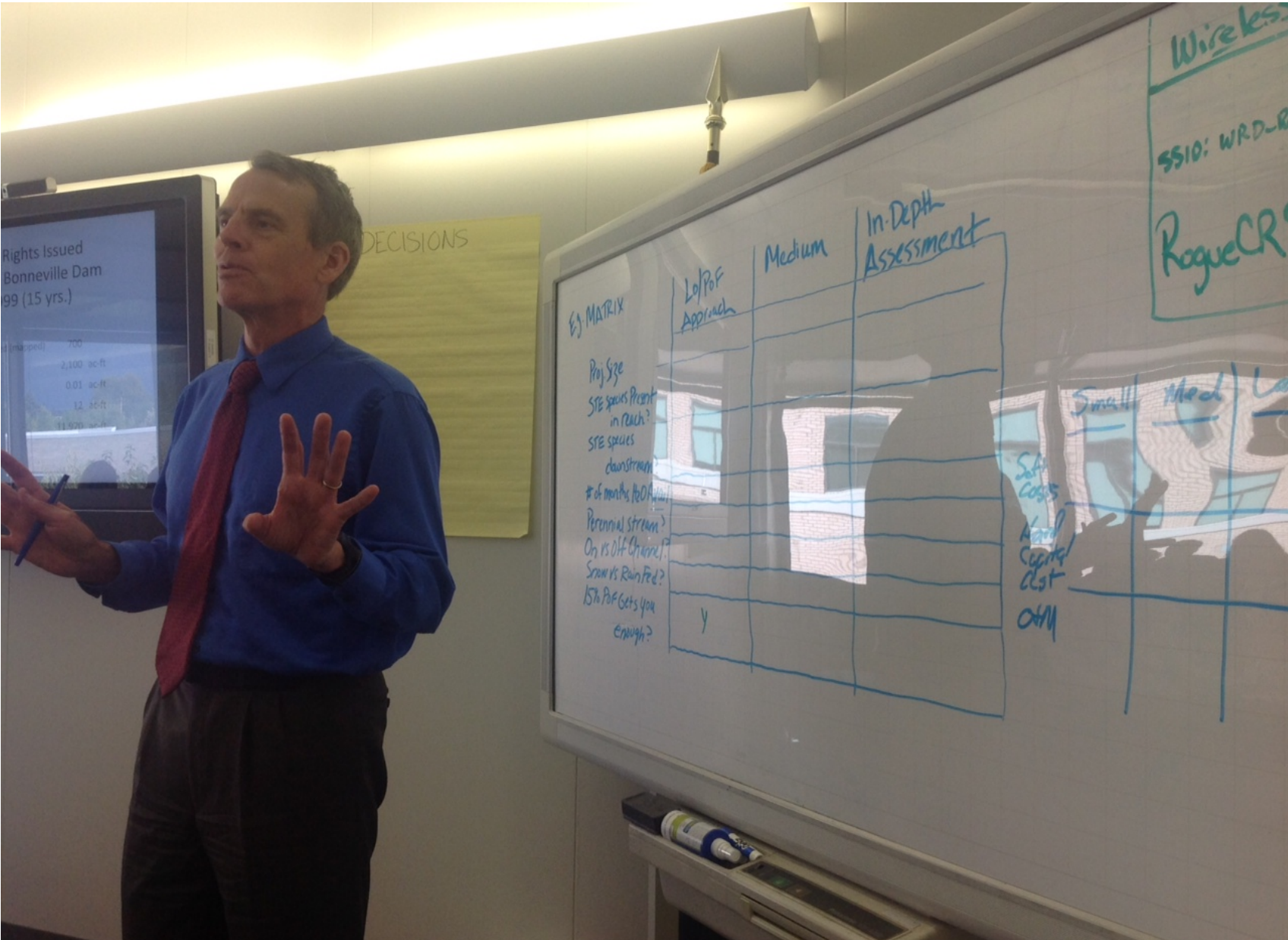


Senate Bill 839 Economic Subgroup Report  
February 1, 2014

# SVF Task Force



# A matrix is born...



# Components of the SB 839 Matrix

## Key Questions:

- How much information already exists?
- How much of an impact is this project likely to have?

The answers will help determine which methods should be used to establish SVFs.

- Methods include:
- Desktop Studies,
  - Data Modeling,
  - Site Visits,
  - Workshops, and
  - Field Studies & Analysis

Permitting and Funding

**SB 839 Matrix to Select Methods for Development of SVF Flow Prescriptions**  
 For water storage projects seeking both water right authorizations and SB 839 Funding,  
 AND that are: impounding on a perennial stream, or diverting from a stream supporting STE species, or ≥ 500 acre feet...  
 The project will need a **Flow Prescription**, determining the necessary floor flow (ecological baseflow), and duration, timing, frequency and volume of flows.

**How Hard Would One Have to Work to Develop an SVF Flow Prescription?**  
 For each Key Question, identify the **Resulting Key Question Score** using the matrix at left; then identify likely **Resulting SVF Study Methods** for each **Resulting Key Question Score** using the matrix below.

	Key Questions	Questions to Discern Availability of Information (Circle Y or N for each question)	Availability of Information Score Y = Sufficient N = Insufficient	Questions to Discern Impact of Project (Circle Y or N for each question)	Impact of Project Score Y = Significant N = Minimal	Resulting Key Question Score Combine "Availability of Information" and "Impact of Project" scores; e.g. "Sufficient, Minimal"	Resulting Key Question Score	Resulting SVF Study Methods
Biological Band	①	Is there sufficient information* about: species present at/below the point of diversion and their lifecycle needs? (Y/N)		Is this project diverting from a stream supporting sensitive, threatened, or endangered species? (Y/N)			Sufficient, Significant	Modeling, site visits, and/or workshop
Hydrological Band	②	Are there sufficient long-term data* to understand the natural hydrograph? (Y/N)		Is the project requesting an amount of water ≥ 50% exceedance analysis? (Y/N)			Sufficient, Minimal	Desktop study and/or site visits
	③	Is there sufficient information about the likelihood of a climate driven shift in the flow regime? (Y/N)		Is the project requesting an amount of water ≥ 50% exceedance analysis? (Y/N)				
	④	Is there sufficient information* about water availability? (Y/N)		Is the project requesting an amount of water ≥ 50% exceedance analysis? (Y/N)			Insufficient, Minimal	In-depth field work + analysis supplemented by workshop
Hydraulic / Physical Processes Band	⑤	Are there habitat studies that provide sufficient information* to understand the relationship between selected habitat features and streamflow? (Y/N)		Is the impoundment located in-channel or does it have an impact on sensitive habitat/process? (Y/N)				
	⑥	Are there geomorphological studies or data that provide sufficient information* to understand the relationship between sediment transport and streamflow? (Y/N)		Is the impoundment located in-channel or does it have an impact on sensitive habitat/process? (Y/N)				
	⑦	Are sufficient* stream data available to describe stream complexity and floodplain connectivity? (Y/N)		Is the impoundment located in-channel or does it have an impact on sensitive habitat/process? (Y/N)				
	⑧	Are sufficient* water quality data available, particularly related to temperature? (Y/N)		Is the impoundment located in-channel or does it have an impact on sensitive habitat/process? (Y/N)				Workshop and/or field work + analysis

DRAFT

\* "Sufficient" information means enough information to develop a flow prescription. As the proposed project increases in water requested relative to water available, risk to ecosystem functions, and complexity, so too will the level of detail necessary to develop a flow prescription. Level of effort creating a flow prescription should correspond to how the project relates to its biological and physical setting. This approach responds to the economic feasibility realities noted in SB 839.

# Next Steps

- **December 1 - SVF Task Force**
- **Ongoing through January - Governance Task Force**
- **Legislation to modify timelines**
- **Rulemaking to start in the spring; WRC target date June**

A photograph of a dense forest of trees with vibrant autumn foliage. The leaves are primarily shades of red and orange, with some green still visible. The trees are tall and thin, with their branches reaching upwards. The sky is visible through the canopy, appearing bright and slightly overcast. The overall scene is a beautiful display of fall colors.

**Questions?**