

Klamath Drought Preference Delegation of Authority

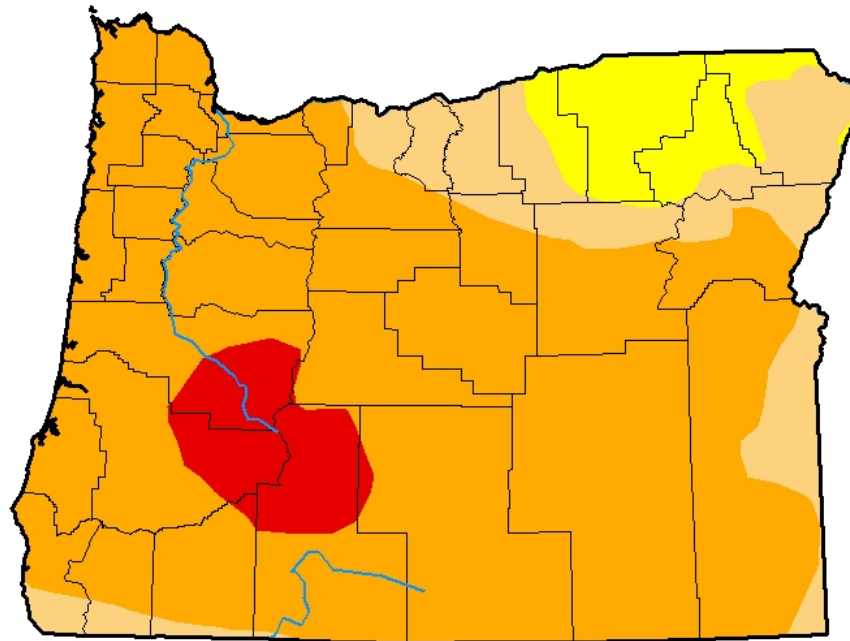
OREGON



WATER RESOURCES
DEPARTMENT

U.S. Drought Monitor Oregon

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Intensity:

-  D0 Abnormally Dry
-  D1 Moderate Drought
-  D2 Severe Drought
-  D3 Extreme Drought
-  D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

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<http://droughtmonitor.unl.edu/>

Background

- **ORS 536.750(1)(c) allows Commission to grant a preference for water for stock and human consumption**
 - **Only while Governor's drought declaration in effect**
- **Governor's Executive Order No. 18-02 issued on March 13, 2018**
 - **Declared drought emergency in Klamath County**
 - **In effect through December, unless rescinded**

Background

- **Commission adopted temporary preference rules, OAR 690-022**
 - **Stock watering in the Williamson River Basin**
 - **13 registered**
 - **Human Consumption in Klamath County**
 - **4 registered**
 - **Temporary rules – 180 days**

Requests for Extending

- **Preference users want to use water past October**
 - **Temporary rules expire October 13**
- **Wood River Basin water right holders are also seeking to use the stock water preference**
 - **Currently not authorized to receive the preference in the temporary rules**

Options for Extending

- **OAR 690-022 has temporarily granted the preference in certain areas of Klamath County, notwithstanding OAR 690-019**
 - **Temporary rules cannot be extended; must undergo permanent rule process**
- **OAR 690-019-0070 identifies a process that may be used to grant the preference without rulemaking via an Order of the Commission**

Discussion of OAR 690-019

OAR 690-019-0070

- **Order issued by Commission to include:**
 - **Expiration date**
 - **Geographic area**
 - **Which water uses are temporarily inferior**
 - **Statement that there is an immediate threat to the health and welfare of the people of Oregon**
 - **Requirement that political subdivisions submit water conservation or curtailment plans**

Delegation Authority

- **ORS 536.025**
 - Authorizes the Commission to delegate to the Director the exercise of any power vested by law upon the Commission...
- **OAR 609-019**
 - Currently only provides for the Commission to issue the preference orders
- The Commission may delegate to the Director the authority to issue orders of the Commission to grant a drought preference.

Commission Action

The Commission may consider the following alternatives:

- 1. Delegate to the Director, the authority to issue orders granting a preference for human consumption and stock water use under ORS 536.740(1)(c) and OAR 690-019-0070 in Klamath County through December 2018.**
- 2. Deny the request to delegate the authority to the Director.**
- 3. Request that staff return at a future meeting with other alternatives.**

➤ **The Director recommends Alternative 1.**

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