

Senate Bill 602

Sponsored by Senator NELSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Water Resources Department to assess, plan and develop new storage facilities to provide access to new water supplies in Columbia River Basin. Specifies allocation of water supplies secured through development of new storage facilities. Allows department to enter into regional agreements for certain purposes. Directs department to develop Columbia River water supply inventory and long-term water supply and demand forecast. Directs department to establish Columbia River main stem water resources information system. Appropriates moneys from General Fund to department for certain projects related to Columbia River.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to Columbia River; appropriating money; and declaring an emergency.

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

4 **SECTION 1.** The Legislative Assembly finds that:

5 (1) A key priority of water resources management in the Columbia River Basin is the
6 development of new water supplies that include storage and conservation in order to meet
7 the economic and community development needs of people and the in-stream flow needs of
8 fish;

9 (2) A Columbia River Basin water supply development program is needed; and

10 (3) The Water Resources Department is the state agency best able to pursue the devel-
11 opment of water supplies to benefit both in-stream and out-of-stream uses.

12 **SECTION 2.** (1) The Water Resources Department shall assess, plan and develop new
13 storage facilities, improve or alter operations of existing storage facilities, implement con-
14 servation projects or other projects designed to provide access to new water supplies within
15 the Columbia River Basin for both in-stream and out-of-stream uses.

16 (2)(a) Before the Water Resources Department considers construction of a new storage
17 facility, the department shall evaluate the following:

18 (A) Water uses to be served by the facility;

19 (B) The quantity of water necessary to meet those uses;

20 (C) The benefits and costs to the state of meeting those uses, including short-term and
21 long-term economic, cultural and environmental effects; and

22 (D) Alternative means of supplying water to meet those needs, including the costs of the
23 alternatives and an analysis of the extent that long-term water supply needs may be met by
24 using those alternatives.

25 (b) The department may rely on studies and information provided by other state agencies
26 and by federal agencies.

27 **SECTION 3.** (1) Water supplies secured through the development of new storage facilities
28 pursuant to section 2 of this 2007 Act shall be allocated as follows:

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (a) Two-thirds of active storage shall be available for appropriation for out-of-stream
2 uses; and

3 (b) One-third of active storage shall be available to augment in-stream flows and shall
4 be managed by the Water Resources Department. The timing of releases of this water shall
5 be determined by the department, in cooperation with the State Department of Fish and
6 Wildlife, to maximize benefits to salmon and steelhead populations.

7 (2) Water available for appropriation under subsection (1)(a) of this section, but not yet
8 appropriated, shall be temporarily available to augment in-stream flows to the extent that
9 it does not impair existing water rights.

10 SECTION 4. (1) The Water Resources Department may enter into regional agreements
11 with public or private bodies for the purpose of providing new water for out-of-stream use,
12 streamlining the application process and protecting in-stream flow.

13 (2) An agreement entered into under subsection (1) of this section shall ensure that:

14 (a) For water rights issued from the Columbia River main stem, there is no negative
15 impact on Columbia River main stem in-stream flows in the months of July and August as
16 a result of the new appropriations issued under the agreement;

17 (b) For water rights issued from the Snake River main stem, there is no negative impact
18 on Snake River main stem in-stream flows from April through August as a result of the new
19 appropriations issued under the agreement; and

20 (c) Efforts are made to harmonize the agreements with any watershed action plans that
21 are applicable to the area covered by the agreement.

22 (3) Before executing a regional agreement under this section, the department shall, to
23 the greatest extent practicable, consult with appropriate local, state and federal agencies and
24 federally recognized Indian tribes.

25 SECTION 5. (1) To support the development of new water supplies in the Columbia River
26 and to protect in-stream flow, the Water Resources Department shall work with all inter-
27 ested parties, including but not limited to local government bodies and watershed councils
28 adjacent to the Columbia River and affected federally recognized Indian tribes, to develop a
29 Columbia River water supply inventory and a Columbia River long-term water supply and
30 demand forecast. The inventory must include:

31 (a) A list of conservation projects concerning the Columbia River that have been imple-
32 mented and the amount of water conservation the projects have achieved; and

33 (b) A list of potential water supply and storage projects in the Columbia River Basin,
34 including estimates of:

35 (A) Cost per acre-foot;

36 (B) Benefits to fish and other in-stream needs;

37 (C) Benefits to out-of-stream needs; and

38 (D) Environmental and cultural impacts.

39 (2)(a) The Water Resources Commission shall complete the first Columbia River water
40 supply inventory by June 30, 2008, and shall update the inventory no later than June 30 in
41 each succeeding year.

42 (b) The Water Resources Department shall complete the first Columbia River long-term
43 water supply and demand forecast by June 30, 2008, and shall update the inventory no later
44 than June 30 in each succeeding year.

45 SECTION 6. (1) In order to better understand current water use and in-stream flows in

1 the Columbia River main stem, the Water Resources Department shall establish and main-
2 tain a Columbia River main stem water resources information system that provides the in-
3 formation necessary for effective main stem water resource planning and management.

4 (2) To accomplish the objective set forth in subsection (1) of this section, the department
5 shall use information compiled by watershed councils, nonprofit organizations, federal agen-
6 cies and other interested parties. The information shall include:

7 (a) The total aggregate quantity of water rights issued by the state related to the
8 Columbia River main stem and for ground water within one mile of the main stem; and

9 (b) The total aggregate volume of current water use under these rights.

10 (3) The department shall publish the aggregate data on the department's Internet website
11 no later than June 30, 2009, and shall update the inventory no later than June 30 in each
12 succeeding year.

13 SECTION 7. In addition to and not in lieu of any other appropriation, there is appropri-
14 ated to the Water Resources Department, for the biennium beginning July 1, 2007, out of the
15 General Fund, the amount of \$_____, which may be expended for carrying out the purposes
16 of section 1 to 6 of this 2007 Act.

17 SECTION 8. This 2007 Act being necessary for the immediate preservation of the public
18 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
19 July 1, 2007.