



# Oregon

Theodore R. Kulongoski, Governor

**Water Resources Department**

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

Before the  
Senate Environment and Natural Resources Committee  
Senator Jackie Dingfelder, Chair

## **TESTIMONY ON SB 194**

Presented by Phillip C. Ward, Director  
Oregon Water Resources Department  
February 10, 2009

### **Introduction**

Thank you for the opportunity to present testimony on SB 194, a measure developed during this past year by the Water Resources Department, in conjunction with the Governor's Office and key stakeholders, as part of the Governor's Headwaters to Ocean, or H<sub>2</sub>O, Initiative. This bill would set the Oregon Water Resources Department on a specific timeline to implement the Strategic Measurement Plan (Measurement Plan), established by our Water Resources Commission in 2000. The bill would also require the Water Resources Commission to appoint a water-use measurement advisory committee to partner with the Department on water-use measurement issues. The Department supports a strategic approach to increase water-use measurement, and has attached a fiscal impact statement to this bill, in order to secure the resources necessary to implement the language of SB 194.

### **Building upon the Water Resources Commission's Strategic Measurement Plan**

Current law allows the Department to require measuring devices, where needed, as part of its permitting process and water management responsibilities. The Water Resources Commission embarked on a Measurement Plan in 2000 to strategically improve water measurement statewide. With resources scarce, the Commission wanted to "major on the majors" by prioritizing the installation of measuring devices.

The Water Resources Commission directed the Department to focus its limited resources on "significant diversions" within "high priority watersheds." Significant diversions are those that have a permit condition that require a measuring device; or divert more than five cubic feet per second; or divert a high percentage of streamflow. The Department identified high priority watersheds with the help of Oregon Department of Fish and Wildlife, as those with the greatest biological need and the greatest restoration opportunities; there are nearly 300 such watersheds.

As a result, the Department has identified approximately 2,200 significant diversions that represent about 10 percent of the overall number of diversions in high priority watersheds, and account for about 50 percent of the volume of water diverted.

## **The Department's Workplan**

The Department has inventoried about 250 significant diversions in high priority watersheds whose permits require them to have a measuring device installed. This first group comprises *Phase I* of the Department's implementation plan. The Department first determined who these water users are, and in 2008 worked to get most of this group on a path to compliance. There are 57 additional diversions in Phase I, who are not on a path to compliance and work will continue with them into 2009. More formal enforcement measures may be required to get these measuring devices installed.

The Department has identified an additional 150 significant diversions for *Phase II*, for installation of measuring devices before the end of 2009. These 150 do not have permit conditions that require measuring devices, and so the Department will first work with the water users to install these devices voluntarily. Reaching, communicating and getting compliance with this group will require greater levels of effort, since measurement is not required as a permit condition. Measurement may be required as the result of a watermaster's order. We will also provide technical assistance to determine the type of measuring device that will work at each diversion. We are cooperatively working with groups such as watershed councils, Tribes and others to find matching funds, as well as providing limited matching funds from the Department itself.

*Phase III* of the plan as envisioned by the Department is to see measuring devices installed on the remaining 1,800 diversions. We anticipate we will need to put forth efforts similar to those described for the 150 significant diversions mentioned above, as this group also does not have permit conditions that require measuring devices. These efforts will include outreach, education, technical assistance, identification of owners, and the provision of cost-share dollars for water users, as they voluntarily finance the purchase and installation of the measuring devices. With 1,800 diversions to complete by 2012, the Department will require more resources than it currently has.

## **What SB 194 Would Do**

- SB 194 would require the Department to ensure the installation of measuring devices on 2,200 significant diversions, as identified by the Water Resources Commission's 2000 Strategic Measurement Plan, by September 1, 2012.
- The Water Resources Commission would appoint a nine member advisory committee to evaluate the Department's progress in implementing its Measurement Plan.
- The advisory committee would also make recommendations for further water-use measurement including, but not limited to, requiring additional diversions be measured, and recommending potential sources of funds.

- The Department would submit a report to the interim legislative committee on environment and natural resources on or before November 1, 2012, providing an update on the implementation of the Department's Measurement Plan and the recommendations of the advisory committee.

### **Resources Necessary for Implementation**

The Department believes that with its current staffing levels, it can complete Phase I during 2008-09, with measurement devices installed on the 250 significant diversions with permit conditions. Although the next 150 significant diversions do not have measurement permit conditions in place, the Department believes that this second group could have measurement devices installed before the end of 2009 with current staffing levels.

In order to ensure the installation of 1,800 additional significant points of diversion by 2012 (600 per year), however, the Department will require a significant increase in staff in the field and in our technical services division. Five assistant watermasters, one in each region, will be responsible for the outreach, education, technical expertise, enforcement, and follow-up necessary to reach diversion owners. In addition, this effort will require three full-time equivalents (FTE) to manage the program, manage the data (status of each significant diversion), and manage the correspondence/water rights documents.

In addition, meeting these timelines will require cost-share dollars for participants who are installing measurement devices on a voluntary basis. The Department requests \$100,000 in cost-match funding.

The staffing and cost-share request total \$1.3 million.

### **Summary**

SB 194 would require the Department to implement the Water Resources Commission's Strategic Measurement Plan, ensuring the installation of measuring devices on 2,200 significant points of diversion by September 1, 2012. It would also require the Water Resources Commission to appoint an advisory committee to evaluate the Department's implementation of the plan, make recommendations on further measurement, and also identify funding sources. The Water Resources Department is committed to the implementation of our Commission's strategic approach to increase water-use measurement, and has attached a fiscal impact statement to SB 194, in order to secure the resources necessary for its implementation.