



MEMORANDUM

Prepared for: Oregon State Senate
Date: February 23, 2021
By: Leslie Porter, Analyst
Re: Legislative Review of Executive Appointments

LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

WATER RESOURCES COMMISSION

The Governor has appointed the following individual to the Water Resources Commission subject to Senate confirmation.¹

Appointees

Julie Smitherman of Medford; New Appointment
Julie Smitherman of Medford; Reappointment

Term

Smitherman: March 15, 2021 – June 30, 2021
Smitherman: July 1, 2021 – June 30, 2025

Appointment/Confirmation Authority

[ORS 536.022 \(2019\)](#)

Statement of Economic Interest²

Required.

Statutory Requirements³

The commission consists of seven members appointed by the Governor and subject to confirmation by the Senate.⁴ Of the members:

- One must be from the Upper Northwest Region, consisting of the Lower and Middle Willamette, North Coast, and Sandy drainage basins and that portion of the Columbia River drainage basin below Bonneville Dam (BAUMGARTNER).
- One must be from the Southwest Region, consisting of the Rogue, Klamath, Goose, and Summer Lakes drainage basins and that portion of the South Coast drainage basins south of the mouth of the Rogue River (**SMITHERMAN**).
- One must be from the West Central Region, consisting of the Umpqua, Mid Coast, and Upper Willamette drainage basins and that portion of the South Coast drainage basins north of the mouth of the Rogue River (MOLL).

¹ [Or. Const. art. III sect. 4](#), [ORS 171.562 \(2019\)](#), [ORS 171.565 \(2019\)](#).

² [ORS 244.050 \(2019\)](#).

³ [ORS 182.100 \(2019\)](#) for affirmative action policy and [ORS 236.115 \(2019\)](#) for diversity criteria.

⁴ [ORS 536.022 \(2019\)](#).

- One must be from the North Central Region, consisting of the Umatilla, John Day, Hood, and Deschutes drainage basins and that portion of the Columbia River drainage basin above Bonneville Dam (QUAEMPTS).
- One must be from the Eastern Region, consisting of the Owyhee, Malheur, Grande Ronde, Malheur Lake, Middle Snake, and Powder drainage basins (CORN).
- One must be from east of the summit of the Cascade Mountains (KIHARA).
- One must be from west of the summit of the Cascade Mountains (REEVES).

Members serve four-year terms and at the pleasure of the Governor. No member may serve more than two consecutive terms. The Governor must designate one member as chairperson.

Duties and Authority

The commission establishes policies for the operation of the Water Resources Department in a manner consistent with specified statutes.⁵ The commission must:⁶

- maintain records of expenditures from the department's Hydroelectric Fund;
- adopt rules and standards to perform the functions vested by law in the commission;
- establish specified fees;
- appoint a ground water advisory committee to advise the commission on specified matters and review the proposed expenditure of specified revenues;
- review and update the integrated state water resources strategy every five years, and give notice of the strategy to specified entities prior to adoption;
- devise plans and programs for the development of the water resources of this state in such a manner as to encourage, promote, and secure the maximum beneficial use and control thereof;
- formulate and deliver statements from an integrated, coordinated program for the use and control of all water resources in this state;
- receive, review, and adjudicate notices of proposed exercise of power involving water resources; and
- adopt a schedule of civil penalties to be assessed for specified violations.

The commission may:⁷

- except for the commission's power to adopt rules, delegate to the Water Resources Director the exercise or discharge in the commission's name of any power, duty, or function vested in or imposed by law upon the commission;
- conduct public hearings;
- issue subpoenas for the attendance of witnesses and the production of books, records, and documents relating to matters before the commission;
- administer oaths;

⁵ [ORS 536.025 \(2019\)](#).

⁶ [ORS 536.017 to 536.910 \(2019\)](#).

⁷ [ORS 536.025 to 536.920 \(2019\)](#).

- take or cause to be taken depositions and receive such pertinent and relevant proof as may be considered necessary or proper to carry out duties of the commission and department;
- approve an exercise of power by any state agency or public corporation which conflicts with a water resources statement;
- in carrying out an investigation pertaining to water resources, cooperate with state agencies of California for the purpose of formulating, executing, and submitting to the legislatures of Oregon and California for their approval, interstate compacts relative to the distribution and use of specified waters;
- conduct such investigations, surveys, or studies, including the holding of public hearings, relating to the water resources of this state as it deems necessary to facilitate and assist in carrying out its functions as provided by law;
- prepare and submit information or proposals and recommendations relating to the water resources of this state or the functions of the commission as provided by law to any person, local voluntary committee or association, state agency or public corporation of this or any other state, any interstate agency, any agency of the federal government, or any committee of the legislature of this or any other state or of the Congress of the United States;
- consult and cooperate with any state agency or public corporation of this or any other state, any interstate agency, or any agency of the federal government for the purpose of promoting coordination between local, state, interstate, and federal plans, programs, and projects for the use or control of the water resources of this state or to facilitate and assist the commission in carrying out its functions as provided by law;
- attend and participate in any public conference, meeting, or hearing held within or without this state for the purpose of considering water resources problems;
- accept and expend moneys from any public or private source, including the federal government, made available for the purpose of encouraging, promoting, and securing the maximum beneficial use and control of the water resources of this state or to facilitate and assist in carrying out its functions as provided by law;
- call upon state agencies or public corporations of this state to furnish or make available information concerning the water resources of this state; have access to records, facilities, or projects that may concern the water resources of this state or the functions of the commission; and otherwise utilize the services, records, and other facilities of state agencies or public corporations of this state to the maximum extent practicable;
- deposit with the State Treasurer for safekeeping all moneys and securities which may come into the commission's possession in connection with the reorganization, retirement, or settlement of the bonds, warrants, or other evidences of indebtedness of any irrigation district within the state;
- after a declaration that a severe, continuing drought exists, may: issue without first conducting a hearing a temporary permit for an emergency use of water; allow a temporary change in use, place of use, or point of diversion of water without complying with notice and waiting requirements; notwithstanding the priority of water rights, grant preference of use to rights for human consumption or stock watering use; waive specified notice and report requirements; allow a temporary exchange of water without

giving notice; and utilize an expedited notice and waiting requirement established by rule for the substitution of a supplemental ground water right for a primary water right under drought conditions;

- purchase an option or enter an agreement to use an existing permit or water right during the time in which a severe, continuing drought is declared to exist, and approve the purchase of options by a local government, public corporation, or water right holder;
- upon a finding that a severe or continuing drought is likely to occur, order individual state agencies and political subdivisions within any drainage basin or sub-basin to develop and file with the commission, within 30 days following the order, a water conservation or curtailment plan or both; and
- assess civil penalties for specified violations and with consideration of specified factors.

Executive Appointments Board Roster

Water Resources Commission

Agency: Water Resources
Authorization: ORS 536.022
Members: Min: 7 Max: 7
Term Length: 4 years Limit: 2
Senate confirmation required? Yes

Policy Area: Natural Resources

Board Contact:

Nirvana Cook
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0876
Fax: 503-986-0903
nirvana.cook@oregon.gov
thomas.m.byler@oregon.gov

Current Appointments:

Member Name and Address (Alphabetical)

Robert P Baumgartner Upper NW Region Term(s): 07-01-2017 - 06-30-2021 09-18-2013 - 06-30-2017	Position Number: 5
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Bruce R Corn Eastern Region Term(s): 07-01-2017 - 06-30-2021 09-18-2013 - 06-30-2017	Position Number: 2
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Kathy Kihara East of the Cascades Term(s): 03-01-2018 - 06-30-2021	Position Number: 3
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Joe Moll West Central Region Term(s): 02-14-2018 - 06-30-2021	Position Number: 7
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Eric J Quaempts North Central Term(s): 07-01-2017 - 06-30-2021 09-26-2016 - 06-30-2017	Position Number: 1
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Meg Reeves, Chair West of the Cascades Term(s): 07-01-2020 - 06-30-2024 09-26-2016 - 06-30-2020	Position Number: 4
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Julie M Smitherman Southwest Region Term(s): 07-01-2021 - 06-30-2025 03-01-2021 - 06-30-2021	Position Number: 6
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