

Requested by Representative OWENS

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3368**

1 On page 1 of the printed bill, line 2, after “water;” delete the rest of the  
2 line and delete line 3.

3 Delete lines 6 through 21 and delete pages 2 through 18.

4 On page 19, delete lines 1 through 13 and insert:

5

6 **“WATER RESOURCES REPORT AND BASIN WATER ASSESSMENTS**

7

8 **“SECTION 1. (1) The Water Resources Department shall period-**  
9 **ically produce a state of water resources report that includes basin**  
10 **assessments for all basins of this state, which must characterize the**  
11 **department’s understanding of basin water supply and demand, in-**  
12 **cluding the availability of surface and ground water to meet current**  
13 **and future in-stream and out-of-stream water needs.**

14 **“(2) The state of water resources report and basin assessments must**  
15 **describe, at minimum:**

16 **“(a) Estimated water supply from all sources.**

17 **“(b) The amount of water legally allocated and the estimated water**  
18 **diverted and used, by sector of use and source.**

19 **“(c) Where and when water is fully appropriated or over-**  
20 **appropriated and evidence of any issues resulting from over-**  
21 **appropriation.**

1       “(d) An overview of the department’s history of regulating surface  
2 and ground water sources, including an overview of the frequency and  
3 nature of complaints filed with the department regarding water sup-  
4 plies, distribution and regulation.

5       “(e) An estimate of shortfalls during a representative drought year  
6 for each basin, for in-stream and out-of-stream uses.

7       “(f) The department’s up-to-date understanding of the hydraulic  
8 connection between ground water and surface water, and how the hy-  
9 draulic connection affects current and future water supply and de-  
10 mand.

11       “(g) Any gaps in information that limit the department’s ability to  
12 provide a full accounting of current water supply or demand or the  
13 extent of appropriation for in-stream and out-of-stream uses.

14       “(h) Drinking water supply needs, as well as drinking water supply-  
15 and demand-related opportunities to meet the needs, based on consul-  
16 tation with drinking water supply providers and the Oregon Health  
17 Authority.

18       “(i) Water supply needs to maintain the current level of agricul-  
19 tural production and anticipated increases in agricultural production,  
20 as well as water supply- and demand-related opportunities to meet the  
21 needs, based on consultation with Oregon State University and the  
22 State Department of Agriculture.

23       “(j) Water supply needs to support fish and wildlife, abate pollution,  
24 promote water quality and support recreation, as well as water supply-  
25 and demand-related opportunities to meet the needs, based on consul-  
26 tation with the Department of Environmental Quality, the State De-  
27 partment of Fish and Wildlife and the State Parks and Recreation  
28 Department.

29       “(k) Water supply needs for other beneficial uses of water, including  
30 beneficial uses of water by industry, by livestock, for navigation, for

1 storage and for hydropower.

2 “(L) Opportunities for water conservation and storage, both above  
3 and below ground, or other water to reduce water demand, or increase  
4 water supplies, to address current and future shortfalls in water sup-  
5 ply.

6 “(m) Anticipated changes to water use and availability resulting  
7 from climate change, population change, land use change and other  
8 relevant factors.

9 “(n) The data, methods and assumptions used to develop the report  
10 and basin assessments.

11 “(o) Any other information determined by the Water Resources  
12 Department to be useful in formulating basin plans or basin program  
13 rules.

14 “(3) The department shall append to the report and basin assess-  
15 ments a vulnerability and resilience assessment that evaluates:

16 “(a) Anticipated changes in surface and ground water supply and  
17 demand under possible future climate change and population growth  
18 scenarios in each basin.

19 “(b) The vulnerability and resilience of various water use sectors  
20 under the scenarios.

21 “(4) The department:

22 “(a) Shall update the report and basin assessments at least every  
23 eight years, before or in conjunction with updating the integrated  
24 state water resources strategy described in ORS 536.220.

25 “(b) Shall strive to avoid duplication of efforts and to integrate and  
26 coordinate development of the report and basin assessments with  
27 other complementary processes.

28 “(c) Shall use the report and basin assessments to inform:

29 “(A) Updates to the integrated state water resources strategy de-  
30 scribed in ORS 536.220.

1       **“(B) Basin plans, basin programs and basin program rules.**

2       **“(C) Any basin-scale water planning efforts.**

3       **“(D) The development of place-based integrated water resources**  
4 **strategies.**

5       **“(d) Shall ensure that information used to develop the report and**  
6 **basin assessments is publicly available.**

7       **“(e) Shall use the best available scientific information to develop**  
8 **the report and basin assessments.**

9       **“(f) Shall summarize additional data, information or studies that**  
10 **are needed to adequately characterize basin-specific issues or fill gaps**  
11 **in existing information, including activities the department proposed**  
12 **to acquire the additional data, information or studies and the antic-**  
13 **ipated costs of the activities.**

14       **“(g) May contract for production of the report or basin assessments.**

15       **“(h) Shall develop a plan for prioritizing and sequencing the devel-**  
16 **opment of, and updates to, basin assessments.**

17       **“(i) Shall develop a process for soliciting and incorporating public**  
18 **feedback into the state of water resources report and basin assess-**  
19 **ments.**

20       **“(j) Shall hold public meetings in each basin to share the results**  
21 **of the relevant basin assessments before finalizing the basin assess-**  
22 **ments.**

23       **“(k) Shall time updates to the state of water resources report and**  
24 **basin assessments with updates to the integrated state water resources**  
25 **strategy described in ORS 536.220.**

26       **“NOTE:** Section 2 was deleted by amendment. Subsequent sections were  
27 not renumbered.

28       **“SECTION 3. The Water Resources Commission shall:**

29       **“(1) On or before December 31, 2024:**

30       **“(a) Produce an initial basin assessment for each basin in this state**

1 **that describes:**

2 **“(A) The Water Resources Department’s understanding of the in-**  
3 **formation described in section 1 (2)(a) to (g) of this 2023 Act.**

4 **“(B) The data, methods and assumptions used to develop the initial**  
5 **basin assessments, as well as any data gaps that are priorities.**

6 **“(b) Report in the manner described in ORS 192.245 to a committee**  
7 **or interim committee of the Legislative Assembly related to water on:**

8 **“(A) The initial basin assessments described in subsection (1) of this**  
9 **section.**

10 **“(B) How the commission and department intend to use results and**  
11 **findings from the basin assessments to inform processes of the de-**  
12 **partment.**

13 **“(C) How information collected for purposes of developing the water**  
14 **availability and allocation tool described in section 6 of this 2023 Act**  
15 **will be used in the state of water resources report and basin assess-**  
16 **ments described in section 1 of this 2023 Act.**

17 **“(D) Progress in implementing section 1, chapter 608, Oregon Laws**  
18 **2021, and how information resulting from implementation of the re-**  
19 **quirements of section 1, chapter 608, Oregon Laws 2021, will be used**  
20 **to inform the state of water resources report, basin assessments and**  
21 **the water availability and allocation tool described in section 6 of this**  
22 **2023 Act.**

23 **“(E) Recommended investments to fill key data gaps.**

24 **“(2) On or before December 31, 2028, produce the full state of water**  
25 **resources report and basin assessments described in section 1 of this**  
26 **2023 Act.**

27

28 **“REVIEW OF WATER POLICIES AND MANAGEMENT**

29

30 **“SECTION 4. (1) On or before December 31, 2024, in consultation**

1 with the Water Resources Commission, the Legislative Policy and Re-  
2 search Office shall report, in the manner described in ORS 192.245, to  
3 a committee or interim committee of the Legislative Assembly related  
4 to water on:

5 “(a) How basin planning and basin program rules could be better  
6 used to sustainably allocate and manage water resources.

7 “(b) How to support integrated, coordinated basin programs that  
8 achieve the policy objective set forth in section 1 of this 2023 Act and  
9 ORS 536.220, 536.231, 536.235, 536.238, 536.241 and 536.310.

10 “(c) Needs and opportunities for increasing flexibility and account-  
11 ability in basin program rules to improve management outcomes for  
12 in-stream and out-of-stream water uses.

13 “(2) The report must include:

14 “(a) A thorough review of relevant statutes and rules.

15 “(b) A thorough review of Oregon’s past and current approaches to  
16 basin planning and management.

17 “(c) A comparative analysis of relevant approaches in other states.

18 “(d) Policy and funding recommendations to modernize Oregon’s  
19 approach to basin planning and management.

20 “SECTION 5. Section 4 of this 2023 Act is repealed on January 2,  
21 2029.

22

23 “WATER AVAILABILITY AND ALLOCATION TOOL

24

25 “SECTION 6. (1) The Water Resources Department shall develop  
26 and maintain a publicly available water availability and allocation tool  
27 that uses up-to-date information to show:

28 “(a) Estimated water supply and use.

29 “(b) Where and when water may be available for appropriation.

30 “(2) In implementing this section, the department:

1       “(a) Shall include surface and ground water.

2       “(b) Shall include in-stream and out-of-stream uses.

3       “(c) Shall consider the hydraulic connectivity of surface and ground  
4 water.

5       “(d) May incorporate anticipated future water availability and de-  
6 mand information.

7       “(e) Shall update the tool no less than every 16 years to reflect best  
8 available information and current conditions.

9       “(f) Shall coordinate updates of the tool with the completion of  
10 basin assessments.

11       “(g) May contract for development, maintenance or updating of the  
12 tool.

13       “(h) Shall make publicly available with the tool a report describing  
14 the data, methods and assumptions used to develop the tool.

15       “(i) Shall develop and implement a plan to ground truth the tool  
16 within water basins across this state.

17       “(j) Shall refine the tool as needed to reflect water basin-specific  
18 hydrological and water use information.”.

19       In line 17, delete “27” and insert “7”.

20       In line 23, delete “28” and insert “8”.

21

---