



Report from Oregon Water Utility Council

2017 PNWS-AWWA Winter Trustees Report

Chair: Suzanne DeLorenzo, Clackamas River Water
Vice-Chair: Sara Petrocine, City of Portland
Sec/Treasure: Karen Kelley, City of Albany
Past Chair: Kim Swan, Clackamas River Water Providers
Trustee: Kari Duncan, City of Lake Oswego

The Oregon Water Utility Council continues to monitor legislation, regulations, and court actions that could impact the water industry, giving members the ability to help shape these kinds of issues. In addition, it provides its members with the ability to network with other water utilities of all sizes. The legislative activities are closely coordinated with policies of the AWWA when applicable.

Review of Activities and Accomplishments

Municipal Extensions Fix

OWUC worked closely with the League of Oregon Cities and the Special Districts Association of Oregon on legislation to fix the municipal water rights extension issue that arose from a 2013 Oregon Supreme Court decision. After unsuccessful attempts to achieve the fix in the 2015 State Legislative Session, SB 1584 would have defined the undeveloped portion of a water rights permit.

The bill, as introduced, proposed to legislatively set the date for municipal extensions at the December 11, 2013 date of the court ruling. An amended version, SB 1584-A, moved the date to 2010. WaterWatch was intensely opposed to both bills. The bill received a hearing and work session but ran up against the end of session deadline and failed to advance.

The issue, which affects the already-developed water of several municipalities across the state, remained unresolved. Talks regarding the bill have resumed with the start of Fall legislative days on September 20, 2016. Two bills have been introduced that are the same as previously introduced-SB 466 and HB 2099. The bill was introduced to the House Agricultural & Natural Resources Committee.

HB4113- Drought Task Force

During the 2016 session, the legislature passed HB 4113, a bill proposed by the Governor that created a Drought Emergency Response Task Force. The Task Force is in response to a challenging 2015 water year in which much of the state experienced drought conditions. The legislatively created Task Force consists of municipal representation, agricultural, conservation, and industrial interests. Suzanne DeLorenzo is represented municipalities along with another OWUC member Jason Green who focuses primarily on small water systems through the Oregon Association of



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Water Utilities. The Task Force is charged State's existing drought response tools, identify potential gaps, and make recommendations on tools and information needed to ensure that the State is prepared to respond during a drought in the future.

The Task Force met seven times between August and November 2016. The Task Force ultimately approved 13 recommendations. Summary is available at https://www.oregon.gov/owrd/docs/HB4113/HB_4113_Final_Task_Force_Report_11.1.2016_Final_-_Executive_Summary.pdf.

Integrated Water Resources Strategy Policy Advisory Group

The Oregon Water Resources Commission adopted the state's first Integrated Water Resources Strategy on August 2, 2012. The Strategy provides a blueprint to help the state better understand and meet its instream and out-of-stream needs, taking into account water quantity, water quality, and ecosystem needs. A Policy Advisory Group (PAG) has been assembled to provide guidance and recommendations to the Strategy's Project Team for the 5-year IWRS Update. The Group consists of 18 citizen members, appointed for their ability to represent a wide range of interests and diverse statewide perspectives. Suzanne DeLorenzo and OWUC Member Rebecca Geisen, City of Portland served on this PAG.

The group recommended 6 new actions be added to the IWRS. This PAG report was presented to the Oregon Water Resources Commission on January 26, 2017. Following the WRC meeting, agency staff (from all of the partner agencies) will set to work writing a more detailed narrative around each of the new and existing recommended actions. The more detailed text, in the form of a draft IWRS, will be released for public review and comment during February or early March 2017.

2017 Legislative Symposium

Due to snow and treacherous travel conditions in the Portland Metropolitan area the 2017 Legislative Symposium was canceled.

Bend Case Amicus Brief

OWUC agreed to support the City of Bend by filing an amicus brief in the Central Oregon Landwatch v. Connaughton (Bend Case) in the Ninth Circuit Court. The case deals with instream water rights issues and could have a significant impact on water users. This is the second amicus brief OWUC has filed on behalf of Bend in the case; the first was filed when the case was in the District Court. The case continues and at this time, all respondent briefs have been filed by all parties. The court has yet to schedule oral arguments but Bend is hoping for a hearing sometime this summer with a ruling soon after – though appeals can take much longer.

Fall 2016 TriWUC Meeting

OWUC hosted the Fall 2016 TriWUC meeting. This year's TriWUC meeting was held at the Embassy Suites Portland International Airport. Sean Garcia, AWWA Legislative Policy Coordinator, from the Washington DC Office will be joined us and discussed the upcoming



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legislative year and how transitions and governmental regimes may affect the drinking water industry. The meeting was attended by more than 60 WUC members from Idaho, Oregon, and Washington.