

PART I HISTORY OF THE  
STATE WATER RESOURCES BOARD

EVENTS LEADING TO PRESENT STATE WATER POLICY

Oregon's first century of statehood saw many of its water laws enacted in response to a succession of single-purpose groups influencing the Legislature. The result was a large number of single-purpose laws, public authorities, and legislative declarations of water resource policies. By 1953 the state was financing two water developmental commissions, and other areas of Oregon were seeking equal consideration.

Legislative Background

In 1955 the State Legislature, concerned with the vital importance of water, both to the state's economy and to the well-being of the people of Oregon and with the increasing frequency of demands for special-interest water legislation, enacted Chapter 707, Oregon Laws, 1955. It thereby established a comprehensive water policy and the State Water Resources Board to carry out that policy. The Board was designated to serve as the single agency to foster the development of the state's water resources. The objective of this modern water law was to achieve the greatest beneficial use and control of the state's unappropriated water resources commensurate with the new legislative policy.

The Board's seven members are appointed by the Governor for staggered 4-year terms. They do not represent special water interests or geographic areas. The appointments are subject to approval by the State Senate.

Legislative Action Since 1955

During the 15 years of Board operation there have been minor changes in its governing statutes. Those made, other than housekeeping changes in 1961, 1967, and 1969, have given the Board increased responsibility and authority.

Classification Restrictive

The 1963 Legislature authorized the Board to reclassify as well as to classify the waters of the state as to the highest and best use and quantities of use and provided that classification has the effect of restricting water use and quantities, as classified. It also provided that ORS 536.210 to 536.560 and the Board's authority thereunder " . . . shall include all

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laws now existing or hereinafter enacted that relate to or effect the use and control of the water resources of this state."

### Dam Sites and Flood Plains

Following the disastrous floods of 1964-65, the 1965 Legislature amended the definition of "waters of this state" to include sites of future reservoirs and flood plain areas forming the predictable channels of flood-water drainage of rivers and streams.

### Pacific Northwest River Basins Commission

In 1967 the Legislature directed the Board to designate one of its members as Oregon's representative to the Pacific Northwest River Basins Commission. The Commission was established at the specific request of the Governors of the States of Oregon, Washington, Idaho, Montana, and Wyoming.

The principal responsibilities and objectives of the Commission are to coordinate federal, state, and local water and related land resources planning; prepare and keep up to date a comprehensive joint plan for water and related land resources and conduct or foster studies pertinent thereto; and prepare a long-range schedule of priorities for the collection and analysis of the basic data and for investigation, planning and construction of projects.

The Commission is coordinating the Willamette Basin and Puget Sound Comprehensive Studies and the Columbia-North Pacific Regional Framework Study to help prepare a comprehensive joint plan for the region's water and related land resources and a long-range schedule of priorities.

Former Board member LaSelle E. Coles served as Oregon's first Commission representative. Board member General L. H. Foote now serves on the Commission. Former Board Director Donel J. Lane served as alternate until resigning from the Board in March, 1970, to become Chairman of the Pacific Northwest River Basins Commission. The Board's Chief Engineer and Staff Member in Charge, Fred D. Gustafson, presently is Oregon's alternate member. See Figure 1.

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PACIFIC NORTHWEST RIVER BASINS COMMISSION

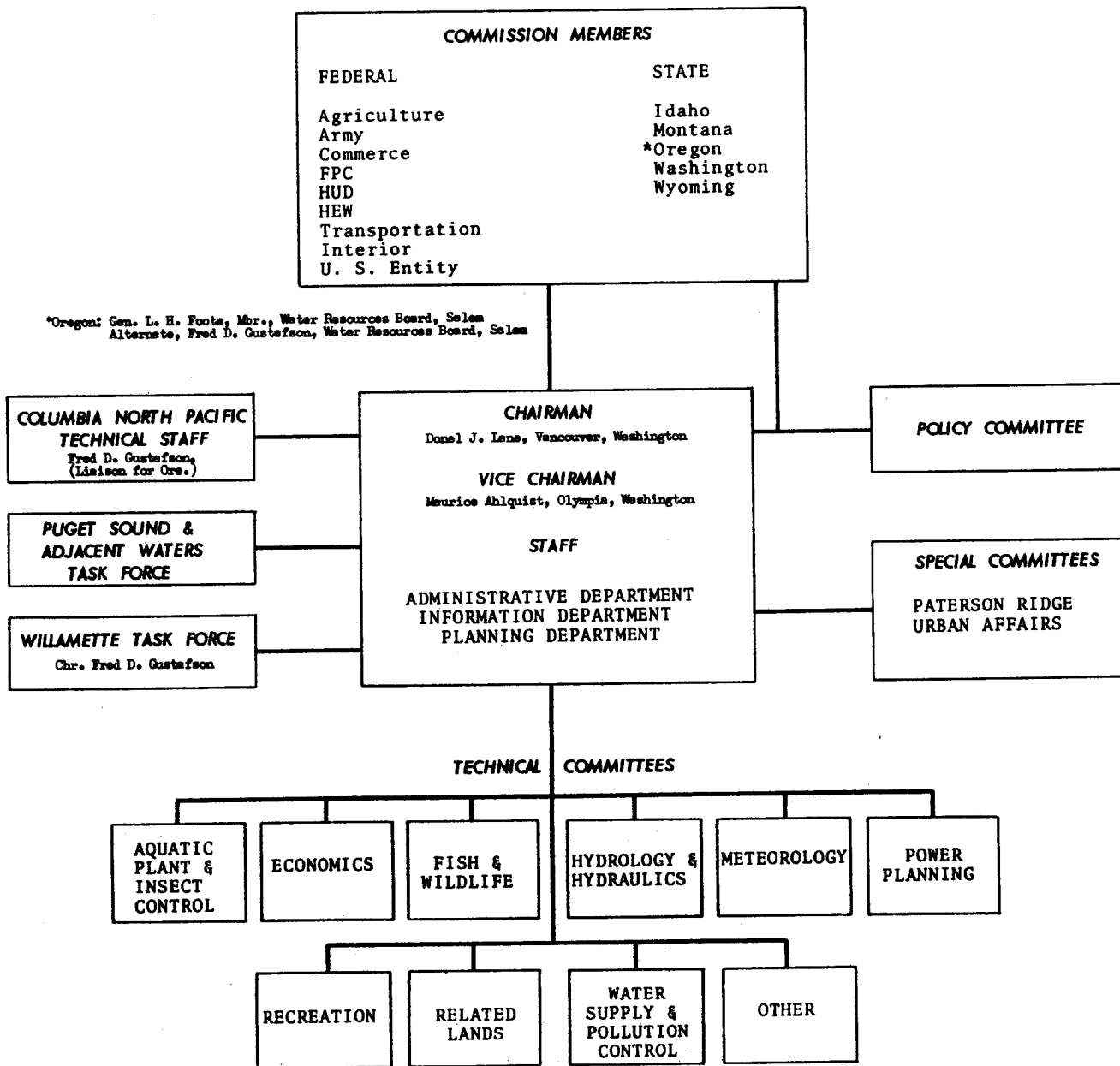


FIGURE 1

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### Appeals Function Increased

In 1967 the Legislature authorized the Board to develop rules, provide hearings on appeals, and conduct abatement proceedings regarding removal of materials from streambeds (ORS 541.605 to 541.660).

### FUNCTIONS OF THE STATE WATER RESOURCES BOARD

The Board has two primary statutory responsibilities: The first, to progressively formulate an integrated, coordinated program for the use and control of all the water resources of this state and issue statements thereof; the second, to devise plans and programs for development of the state's water resources.

These two responsibilities, together with other functions assigned to the Board, are listed below:

1. Formulate programs for the use of unappropriated water, including allocation or classification of water either by quantity or by use. These programs when established become state water policy binding on all state agencies.
2. Devise means and methods for conserving, augmenting, and beneficially developing the state's water resources and conduct investigations and studies pertinent thereto.
3. Represent the State of Oregon on the Pacific Northwest River Basins Commission.
4. Identify flood plains and sites of future reservoirs.
5. Withdraw unappropriated waters from future appropriation when in the public interest.
6. Participate in an ex-officio capacity or by specific legislative assignment in the development, formulation, and operation of interstate water compacts.
7. Render decisions in conflicts over the use of water in accordance with legislative standards.
8. Carry out state participation in federal flood control projects.
9. Review federal projects as to conformance with state water policy.

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10. Consult and cooperate with local, state, interstate, and federal agencies to promote coordination of water and use and control of projects and programs.
11. Make available technical advice and information for maximum use and control of water.
12. Cooperate with the Division of State Lands to control removal of material from the beds and banks of the waters of the state.
13. Coordinate and prepare state agencies' comments on federal navigation permits.
14. Serve as the state's water resource data center.

### Water Resources Inventory

The Board has systematically inventoried the state's water resources. It is now in a position to conduct studies leading to development of a state water plan.

### Board Programs Innovative

Long before problems of environment and ecology became matters of popular concern, the Board, in response to legislative declarations of policies, took the lead in establishing programs responsive to environmental needs. The Board has set aside minimum streamflows equal to about 10 million acre-feet per year for public uses. In addition, many high elevation lakes have been reserved for fish, wildlife, recreation, and domestic use by Board programs. So far as known, Oregon is the only state that has such programs.

The Board has classified a specific quantity of water for a particular use, such as municipal use, when reserving it was found to be in the public interest. In the Mid-Coast Basin, the need for such special classification was made apparent through a cooperative Board, county and federal municipal water supply study for which the State Engineer provided pertinent ground water data through a service agreement with the Board.

### Waters Withdrawn from Future Appropriation

The Board has reserved the waters of certain natural lakes for

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waterfowl use by withdrawal from future appropriation. It has also withdrawn from future appropriation waters released from certain federal reservoirs for designated instream uses.

### Oregon's Ultimate Needs Study

The 1965 and 1967 Legislatures funded the Board's 4-year study entitled "Oregon's Long-Range Requirements for Water." This study provided a unique look into the distant future, to the years 2020 and 2070. It included such environmental requirements as instream water uses for fish and wildlife and pollution abatement.

### Planning and Development

Natural resource problems do not begin and end at state boundaries. Oregon, through the Board, has extended its position of water leadership by actively participating at the regional and national levels in organizations and efforts concerned with development and management of the Nation's waters and related land resources.

### Pacific Northwest River Basins Commission

The Board represents Oregon on the Pacific Northwest River Basins Commission. The Board's staff has provided membership on the Commission Policy Committee, Task Force Chairman for the Willamette Basin Comprehensive Study, chairmanship for two subregional plan formulation teams for the Columbia-North Pacific Regional Framework Study, and membership on two additional plan formulation teams.

Both the Board and other Oregon natural resource agencies have provided members to technical committees established by the Commission. Committee membership comes from all levels of state and federal agencies and the public. Committee reports are available to local governments and their planning commissions.

### Western States Water Council

Governor McCall has designated Board member General L. H. Foote as one of Oregon's three representatives on the Western States Water Council. Serving also on the Council, both on the Executive Committee and as Secretary-Treasurer until his resignation

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from the Board, was Donel J. Lane. Following his resignation Governor McCall appointed State Engineer, Chris L. Wheeler, to the Council and to its Executive Committee. Oregon's third representative to the Council is Attorney Eugene Marsh of McMinnville, Oregon.

### Interstate Conference on Water Problems

The Board's staff actively participates in the Interstate Conference on Water Problems. The Interstate Conference provides the only forum whereby all 50 states and Puerto Rico can openly discuss problems of mutual concern and establish positions, particularly mutual support opposing federalism. Through this forum, the support of eastern states has been obtained opposing the 160-acre limitations on U. S. Bureau of Reclamation projects and federal claims to water rising on federal lands.