

A graphic for water conservation. The word "Water" is written in large, bold, blue letters. A horizontal line passes through the middle of the letters. On either side of the line, there are three blue stick figures pulling the line, as if in a tug-of-war. The background is a light blue, wavy pattern representing water. Below the word "Water", there are two blue water droplets of different sizes, one larger than the other, falling downwards.

Water



Not a drop to waste

The Public Owns the Water

- In 533, Justinian stated: “By law of nature these things are common to mankind – the air, running water, the sea and consequently the shores of the sea.” This concept became part of the Magna Carta in 1215.**
- In 1859, the U.S. Congress granted Oregon title to the beds and banks of navigable water bodies (Oregon Admissions Act).**
- Oregon water law explicitly states that, “all water within the state from all sources of water supply belongs to the public.” ORS 537.110.**

Who are the Water Regulation Players?

- ***Water Resources Department (WRD)***
 - Permits the use of water
- ***Department of Environmental Quality (DEQ)***
 - Addresses pollution of water
- ***Other Departments***
 - Public Health Division (drinking water)
 - Departments of Forestry, Agriculture, Fish and Wildlife, State Lands, Land Conservation and Development

How are Water Rights Allotted?

Prior Appropriation Doctrine which “ensures that the first water user to obtain water rights has first access to water in times of shortage.”

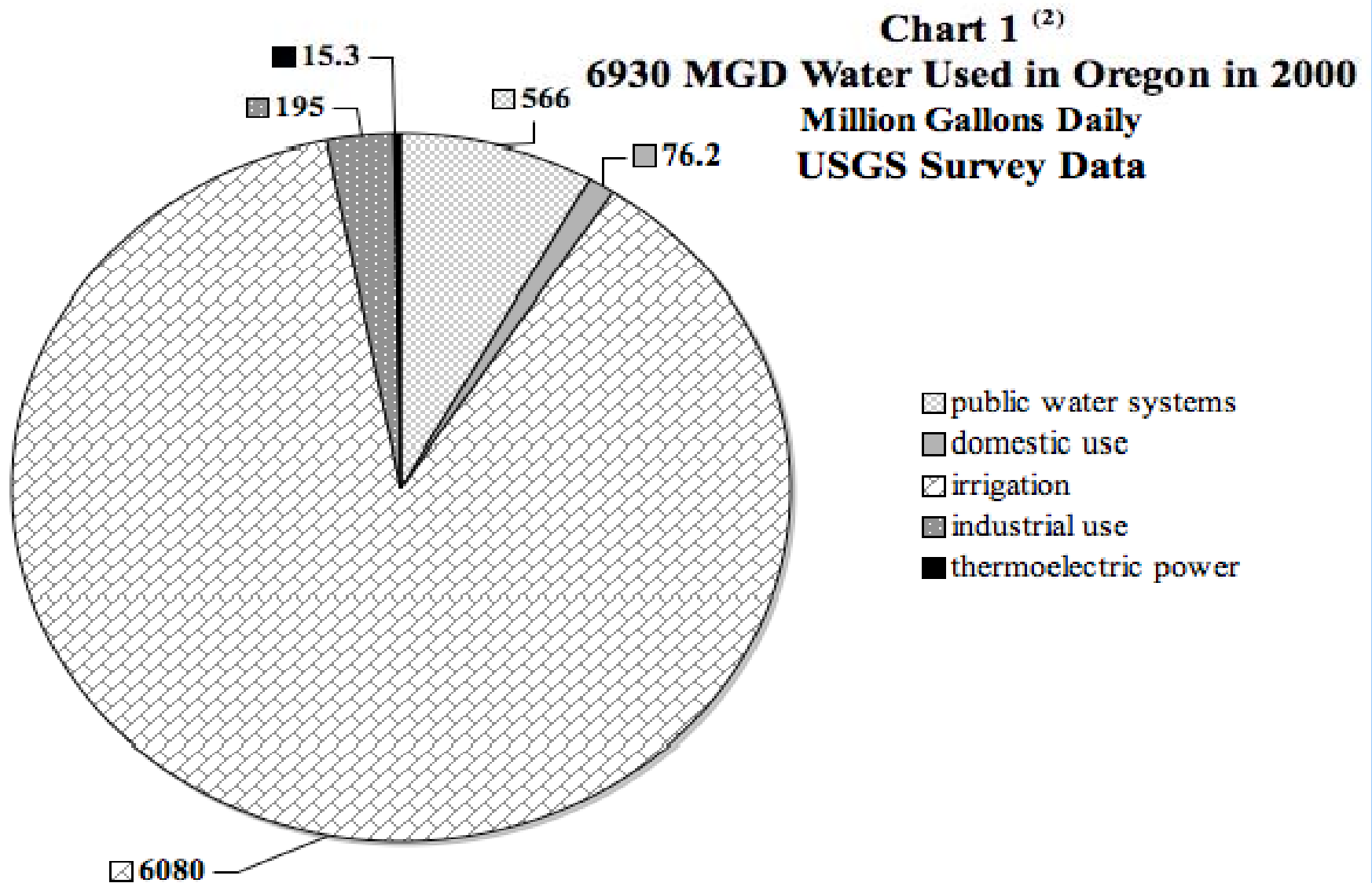
FIRST IN TIME – FIRST IN RIGHT

What Are the Sources of Our Water?

- **86% surface sources such as rivers or lakes**
- **14% ground water**



How is Water Used?



Water Use Requires Permits



- **Out-of-Stream Permits** (issued by WRD)
 - For public water systems, agriculture, mining and industry (based on Prior Appropriations Doctrine)
- **In-Stream Rights Certificate** (issued by WRD, and held by the state)
 - Ensuring minimum stream flows for fish, wildlife and recreation.

Wetlands

- **Regulated by state and federal laws**
- **Goal: no-net-loss**

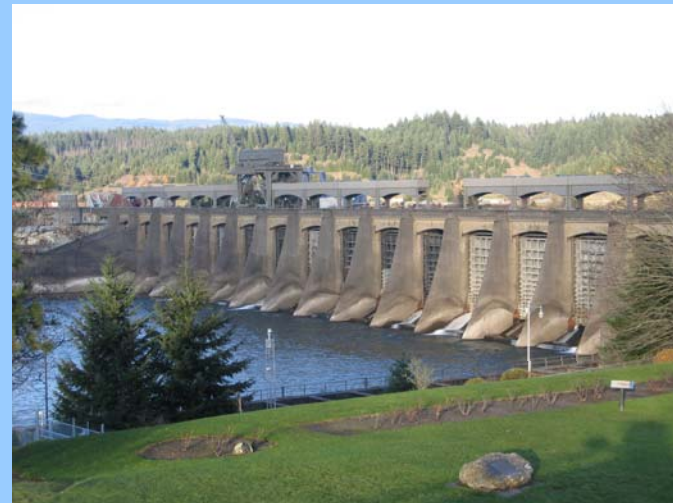


**1859 – 2.4 million
acres**

**1995 – 1.4 million
acres**

Storage of Water

- **Dams and Reservoirs**
 - Mostly regulated by the Army Corps of Engineer and Bureau of Reclamation
- **Aquifer Storage and Recovery** – future option



Groundwater Use

(regulated since 1955)

- **Approximately 70% of the population receives some or all of its drinking water from groundwater sources.**
- **WRD has identified “critical groundwater areas” and “groundwater limited areas” to conserve groundwater.**
- **WRD regulates construction of wells, but does not monitor private usage**

Using Water For Electricity

- Regulated by the Federal Energy Regulatory Commission and the WRD
- Requires protection, mitigation and enhancement of wildlife.



How Do We Maintain Water Quality?

- **1930's – State began regulating discharges directly to water bodies from pipes or ditches**
- **1972 – Federal Clean Water Act passed.**
- **DEQ oversees compliance and monitoring for federal and state requirements.**

Identifying Impaired Waters

- **DEQ identifies polluted state waters that do not meet standards for the waters' recognized "beneficial uses"**
 - **Water Quality beneficial uses are defined in state regulations (OAR 340-041-0101-0350) and include domestic and industrial water supply, fishing, boating, irrigation, recreation, commercial navigation and transportation, livestock watering, esthetic quality, fish and aquatic life, hydropower, wildlife and hunting.**

Fixing Impaired Waters

- **Impaired waters are placed on federal 303(d) impaired waters list**
 - As of 2006, 1,397 Oregon water bodies were listed
- **The federal CWA requires the state to determine a Total Maximum Daily Load [TMDL]**
 - The maximum amount of a specific pollutant that can enter the water without interfering with its beneficial use.

TMDL Process

- **Determine the maximum level of pollutant that can be added without affecting beneficial use.**
- **Once maximum is determined, allocate shares to all known dischargers and leave a safety margin.**
- **Based on the TMDL, all contributors must develop plans to meet their defined allocation.**

Addressing Pollution Sources

- **Point Source Pollution** (end of pipe) must have a permit from the DEQ
 - **National Pollution Discharge Elimination System (NPDES)**: direct discharges to national water bodies
 - **Water Pollution Control Facility Permits (WPCF)**: indirect discharges to water bodies via land irrigation or lagoons.

Permit holders include waste treatment plants, industries, mining etc.



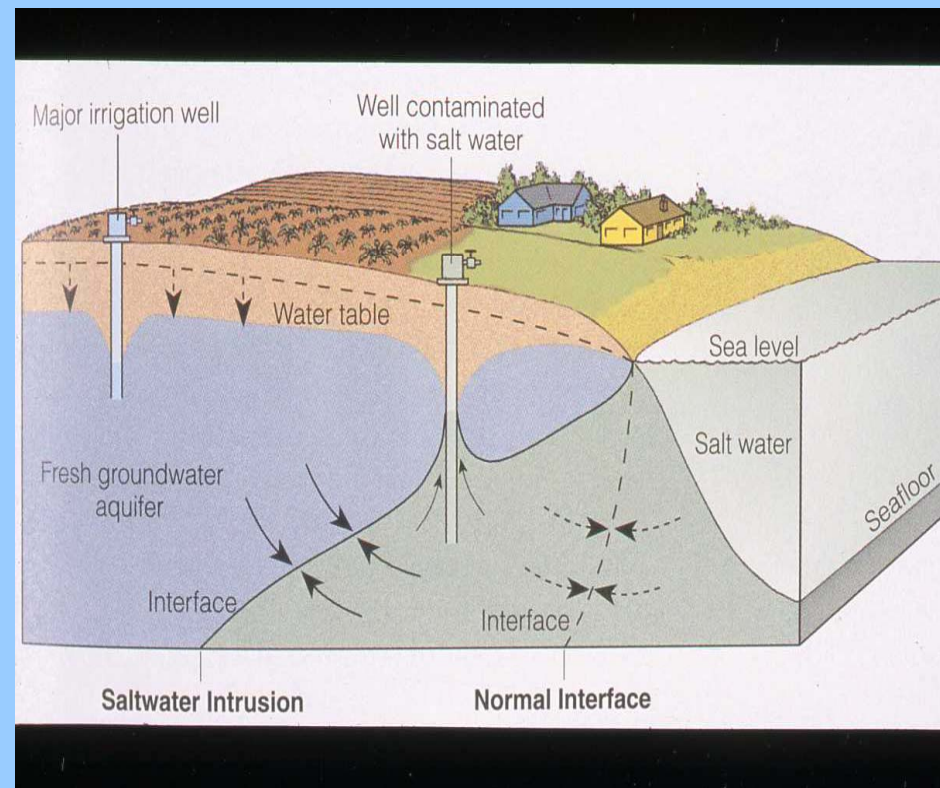
Addressing Pollution Sources (continued)



- **Non Point Source pollution** (water runoff) can require a permit. **DEQ** issues stormwater permits for municipalities above a certain population density, construction sites over one acre and industries in certain Standard Industrial Codes.
- **Oregon Department of Agriculture** issues both NPDES and WPCF permits and assists farmers in developing plans to minimize agricultural runoff.

Groundwater Pollution

- Regulated by the Oregon Groundwater Protection Act and the DEQ
 - Monitoring data indicates some reason for concern
 - DEQ can declare groundwater management areas.



Preventing Drinking Water Pollution

- **Public Health Division of the Department of Human Services regulates public water systems where piped water is provided to the public for human consumption.**
- **About 75% of Oregonians get their water from public systems.**



Current Issues

- Land use planning and water
- Infrastructure needs
- Climate change
- Water supply and conservation



Are Oregon's Water Laws Relevant?

- Do they work today?
- Will they work tomorrow?



Water in Oregon-Not a Drop to Waste

Part 1: Regulating Water in Oregon

*for further information and the complete report
visit the LWVOR web site at www.lwvor.org*

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