

541.566 Planning studies eligible for grants or direct service cost payments.

(1) A planning study receiving a grant or payment for direct services under ORS 541.561 may include, but is not limited to:

- (a) Analyses of hydrological refill capacity;
- (b) Water needs analyses;
- (c) Refined hydrological analyses;
- (d) Engineering and financial feasibility studies;
- (e) Geologic analyses;
- (f) Water exchange studies;
- (g) Analyses of by-pass, optimum peak, flushing and other ecological flows of the affected stream and the impact of a proposed water conservation, reuse or storage project on those flows;
- (h) Comparative analyses of alternative means of supplying water, including but not limited to the costs and benefits of conservation and efficiency alternatives and the extent to which long-term water supply needs may be met using those alternatives;
- (i) Analyses of environmental harm or impacts from a proposed water conservation, reuse or storage project;
- (j) Analyses of public benefits accruing from a proposed water conservation, reuse or storage project;
- (k) Fiscal analyses of a proposed water conservation, reuse or storage project, including estimated project costs, financing for the project and projected financial returns from the project;
- (L) Hydrological analyses of a proposed water conservation, reuse or storage project, including the anticipated effects of climate change on hydrological refill capacity; and
- (m) Analyses of potential water quality impacts of the project.

(2) If a planning study concerns a proposed storage project that would impound surface water on a perennial stream, divert water from a stream that supports sensitive, threatened or endangered fish or divert more than 500 acre-feet of surface water annually, a grant or direct services payment may be provided only if the study contains:

- (a) Analyses of by-pass, optimum peak, flushing and other ecological flows of the affected stream and the impact of the storage project on those flows;
- (b) Comparative analyses of alternative means of supplying water, including but not limited to the costs and benefits of conservation and efficiency alternatives and the extent to which long-term water supply needs may be met using those alternatives;

(c) Analyses of environmental harm or impacts from the proposed storage project;

(d) Evaluation of the need for and feasibility of using stored water to augment in-stream flows to conserve, maintain and enhance aquatic life, fish life and any other ecological values; and

(e) For a proposed storage project that is for municipal use, analysis of local and regional water demand and the proposed storage project's relationship to existing and planned water supply projects. [2008 c.13 §2]

Note: See note under 541.561.

541.567 [1987 c.855 §10; renumbered 196.625 in 1989]

541.570 [1987 c.855 §12; renumbered 196.630 in 1989]

541.575 [1987 c.855 §13; renumbered 196.635 in 1989]

541.576 Water Conservation, Reuse and Storage Investment Fund. (1) The Water Conservation, Reuse and Storage Investment Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Water Conservation, Reuse and Storage Investment Fund shall be credited to the General Fund. Moneys in the Water Conservation, Reuse and Storage Investment Fund are continuously appropriated to the Water Resources Department to award grants and to pay the cost of direct services provided under ORS 541.561.

(2) The Water Conservation, Reuse and Storage Investment Fund shall consist of:

- (a) Moneys appropriated to the fund by the Legislative Assembly;
- (b) Any moneys that may be transferred to the fund by the federal government, a state agency or a local government; and
- (c) Grant repayments, if any. [2008 c.13 §3]

Note: See note under 541.561.

Note: Section 6, chapter 748, Oregon Laws 2017, provides:

Sec. 6. (1) For the biennium beginning July 1, 2017, at the request of the Oregon Department of Administrative Services, after the department consults with the Water Resources Department, the State Treasurer is authorized to issue lottery bonds pursuant to ORS 286A.560 to 286A.585 in an amount that produces \$1.5 million in net proceeds and interest earnings for the purposes described in subsection (2) of this section, plus an additional amount estimated by the State Treasurer to be necessary to pay bond-related costs.

(2) Net proceeds of lottery bonds issued under this section in an amount sufficient to provide \$1.5 million in net proceeds and interest earnings must be transferred to the Water Resources Department for deposit in the Water Conservation, Reuse and Storage Investment Fund, established in ORS 541.576, to be used to pay the qualifying costs of planning studies performed to evaluate the feasibility of developing water conservation, reuse or storage projects.

(3) The Legislative Assembly finds that the use of lottery bond proceeds will create jobs, further economic development, finance public education or restore and protect parks, beaches, watersheds and native fish and