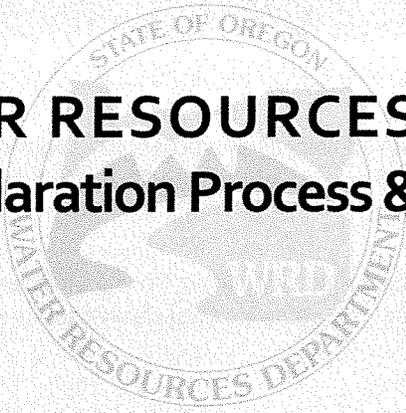


**ADDITIONAL
INFORMATION
FOR
DISCUSSION ITEM:
WATER CURTAILMENT
ORDINANCE**



OREGON WATER RESOURCES DEPARTMENT

State Drought Declaration Process & Emergency Tools

State Drought Declaration Process

Drought declarations for an area typically go through a three-part process before securing a state drought declaration from the Governor. First, a county commission submits a request for a state drought declaration to the Office of Emergency Management. Second, the Water Availability Committee, chaired by the Water Resources Department, meets to discuss information on weather and water supply conditions and subsequently make recommendations to Oregon's Drought Council. Chaired by the Office of Emergency Management, the Drought Council assesses the impact of drought conditions and makes recommendations to the Governor's Office on whether to declare drought in an area.

The Governor may then choose to issue an Executive Order declaring a drought emergency. State drought declarations are typically issued at a county scale. The primary benefits of a state drought declaration from the Governor are that it creates greater awareness of drought conditions; facilitates coordination between state agencies; and allows the Water Resources Department to provide existing water right holders with access to emergency water management tools. These tools are outlined below.

The Governor or the Oregon Water Resources Commission can also direct state agencies and political subdivisions to implement a water conservation plan or water curtailment plan.

Emergency Drought Tools for Water Right Holders

A state drought declaration allows the Water Resources Department to offer certain tools to water right holders in a drought-declared county. These tools have an expedited review process, reduced fee schedule, and are intended to be short-term emergency authorizations, not permanent solutions to deal with water supply challenges. Water right holders seeking long-term solutions should first contact their watermaster to help identify what options may exist.

- **Temporary Emergency Water Use Permit**

An approved emergency water use drought permit allows a water user to temporarily replace water not available under an existing water right. The most common drought permit allows the use of groundwater as an alternative to an existing surface water right. A well-prepared application generally takes approximately ten business days to process. Emergency water use permits are issued through an expedited process and are valid for one year or the term of the drought declaration, whichever is shorter.

- **Temporary Transfer**

A water user can apply to change the type of use, place of use, or the location of the diversion under an existing water right. A temporary drought transfer takes place under an expedited process, and is in effect for the duration of the drought declaration or up to one year, whichever is shorter.

- **Temporary Instream Lease**

Once approved, a water user can convert all or a portion of a water right to an instream use for a period of one year or the term of the drought declaration, whichever is shorter.

- **Temporary Substitution**

Any person holding both a primary right originating from a surface water source and a supplemental right from a groundwater source may apply to temporarily use the supplemental right instead.

- **Special Option Agreements**

A water-right holder can enter into an agreement that authorizes the use of water at locations, from points of diversion, and for uses other than those described in the water right. Typically, the agreement remains in place until terminated by the parties, and provides additional water-supply options in times of drought.

- **Temporary Exchange of Water**

The Water Resources Commission can approve a temporary exchange of existing rights, such as using stored-water instead of a direct-flow surface-water right.

- **Human Consumption or Stock Water Use Preference**

The Water Resources Commission has authority to grant a temporary preference to water rights for human consumption and/or stock watering uses. The preference is given over other uses regardless of the priority date (seniority) of water rights associated with the other uses. In order for the preference to go into effect, the Water Resources Commission must approve temporary rules instituting the preference.

For More Information

The Water Resources Department maintains a Drought Watch website that provides the status of current water conditions and state drought declarations, as well as information on drought tools and what you can do to use water wisely.

Drought Watch - www.drought.oregon.gov

Water Resources Department staff are available to answer questions about emergency applications, the state declaration process, and general water supply conditions.

Emergency Water Use Permits	Tim Wallin	503-986-0891
Instream Leases	Laura Wilke	503-986-0884
Transfers, Substitutions & Exchanges	Kelly Starnes	503-986-0886
Special Options & Preferences	Tom Paul	503-986-0882
Water Availability Committee	Keith Mills	503-986-0840
Media Inquiries	Racquel Rancier	503-302-9235

Ross Schultz

From: Scott Tabor
Sent: Wednesday, September 02, 2015 3:07 PM
To: Ross Schultz
Subject: Water shortage

Ross, here is that Ordinance you need

13.04.150 Regulations pertaining to restrictions and prohibitions of water use during times of water shortages.

(1) Voluntary Conservation Measures. Upon a determination that **water** consumption exceeds availability and/or **water shortage** within the system is approaching the minimum required to meet fire protection and other essential requirements, as determined by the City Administrator, the City Administrator shall have authority to request voluntary reduction of **water** use by customers, which may include but is not limited to the following specific actions:

- (a) Raising customer awareness through notification of **water** conditions and provide general information on **water** conservation.
- (b) Refraining from irrigating lawns between 7:00 a.m. and 11:00 p.m.
- (c) Refraining from hosing and/or washing off sidewalks, walkways, driveways, streets, parking lots, open ground, or other hard surfaced areas except where necessary for public health or safety.
- (d) Refraining from washing cars, boats, trailers, or other vehicles by hose without using a shut off nozzle. Washing such vehicles at commercial or fleet washing facilities which use **water** recycling equipment is an exception.
- (e) Refraining from serving **water** for drinking at a restaurant, motel, care, cafeteria, or other public place where food is sold or served to any person unless expressly requested.
- (f) Refraining from cleaning buildings (walls or roofs) except in preparation for painting.
- (g) Requesting voluntary compliance with alternate day system for landscape watering (i.e. even numbered addresses **water** on even numbered days, and odd numbered addresses on odd numbered days).
- (h) Requesting other voluntary measures on the part of city **water** customers.

(2) Serious Water Shortages. Upon determination of serious **water** shortages by the City Council, the City Council may declare an emergency restricting certain uses. Upon such action the City Council may impose the following restrictions:

- (a) Prohibiting lawn watering between the hours of 7:00 a.m. and 11:00 p.m.
- (b) Requiring compliance with alternate day system for landscape watering (i.e. even numbered addresses **water** on even numbered days, and odd numbered addresses on odd numbered days.)

(c) Reducing pressure system-wide below standard operating pressure in accordance with the existing conditions, but not to the point so as to jeopardize public health or safety.

(d) Restricting or prohibiting other outdoor uses as determined by the City Council.

(3) Critical Water Shortages. Upon determination of critical water shortages by City Council, the City Council may declare an emergency prohibiting certain uses. Upon such action by the City Council it shall be expressly prohibited to:

(a) **Water**, sprinkle or irrigate lawns, grass or turf unless:

(A) it is new lawn, grass, or turf that has been seeded or sodded after March 1 of the calendar year in which any restrictions are imposed, and in such cases it may be watered as necessary until established;

(B) lawn, grass or turf that is part of a commercial sod farm;

(C) high use athletic fields that are used for organized play;

(D) golf tees and greens; and

(E) park and recreation areas deemed by the City Council to be of a particular significance and value to the community that would allow exception to the prohibition.

(b) Washing, wetting down, or sweeping with **water**, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas unless:

(A) in the opinion of the City Council there is a demonstrable need in order to meet public health or safety requirements including but not limited to alleviation of immediate fire or sanitation hazards, or dust control to meet air quality requirements mandated by the Oregon Department of Environmental Quality;

(B) power washing of buildings, roofs and homes prior to painting, repair, remodeling or reconstruction and not solely for aesthetic purposes.

(C) Washing cars, trucks, trailers, tractors, or other land vehicles or boats or other **water** borne vehicles except by commercial establishments or fleet washing facilities which recycle or reuse the **water** in their washing processes or by bucket and hose with a shut off mechanism unless the City Council finds that the public health, safety and welfare is contingent upon frequent vehicle cleaning such as cleaning of solid waste transfer vehicles, vehicles that transport food and other perishables or otherwise required by law.

(4) Enforcement. If a serious or critical **water shortage** prohibition is declared, violations of **water** use restrictions or prohibitions will be enforced as follows:

(a) **Warning**. The first violation shall receive a warning. The letter of warning shall be in writing, shall specify the violation, may require compliance measures, and shall be served upon the resident either personally, by officer or substitute service, or by certified or registered mail, return receipt requested.

(b) **Citation**. After the resident or occupant has received a warning letter, any subsequent violation shall be treated as a civil infraction.

(5) **Penalties**.

- (a) First violation - Warning letter.
- (b) Second violation of same type - Class “C” infraction.
- (c) Third violation of same type - Class “B” infraction.
- (d) Fourth and subsequent violation - Class “A” infraction.
- (e) Third and subsequent violations may include **water** shut-off.

Statutory Reference: ORS Ch. 225 and 448

History: Ord. 829 §11(6), 1974; Ord. 1038 §8, 1985; Ord. 1159 §1, 1992; Ord. 1164§1, 1992; Ord. 1344, 2004.

