

# WATERWORKS

Newsletter of the Oregon Water Resources Congress

Spring 2010



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**Oregon Water Resources Congress**

ISSUE #26

## A Note from President Wilcox...

As I started to write I could not help but think of the diversity that exists among our member districts and throughout the state. In some cases water supply is near normal or at least adequate, while in other locations the outlook is not

nearly as favorable. When I read that the Klamath project would only have 30% of their water supply for the season it made me fully understand why Dave Solem is a little short in the hair category, the part I do not understand is how he always maintains a good attitude and is able to put a smile on his face. These abilities to deal with tough conditions for not only one reason but for several reasons of uncertain water supply and other demands for limited water supply cause me to have great respect for Dave and the water users of the Klamath project. Unfortunately, I can only offer my sincere sympathy, when I know well that more water would be much more helpful.

Situations like the Klamath project just point out the critical need for a reliable and adequate water supply to sustain irrigated agriculture. Realizing that every basin does not have the exact same problems there are still some common problems that we can all help each other to overcome. Just one more reason that we all need to be active supporters of our own organization to realize the most from our membership and the many benefits that it provides.

With that being said, I wish all members the best for the current water year and hope for brighter scenarios in the future.

Sincerely,

**Chuck Wilcox**

OWRC President  
Hermiston Irrigation District

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## OWRC Maps Available!!!

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## EXECUTIVE DIRECTOR'S REPORT



OWRC has a two-part advocacy program for its members: State and Federal. You probably hear and read quite a bit about the State program for a number of reasons, not the least of which is the immediate benefit or benefit of state actions to districts. We have an equally strong Federal program which is the focus of my column in this newsletter.

OWRC's Federal program has expanded in the last couple of years in concert with expanded federal attention to water and water related issues. Congress and administrative agencies have shifted focus to a different water agenda with greater interest an environmental focus for water and watersheds. Agencies such as the Bureau of Reclamation which have in the past focused on water supply for agriculture are making changes in their programs to reflect this new overall federal approach.

New terms are appearing in policy documents, legislation, and funding RFPs such as: "ecosystem restoration," "sustainable water resources," "sustainable watershed planning," "climate change adaptation," and "collaborative relationships." At first glance, each of these sounds like a responsible activity or function, on which everyone can agree. When you look below the surface, themes developed in the legislation and documents could have long term detrimental impacts on water supply, water allocation, and district management. Most of these concepts are based on a much stronger and larger federal involvement in water resources planning and management, some directly so, others taking more indirect approach.

The materials can be dense and they are usually complicated. They certainly do not make for easy evening reading. And while we have been advised about what was going on with all of this new focus, it did not hit home for me how the theme was so carefully woven throughout the Executive Orders, draft regulations, legislation, and agency plans until I spent several hours reading through a stack of documents. I am not ready to hit the panic button, but I am very concerned about the cumulative action that is evolving in this Congress and Administration.

Do our efforts make a difference? OWRC is from a small state in the federal policy arena. We don't have members of our Congressional delegation on many of the key committees. We don't have a budget that can send members to D.C. three or four times a year to meet with Congressional and agency staff. What we do have are Federal Affairs Committee (FAC) members who volunteer their time for the FAC meetings and help draft comments and white papers, a representative in D.C. who is usually ahead of others in getting information to us and identifying issues, staff members who are eager to do the work to represent our members, and a Board of Directors that does its best to provide the resources for an effective Federal program. And we have partners that do good work.

OWRC's efforts do make a difference. An Oregon Representative backs off his position supporting a damaging piece of legislation. Reclamation staff makes sure we have the announcement of funding opportunities. Oregon's districts are lauded for the kinds of projects they have funded with ARRA funding and the fact that they have actually broken ground (and in some cases finished the project) long before most other ARRA fund recipients have started work or even executive contracts. We are asked to sit on an advisory committee for the NRCS.

The hardest part of the Federal program is the long-term nature of federal issues with no quick return on our investment. Our success with the topics on our agenda this year may not be known for some time – even for several years. On the other hand, if we ignore what is going on, the impact on our members will be quick as federal resources are diverted to efforts to environmental activities and water is shifted to meet environmental needs to the detriment of other water needs.

OWRC's goal is not to stop effort towards environmental improvements and fish protection. To the contrary, our members have been leaders in their communities in those efforts. OWRC's effort is to ensure that those environmental improvement efforts do not override the economic needs of our state for water for agriculture and other consumptive uses. We want to be part of the effort to find the balance between those needs to ensure the long term viability of the agriculture community in Oregon and the economic vitality of the state.

***Continued Next Page*** 

## EXECUTIVE DIRECTOR'S REPORT CONTINUED

The key to OWRC's efforts is the input we receive from our members about how these developing policies might impact them. Without your help, we have no information on which to base our testimony and comments on these differed federal efforts. And our members' contact with our U.S. Senators and Representatives are crucial. Your conversations with our delegation are much more compelling than anything we can give them from OWRC.

These are not easy times. The issues are difficult for many reasons. The results of some of these efforts could be quite powerful for everyone, but they could be equally damaging to irrigated agriculture if we don't make every effort to be part of the crafting of policies. Some of the efforts do more damage than good and we need to work to defeat them. It takes all of us together – OWRC leadership, members and staff and others in the natural resources community. It is not a time when we can say it is just too hard.

If I have caught your interest and you would like to be more involved with OWRC's Federal program, please give me a call or email me. There are many opportunities and OWRC will be stronger with your support and involvement.

– Anita Winkler, OWRC Executive Director



## STATE LEGISLATIVE REPORT

### 2010 FEBRUARY SUPPLEMENTAL SESSION REPORT



January 26<sup>th</sup> elections concluded a bruising campaign on legislation to increase both corporate and personal taxes. One week later, the legislature convened a planned “supplemental” session for the month of February. Tightly managed and promoted as a second, “trial run” of annual sessions, the session would have otherwise occurred as an emergency due to unforecasted revenue shortfalls accumulating since the close of the regular session in June. February was all about budgets, with haphazard policy thrown in for good measure, including targeted hits against parties who worked to defeat the tax measures.

**BUDGETS:** House and Senate leadership initially asked natural resource agencies to collectively find \$2.8 million in budget cuts as their portion of \$40 million in total cuts.

This amount represents about 7% of all natural resource agencies budgets, when the total General Fund amount initially allocated to these same agencies totals less than 2% of the overall budget!

The 2009 Senate Co-Chair of the Natural Resources Ways and Means Subcommittee, Senator Vicki Walker, had left the legislature for a federal appointment. Representative Bob Jenson remained as the House Co-Chair and Senator Chris Edwards (appointed to the Senate from the House to fill Walker's vacancy) served as the “unofficial” co-chair of the “unofficial” W&M subcommittee—since the subcommittees were not actually meeting in February.

Due to outstanding leadership provided by Senator Edwards, who dug in and worked diligently in his new (but unofficial) role to understand the agency budgets, the message he delivered back to leadership was about balance and protecting core functions of natural resource agencies. In large part, he was successful. Oregon Water Resources Department (OWRD) ended up with funds shifts that did not affect positions. Oregon Department of Agriculture (ODA) was not as lucky, experiencing more fund sweeps from pesticide registration fees and food safety programs, primarily paid for through fees on grocers and food processors. ODA did receive \$240,000 “back” as seed money to combat Oregon's newest invasive species, the spotted-wing fruit fly.

## 2010 FEBRUARY SUPPLEMENTAL SESSION REPORT CONTINUED

**BUSINESS AND ENERGY TAX CREDIT:** The legislature passed a bill during the regular 2009 session to rein the Business Energy Tax Credit (BETC) program, which would have saved the state about \$20 million. That bill, however, was vetoed by the Governor, who didn't want any reductions to the program, but then tuned up his message by asking the Department of Energy to review the entire program after embarrassing press revealed extensive program abuses. Stinging from that veto, bad press, and facing a budget rebalance, the legislature re-visited the issue in February, sending revised and expanded program reductions, approximately \$55 million, back to the Governor. He had no choice but to support HB 3680. Most important to OWRC membership was program continuation and the protection of pre-certified credits for current projects. These pre-certified projects have established their budgets and secured other funding based on their pre-certifications. While the BETC program does live on for another day, the program will continue to receive tough scrutiny and will be first up in 2011 for consideration of wholesale program renewal, since it is scheduled to sunset January 1, 2012. Anticipate major policy changes and continued reduction in tax credit size and market option.

**FISH PASSAGE:** Thanks to sponsorship by Senator Chris Telfer from Bend, OWRC introduced a bill to specify that inline hydro projects are not triggering events for ODFW to require fish passage. Several central Oregon districts had reached an impasse with ODFW on an existing hydro project in Bend. After months of stalled progress, the Department jumped to an agreement on this particular project, so OWRC did not pursue the legislation further. However, the broader policy argument remains a

valid one, and will likely be revisited by a number of parties (including the City of Portland) in the future.

**RECREATIONAL USE OF RIVERS (AKA NAVIGABILITY):** A near miss! Although it was termed a "recreational use" bill, SB 1060 proposed expansive rights for "public use" on most all waters of the state – including lakes, which would have conferred ownership rights without actually going through a navigability determination process. As written, there were no management tools for districts to restrict use of their canals or reservoirs, and no ability to protect diversions, fish ladders and other facilities from public use. The legislation steadily attracted opposition groups, expanding almost daily. Eventually the legislation was pared down to a prescriptive interim study group, which, shockingly, failed on the Senate floor. An informal workgroup headed by Secretary of State Kate Brown has been established and plans to meet almost monthly during the interim. OWRC is participating on the work group.

**ANNUAL LEGISLATIVE SESSION:** Language in a voter referral to establish annual sessions finally passed after delaying adjournment by an entire day. Look for the referral on your November general election ballot.

**WHAT'S NEXT:** On deck: projected revenue "shortfalls" of \$2.5 billion to fund a "current service level budget" in the next biennium. A current service level budget presumes built-in cost roll ups and automatic increases in "OPE's" or other personnel expenses, largely negotiated outside legislative control or influence. If there is any budgetary good news, it's that this model may have come to the end of its useful life in Salem.

– *Kristina McNitt, KLM Consulting*  
OWRC State Lobbyist

### ***OWRC on the Road...Touring the Santiam Water Control District in Stayton.***



*Clockwise from left: Blair Nash, Sutherlin Water Control District; Marc Thalacker, Three Sisters Irrigation District; Chuck Wilcox, Hermiston Irrigation District; Jon Burgi, David Evans & Associates; Ray Kopacz, Stanfield Irrigation District; Kristina McNitt, KLM Consulting; Gary Butler, Santiam Water Control District; Mike Richardson, The Dalles Irrigation District; Brent Stevenson, Steve Keudell, Santiam Water Control District; Brian Hampson, Rogue River Valley Irrigation District; Mike Britton, North Unit Irrigation District; and Jim Pendleton, Talent Irrigation District.*

# INTEGRATED WATER RESOURCES STRATEGY (IWRS) UPDATE

## SPECIAL UPDATE BY BRENDA BATEMAN AND ALYSSA MUCKEN, OREGON WATER RESOURCES DEPARTMENT

Oregon's Integrated Water Resources Strategy (IWRS) is well underway, with four primary agencies—the Water Resources Department, Dept. of Environmental Quality, Dept. of Agriculture, and Dept. of Fish and Wildlife—now inviting input from communities and stakeholders. The basic premise of the IWRS is to better understand and meet Oregon's water resource needs now and into the future. To help identify these needs, the agencies hosted 11 Open Houses throughout the state. A "12<sup>th</sup> Open House" is also featured on-line where participants can download background documents, view the presentation, and take a survey identifying the most urgent water resource challenges and solutions facing each community.

In addition to the Open Houses, the agencies are also conducting workshops with key stakeholders and associations covering the same topics. In Fall 2009, the OWRC hosted such a workshop as part of its 2009 Water Law Seminar. The agencies will continue to take input on challenges and solutions until June 15, 2010. As part of these events, participants have suggested a wide range of next steps and policy options. Recurring themes have included: developing regional partnerships, encouraging water conservation, storage, re-use, as well as administrative streamlining. Participants have also asked several insightful questions, two of which follow:

**Question 1: Will the Integrated Water Resources Strategy take away or jeopardize my water rights?**

**Response:** No. The Water Resources Commission and Department, along with our partner agencies, have specifically committed to maintain Oregon's system of water law and to protect beneficial uses. The uses of water in place today are diverse and support the economy, the environment, and the lifestyle that defines Oregon. The Agency partners value and respect the role played by each of these water uses and water users. The fundamental purpose of developing an Integrated Water Resources Strategy is to anticipate and to address changes in population, land-use, and climate, better positioning ourselves to meet Oregon's current and future water needs.

**Question 2: After the Open Houses have concluded, what are the next steps?**

**Response:** All of the input gathered will be presented to the IWRS Policy Advisory Group (PAG), comprised of 18 citizen members from around the state. With very different perspectives and backgrounds, these members were appointed by the four agency directors for their ability to represent a wide variety of interests. Their role is to help pare down, prioritize, and come to consensus on "recommended actions," which represents the core of the strategy. Already, PAG members organized and determined the group's meeting rules and discussed needs related to water resource data and information. The PAG meets on a quarterly basis with the next meeting (July 13) focused on planning efforts at the federal, state, and local level. Subsequent discussions will focus on identifying and filling the gaps related to water policy, statute/rule, funding, education, and outreach. "Recommended actions" will begin to take shape during 2010-2011. During the latter half of 2011, we expect to see the first draft of the IWRS out for public review and comment. The agencies will provide multiple methods to gather your feedback—face-to-face, electronically, and in hardcopy throughout the entire process.

Next, the final Strategy will go to the Water Resources Commission whose role is to notify the other Boards and Commissions involved in this process. The Water Resources Commission is set to adopt Oregon's first Integrated Water Resources Strategy by the end of 2012—in time for presentation to the 2013 Oregon Legislature.

If you haven't already, you can sign up to receive updates and notices as the strategy progresses. Visit: [www.wrd.state.or.us](http://www.wrd.state.or.us) and click on "project page" for more details.

– **Brenda Bateman and Alyssa Mucken,**  
Oregon Water Resources Department

### Remaining Open House Events:

#### **Salem - June 8<sup>th</sup>**

Oregon Dept. of Fish and Wildlife Office,  
3406 Cherry Avenue, N.E.

#### **Eugene - June 10<sup>th</sup>**

Eugene Public Library,  
100 West 10th Ave.

#### **12<sup>th</sup> Open House Online**

Unable to attend an open house in person? View presentation, map gallery and take the survey online at:  
[http://www.wrd.state.or.us/OWRD/LAW/Integrated\\_Water\\_Supply\\_Strategy.shtml](http://www.wrd.state.or.us/OWRD/LAW/Integrated_Water_Supply_Strategy.shtml)

## FEDERAL PROGRAM

### SPRING NEWS FROM WASHINGTON DC

#### VIGILANCE...

The end of spring serves as a good time to look back and see if the efforts at preparation and planting have resulted in the growth of a good crop that will be worth harvesting for a good meal down the road. It also serves as a time to see whether disaster payments may be needed because of unforeseen events. The legislative, Administrative and regulatory process is no different in Washington, D.C.

The Obama Administration is a year and a half into office and the 111<sup>th</sup> Congress is in the home stretch of ending. OWRC has continued its' efforts of pursuing funding on behalf of district members for programs in the Bureau of Reclamation, the U.S. Fish and Wildlife Service, the U.S. Geological Survey, the Environmental Protection Agency, the U.S. Army Corps of Engineers and the Department of Agriculture, and through ongoing efforts to jumpstart the economy such as "Jobs Bill" proposals in Congress.

These efforts have served up new opportunities for the OWRC membership interested in receiving Federal assistance or assistance from the state in having needs met. They have also resulted in the reshaping of programs and policies in the Administration that will lead to new opportunities in the future. That is why OWRC members interested in such assistance will find value in checking in with [www.grants.gov](http://www.grants.gov) or [www.recovery.gov](http://www.recovery.gov) for such benefits.

At the same time there are efforts to reduce spending by the Federal government. The White House has recently proposed a Reduce Unnecessary Spending Act for Congress to consider. This is to go after the "earmarking" they believe Congress engages in at the expense of the taxpayer. Republicans in Congress have launched efforts such as a website "YouCut" to target programs for elimination. And both of these are being done in the context of the Pay-As-You-Go rules in Congress.

As important as the programs OWRC has engaged in for the benefit of addressing irrigation district needs in Oregon, in the economic climate the country presently finds itself, everything ends up on the table. But the preparation and the ability to play by the rules, spend in a time sensitive manner for real needs and get the construction completed serves as barrier to being on the chopping block.

But because of election year politicking few expect to see the Appropriation process completed before the end of the Fiscal year so once again many of the programs the OWRC is interested in will run on a Continuing Resolution. And Congress will continue to hold the Administration's feet to the fire to spend the Recovery Act funding before the end of the fiscal year.



Those same agencies listed above continue to engage in and roll-out new policy proposals and program changes almost on a daily basis. There is no easy way to stay on top of what the Federal government does on a daily basis that affects your line of work and business interest. We do the best that we can. But that is why partnerships with other organizations are important in helping leverage the limited resources that are available.

If there is "one policy app store" it would be the Council on Environmental Quality (CEQ). Under the "Initiatives" section of their website - [www.whitehouse.gov/administration/eop/ceq](http://www.whitehouse.gov/administration/eop/ceq) - you can find proposed changes to requirements and agency programs that you have been historically engaged in. Seeing what's there is only part of the picture. Webinars, meetings, briefings, subgroup meetings and budget initiatives are the "drivers" for these proposed changes.

And the same routine plays out at the agencies and the Office of Management and Budget through their Regulatory Affairs Office (OIRA). OWRC does a good job of tracking these efforts on the website. But those efforts are only good if they have the value of your knowledge, experience and an understanding of your needs. Knowledge is the power to bring about change. Good things happen when you decide to become involved.

It is vigilance that provides the time, information, opportunity and resources that keep you on the path to having an organization and a water district that is up to the challenge of meeting the needs of your patrons. Thanks again for your involvement for the good of the State and your resources.

Thank you again for your continued interest and involvement in OWRC's Federal Affairs Program.

**- Peter Carlson, Will and Carlson,  
OWRC Federal lobbyist**

# UPDATE FROM THE NATIONAL WATER RESOURCES ASSOCIATION (NWRA)

## CLEAN WATER ACT REVISIONS



Early in the 111<sup>th</sup> Congress, Senator Russ Feingold (D-WI) made good on his promise to reintroduce the Clean Water Restoration Act as he introduced S 787. Following much controversy and debate, the bill was gutted and subsequently amended by Senator Max Baucus. This amended version was then sent to a markup of the Senate Environment and Public Works Committee (EPW) last June. Committee Chair Barbara Boxer (D-CA) opened the markup commending Senators Baucus (D-MT) and Klobuchar for their work in drafting in “compromise” amendment (attached to e-mail) which replaces all text in the original S 787 and asserting her belief that the amendment will serve to return the Clean Water Act

(CWA) jurisdiction and enforcement to pre- 2001 *SWANCC* and *Rapanos* Supreme Court Decisions. Ranking Member Jim Inhofe (R-OK) fired back at Boxer however, calling S 787 and the Baucus amendment a “dagger directed at America’s Heartland” and characterizing it as “a significant part of a hostile agenda aimed at rural America”.

The packed hearing room was captivated by the hour and a half long debate on the measure during which Senator Baucus called his amendment, co-sponsored by Senators Amy Klobuchar (D-MN) and Boxer (D-CA) proposal a “moral obligation” and assured his colleagues that his language would not expand the scope of the CWA but rather would restore it to its pre-2001 status, “no more, no less”. Republican Senator David Vitter (R-LA) responded saying “basic common sense tells you [this] is a major change” and Senator Kit Bond (R-MO) went a step further calling the legislation an “unconstitutional expansion”.

In the end, the amended S 787 passed the committee on party line voice vote of 12-7. Despite the bill’s success in committee, many Republican Senators vowed that the bill would not advance any further and they would not support the legislation in any form. Immediately following the committee’s passage of the bill, Senator Mike Crapo (R-ID) placed a hold on the bill and Ranking Member Inhofe issued a statement saying, “I am pleased to support Senator Crapo’s hold on the bill. On the very outside chance this bill ever actually reaches the Senate floor, I will work closely with Senator Crapo and others to defeat it”.

Despite the EPW Committee passage of the bill, the lead proponent of such legislation in the House, Representative James Oberstar (D-MN) remained mum on his plans for reintroduction for months, giving many organizations hope that we would see the first Congress since 2002 without a “Clean Water Restoration Act” bill in the House. Those hopes were dashed on April 21 however, when Oberstar reintroduced a “re-vamped” version of the bill dubbed **America’s Commitment to Clean Water Act** (*ACCWA/HR 5088*).

Oberstar held a news conference that morning to elaborate on his plans for the bill. Representative Oberstar told audience members that he believes “clean, safe water is a basic right and unless we act, we can’t ensure that right” and thus his bill aims to clarify the “original intent of Congress” and the 1972 CWA. Oberstar said the ACCWA will “cover the same waters as [the CWA] did under regulatory decisions in place prior to 2001” and that the definition of “waters of the United States” will be the current regulatory language and thus, “if it was not regulated pre 2001, it will not be regulated now”. The bill also includes codified exemptions for prior converted cropland, wastewater treatment facilities and all groundwater [though uncertainties remain over the “firmness” of the groundwater exemption]. Oberstar also expressed his belief that the new language in the bill will satisfy the concerns of many groups that opposed the CWA and those groups who may still oppose the ACCWA “are really opposed to the Clean Water Act itself”.

Despite Oberstar’s concessions, the bill still removes the term “navigable” from the original Clean Water Act and replaces it with “waters of the United States” and when questioned as to how many previously unregulated waters would now fall subject to CWA jurisdiction, Oberstar and his staff were unable to provide a clear answer saying only, “we are restoring the original intent and you can see there is a great need. We don’t, and neither does EPA, know the specific numbers”.

## CLEAN WATER ACT REVISIONS CONTINUED

Republican Committee and Subcommittee Chairmen John Mica (R-FL) and John Boozman (R-AR) released a joint statement immediately following the briefing condemning the bill. Mica reiterated his belief that despite the changes made the bill will still create confusion and uncertainty saying, "This massive federal jurisdiction grab will have significant negative repercussions on the nation's struggling economy. The added confusion, delays, and endless litigation created by this bill will heap new costs on American agriculture, manufacturing, housing and other businesses, and our already grim unemployment picture will worsen. The Clean Water Act has successfully improved the quality of the nation's waters, and we must ensure that the Act continues to work effectively. However, providing limitless federal jurisdiction over every water is not the answer."

*"If this bill were to become law, there'd be no body of water in America that wouldn't be at risk of job-killing federal regulation – from farmers' irrigation canals to backyard ponds and streams to mud-puddles left by rainstorms..."*  
– Rep. Doc Hastings (WA)

Republican Members of the House Natural Resources Committee also expressed concerns with the bill and impacts it might have on projects and programs that fall under their committee's jurisdiction. Ranking Member Doc Hastings (R-WA) said, "If this bill were to become law, there'd be no body of water in America that wouldn't be at risk of job-killing federal regulation – from farmers' irrigation canals to backyard ponds and streams to mud-puddles left by rainstorms...Jobs and the very viability of farms and small businesses across rural America will be put at risk if Democrats succeed with this massive power grab in Washington, DC". Representative Oberstar told those assembled that the House leadership has committed to floor time for the bill and that he hopes to bring the bill up for floor action by this September.

NWRA will once again pursue an oppose position on this legislation and plans to distribute talking points, letters and other briefing materials to all Western Congressional offices outlining the concerns of the organization. Plans for a Hill staff briefing to provide a complete look at our position from our members are also being considered.

– **Adrian Coffey,**  
**National Water Resources Association (NWRA)**

## EVENT UPDATES

### REPORT: 2010 OPERATIONS & MAINTENANCE WORKSHOP

The 2010 Operations and Maintenance Workshop was held February 11-12 in Redmond. 34 attendees from 15 different Districts heard from 10 speakers on a variety of topics including: Pressure Regulators, Communication Strategies, Trends in Oregon Agriculture, New Aquatic Herbicide Options & Application, Identifying and Preventing Invasive Species, and Safety 101 for District Staff.

The optional tour included Central Oregon Irrigation District's pipeline and hydro construction site; Swalley Irrigation District's hydro construction site, North Unit Irrigation District's flume over the Crooked River Canyon, and Three Sisters Irrigation District's pipeline project.

If you or your staff has ideas for future workshops please email them to me.

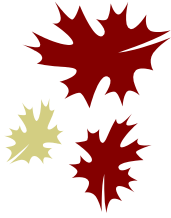


HDPE pipe being welded at Three Sisters Irrigation District

– **April Snell**  
**OWRC Assistant Director**



### Save the Date!!!



The **2010 OWRC Technology Seminar** will be held **September 23<sup>rd</sup>-24<sup>th</sup>** at the Riverhouse in Bend, Oregon. Learn about new technologies and innovative strategies to assist districts in meeting water management challenges.

Further details on the program, exhibit opportunities, and registration will be sent out shortly. Information will also be posted online at: <http://www.owrc.org>

## DISTRICT ISSUES

### “HANDS-FREE” LEGISLATION INCREASES EMPLOYER LIABILITY



During the 2009 legislative session, HB 2377 was adopted relating to the use of mobile communication devices while driving; amending ORS 811.507. Although employer responsibility isn't specifically defined in the cell phone

legislation, employers that have personnel driving company owned vehicles during the course of business could be held liable if the employee is involved in an accident while using a cell phone.

Implementing a mobile phone policy and creating a general vehicle use policy is the first step to reducing employer liability. Having a mobile phone and hands-free policy doesn't completely remove the employer from being held responsible for accidents or injuries that could occur while using a company owned vehicle, but it does show some forethought and responsibility on behalf of the employer.

#### Policy

There are many examples of cellular phone policies, the ideas below are gathered from various websites.

- Completely banning cell phone use while driving.
- Requiring employees to use hands-free devices while driving.
- Directing employees to comply with all applicable state and local laws governing cell phone use.
- Requiring employees to pull over to take phone calls.
- Instructing employees to avoid or terminate phone calls involving stressful or emotional conversations.
- Limiting the scope of certain employees' job descriptions so that it is clear that their positions do not include using cell phones while driving.

- Prohibiting cell phone use in adverse weather or difficult traffic conditions.
- Restricting driver cell phone use to brief conversations.
- Emphasizing the importance of safety while taking phone calls on the road.
- Mobile phones should be switched to voicemail only while the user is driving.

#### Sample Policy Statements

- Unless absolutely unavoidable, cell phones are not to be used while driving a moving vehicle or operating moving machinery, as such distractions can cause accidents and injuries.
- If cell phones must be used frequently during vehicle operation, a hands-free car kit must be utilized.
- Employees are required to comply with all state and local laws regarding the use of wireless phones while driving. All employees must use a hands-free device while driving.
- Whenever possible, employees should not make or receive telephone calls while driving. Employees should let incoming calls go to their voicemail and then find a safe place to pull over and park before initiating a call.
- Under no circumstances should employees use wireless phone during adverse weather or difficult traffic conditions. The district takes its phone use policy seriously. Any violations of this policy will subject employees to disciplinary action, up to and including termination of employment.

- **Special Districts Association of Oregon**

Adapted from: <http://www.drivinglaws.org/policy.php>

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Steve Shropshire, Jordan Schrader Ramis

### OWRC STAFF

**Executive Director**  
Anita Winkler

**Assistant Director/Editor**  
April Snell



## UPCOMING EVENTS

### Agpac Educational Services Natural Resources Tour

**June 16<sup>th</sup>**  
*Willamette Valley*

### 2010 OWRC Technology Seminar

**September 23-24<sup>th</sup>**  
*The Riverhouse  
Bend, Oregon*

### 2010 OWRC Annual Conference November 30<sup>th</sup> - December 3<sup>rd</sup>

*Best Western Hood River Inn  
Hood River, Oregon*

**For more information about these events,  
visit: [www.owrc.org](http://www.owrc.org)**

### Directory Corrections & Updates:

Please make the following revisions to your  
OWRC Member Directory:

#### **Districts:**

Rogue River Valley Irrigation District  
Email: [rrvid@rrvid.org](mailto:rrvid@rrvid.org)

#### **Government:**

Bureau of Reclamation, Dawn Wiedmeier,  
Email: [dwiedmeier@usbr.gov](mailto:dwiedmeier@usbr.gov)

#### **Product Supplier:**

Baker Petrolite,  
Dave Blodget is now with SePRO Corporation  
Email: [daveb@sepro.com](mailto:daveb@sepro.com)

#### **Life Member:**

Jan Lee, Phone: 503-545-9420,  
Fax: 503-631-7299

