

T.5.b

AGENDA COVER MEMO

AGENDA DATE: January 26, 2010

TO: LANE COUNTY BOARD OF COMMISSIONERS

FROM: COMMISSIONER ROB HANDY

AGENDA TITLE: IN THE MATTER OF APPROVING AN AMENDMENT TO THE
MEMORANDUM OF COOPERATION WITH BENTON COUNTY
REGARDING A WATER POLICY AND SUPPLY STUDY EFFORT

- I. MOTION** I move approval of the order authorizing execution of an amendment to the previously approved Memorandum of Cooperation with Benton County on Water Policy and Supply planning.

II. AGENDA ITEM SUMMARY

The Board is being asked to approve amendments to the Benton-Lane Memorandum of Cooperation (MOC) previously approved to work on water policy and supply issues. The changes reflect the next steps in the process of examining water resource issues in the upper Willamette Basin watersheds.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

On April 30, 2008, the Board approved a memorandum of cooperation between Benton and Lane counties to promote collaboration in creating a cross-jurisdictional and cross-watershed water policy and supply plan. The initial effort focused on completion of water needs analysis and assessment within Benton County through a Water Resources Study Group comprised of representatives from several different stakeholders, including academia, state and federal agencies, agricultural representatives, watershed councils, water utilities, businesses and participating cities and counties. The next phase of the effort calls for amendment of the MOC to reflect the ongoing focus of the Water Resources Study Group on a more comprehensive examination of shared water resources in Benton and Lane Counties and also within participating communities in Linn County.

B. Policy Issues

The Board previously acknowledged the importance of cooperative efforts with respect to water for the benefit of all communities and the MOC amendments continue to promote collaboration among parties while working on cross-jurisdictional water supply issues.

C. Financial and/or Resource Considerations

The previously approved MOC recognized it is not designed to obligate any commitment of funds or resources except as otherwise specifically authorized by the Board. The proposed amendments keep that provision of the MOC in effect and make no additional commitments of funds or resources than the previous Board action. Express language in

the proposed amendments clearly indicates the MOC remains a nonbinding document that does not authorize or obligate any party to commit funds or resources.

D. Analysis

In 2008, Benton County approached the Board with a proposal to create a water policy and supply plan using a collaborative process that would address issues across jurisdictional and watershed boundaries. That effort began with the establishment of collaborative relationships to work on completing the initial water needs analysis and assessment. In Board Order No. 08-4-30-11, the MOC was approved and Commissioner Fleenor was appointed as the principal Lane County representative in the collaborative effort. Recently, the Board appointed Commissioner Handy as the principal representative for the next calendar year.

The next step in this effort includes building on the relationships through the Water Resources Study Group to aid in comprehensive examination of shared water resource issues and continued utilization of efficient and transparent collaboration in the work on water supply issues. Amending the previously approved MOC will specify these efforts and more explicitly acknowledge the Water Resources Study Group. The MOC remains a cooperative effort without binding Lane County to any commitment of funds or resources. The long-range planning program includes some resources for staff monitoring of the collaborative effort as part of its protection of surface water and groundwater source zones project.

E. Alternatives/Options

The Board can continue its efforts to work collaboratively with other stakeholders on water policy and source protection by approving the amendments to the MOC or discontinue that effort and notify its counterparts in Benton and Linn counties.

IV. TIMING/IMPLEMENTATION

Upon approval of the order, the amendments to the MOC will be executed and county staff will continue to assist in the collaborative effort.

V. RECOMMENDATION

The recommendation is to approve the order and amendments to the MOC to continue the collaborative effort at water resource policy and supply planning.

VI. FOLLOW-UP

The Board will be apprised of progress as necessary, if the amendments are approved.

VII. ATTACHMENTS

Board Order with proposed amendments to the previously approved MOC.
Final draft of Benton-Lane-Linn Water Resources Study Group Work Plan.
Order No. 08-4-30-11 and related agenda materials from April 30, 2008 Board meeting.

IN THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON

ORDER NO. 10-1-26-1

) IN THE MATTER OF APPROVING AN
) AMENDMENT TO THE MEMORANDUM
) OF COOPERATION WITH BENTON
) COUNTY REGARDING A WATER
) POLICY AND SUPPLY STUDY EFFORT

WHEREAS, Benton County and Lane County have worked on creating a cross-jurisdictional and cross-watershed water policy and supply work plan through collaborative efforts of the affected parties pursuant to a Memorandum of Cooperation (MOC) approved by the Lane County Board of Commissioners on April 30, 2008, and

WHEREAS, the first phase of that effort and the MOC included the establishment of long-term, collaborative working relationships in a Water Resources Study Group and data collection for a water needs analysis and assessment within Benton County, and

WHEREAS, in the next phase of the effort the Water Resources Study Group will: 1) comprehensively examine shared water resources quantity, use and quality issues; and 2) work collaboratively, transparently, and efficiently to address water issues, and

WHEREAS, the proposed amendment to the previously approved Memorandum of Cooperation recognizes that it is not designed to obligate any commitment of funds or resources except as otherwise authorized, and

WHEREAS, Lane County acknowledges the importance of cooperative efforts with respect to water for the benefit of all of our communities.

NOW, THEREFORE IT IS HEREBY ORDERED that the amendment to the Memorandum of Cooperation attached hereto as Exhibit A is approved and the Chair is authorized to execute it on behalf of Lane County.

DATED this ____ day of January, 2010.

Bill Fleenor, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 1-20-2010 Lane County

Stephen J. Parker
OFFICE OF LEGAL COUNSEL

**Amendment 1 to Memorandum of Cooperation
Between
Benton County
and
Lane County
for a
Water Policy and Supply Plan
and
Water Resources Study Group**

The Memorandum of Cooperation (MOC) approved by the Lane County Board of Commissioners on April 30, 2008, attached as Exhibit "A" and incorporated here by this reference, is hereby amended to reflect additional provisions or changes in each section as set forth below:

Purpose: In addition to the provisions in the purpose section of the original document, the following language shall be added:

"The MOC is also intended to promote collaboration among parties for the purpose of ensuring a reliable supply of clean water for all users and beneficial uses and advising decision-makers in participating Counties. This effort is also consistent with the Statewide Integrated Water Resources Strategy and coordinated Statewide Planning Goals."

The MOC includes: In addition to the provisions in this section of the original document, the following language shall be added:

"7) Acknowledging the collaborative mission of the Water Resources Study Group to offer recommendations to governing bodies in the region on broad policy in an effort to ensure high quality drinking water.

"Recognizing the Parties' mutual interest in working together on cross-jurisdictional water issues with technical assistance and outreach from universities, agencies and local governments including, but not limited to: state and federal agencies, agriculture, watershed councils, private water utilities, businesses in the region and participating counties and cities;"

Article I: In addition to the provisions in Article I of the original document, the following language shall be added:

"The Parties will use their best efforts to establish a long-term, collaborative working relationship through the Water Resources Study Group to aid in 1) comprehensive examination of shared water resources--quantity, use and quality issues; and 2) collaboration that is transparent, and efficient in the work to address water issues."

The first entry on the list of cooperative opportunities in the areas of common interest

that the Parties are especially interested in pursuing shall be amended as follows:

"1. 'Clean and reliable' water supply for current and future populations of Benton, Lane and Linn Counties; the headwaters of the Willamette River; and the Water Resources Study Group region."

The remaining provisions of the original document shall continue in effect as previously approved, except as specifically modified above. Notwithstanding any other provision of this document, nothing in the amended MOC shall be construed as binding. Further, nothing in this document or the original MOC shall be construed as either authorizing or obligating either party to commit funds or resources to any project or work.

This amendment to the original Memorandum of Cooperation shall become effective when signed by all authorized representatives of the parties.

Benton County

Lane County

Chair, Board of Commissioners

Chair, Board of Commissioners

Commissioner

Date

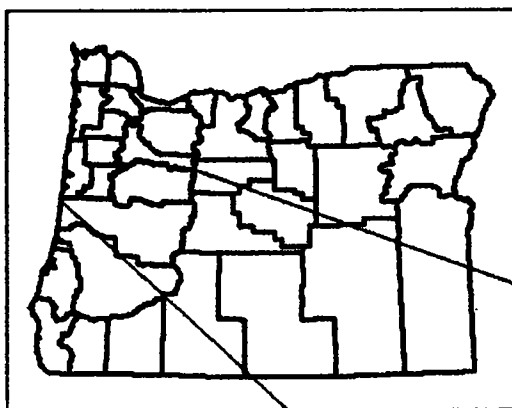
Commissioner

Date




Benton-Lane-Linn Water Resources Study Group

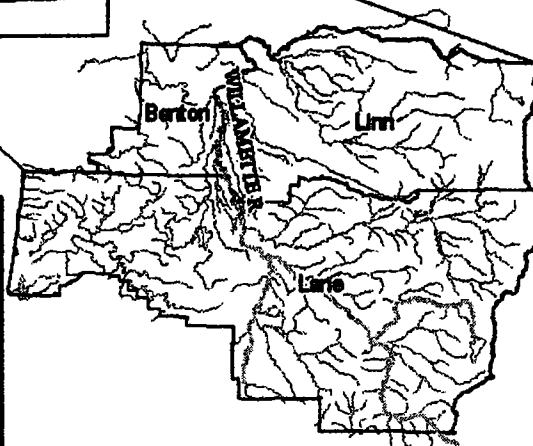
WORK PLAN

Final Version #6 (12/1/09)



Legend

-  Willamette River
-  Willamette Headwater Region (WHR)
-  Streams of WHR region



0 5 10 20 30 40
Miles

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Table of Contents

Preface.....3

Work Plan Matrix.....4-6

Problem Statement.....7

Purpose Statement.....7

Study Group Structure.....7

Work Plan Details.....7-11

Attachments

Public Information and Outreach Work Plan Matrix.....12

State Water Resources Strategy Briefing Note.....13

Preface

Oregon remains one of only two states in the U.S. without a statewide water plan. Guidance on local water planning is severely lacking—cities, counties, districts, and other users often plan within their respective ‘boxes’ without an understanding of the long term water supply and quality impacts on shared water resources. The 2009 Oregon Legislature directed the Water Resources Department to work directly with the departments of Environmental Quality and Fish and Wildlife on a ‘statewide water strategy’. The current Benton-Lane-Linn Water Resources Study Group has provided comments on the first round of draft documents produced by the State Water Resources Strategy work group.

The following work plan grew out of an effort among Benton, Lane and Linn County Commissioners to begin collaborating on the water issues crossing jurisdictions. County Commissioners lead the study group effort. Partners in academia (e.g. Oregon State University), governments, and many other stakeholders will be called upon as work plan objectives are refined, undertaken and financial support is secured. All interested are welcome to attend meetings as they are scheduled.

Working to address water issues, Benton, Lane, and Linn Counties (conveners) and their partners will seek to understand, pursue projects and offer recommendations to governing bodies concerning the region’s water quality and quantity.

There are two strategies--short and long-term. The value of the two strategies is forming and accomplishing immediate work with limited formal/policy related process and funding required. Conversely, longer term work is dependent on internal and external funding (grants), intergovernmental agreements and other more complicated and lengthy processes.

Benton-Lane-Linn Water Resources Study Group Work Plan

2009-2011

***NOTE:** There is neither identified funding for the actions nor Boards of Commissioners approval at this time.

Goal #1 Study Group Development	Objectives 1.1 Solidify Leadership	Tasks
		<ul style="list-style-type: none">▪ Sign the Joint Resolution and Memoranda of Cooperation to solidify participation of convening members including Oregon Water Resources Department, Oregon State University, City Government (Albany), Lane Council of Governments and Cascades West Council of Governments▪ County Commissioners from each participating county will lead the group (at least one Commissioner from each county).
	1.2 Finance Study Group Work	<ul style="list-style-type: none">▪ Identify and obtain financial resources to fund elements of the work plan including grants (Federal, State, Foundation)▪ Identify fiscal agent on a case-by-case basis▪ Obtain in-kind resources of technical experts from counties, cities, and other partners
	1.3 Expand Participation	<ul style="list-style-type: none">▪ Identify and engage key stakeholders to advise and support the work (e.g. farmers, counties, watershed councils, cities, irrigation districts, etc.)▪ Engage the general public is a key stakeholder who will be notified of meetings, have access to the website, be on a mailing list(s)

Benton-Lane-Linn Water Resources Study Group Work Plan

Goal #2	Objectives	Tasks
Examine Shared Water Resources Quantity, Use and Quality Issues.	2.1 Manage Water Issues of Importance	<ul style="list-style-type: none"> ▪ Identify and Prioritize Issues of State and Federal water quality regulations (TMDLs, storm water, and waste water), and water use for surface water and groundwater ▪ Determine focus areas for a baseline assessment within Benton, Lane and Linn Counties as directed by the Study Group.
	2.2 Complete Draft Assessment of Three County Water Situation	<ul style="list-style-type: none"> ▪ Collect existing data and utilize existing water resources quantity and quality assessment tools ▪ Actively participate in and comment on the Oregon Water Resources (OWRD) Strategy project development (Deadline for 1st comment period ends November 15th—see attachment for DRAFT Strategy and Issue Papers) ▪ Pursue any available OWRD funding to complete a Basin Yield Study ▪ Consider utilizing the Benton County Phase 1 Assessment as a template for Lane and Linn County. Some assessment components have been completed for Lane and Linn Counties. ▪ Develop a report
	2.3 Determine Carrying Capacity of Three-County Region	<ul style="list-style-type: none"> ▪ Examine and report on models (based on 2.2 findings) to inform carrying capacity scenarios ▪ Determine data required ▪ Create a Scoping Report to determine feasibility of completing a carrying capacity study

Benton-Lane-Linn Water Resources Study Group Work Plan

<p>Goal #3 Work collaboratively and transparently to address water issues that are common to multiple jurisdictions and stakeholders.</p>	<p>Objectives 3.1 Inventory Impacts to Priority Water Issues</p> <hr/> <p>3.2 Identify Technical Teams to assist with project work</p>	<p>Tasks</p> <ul style="list-style-type: none"> ▪ Establish criteria for creating prioritization of projects. Project examples include: <ul style="list-style-type: none"> • GPS Abandoned and Active Domestic Wells • Voluntary Corps to provide groundwater outreach program • Conservation strategies for small cities, domestic water systems and individual domestic wells • Identify three-county model ordinances for groundwater and surface water issues of importance • Explore the efficacy of price signals and market incentives • Education linking water, energy and land use • Better water quality tracking and planning for surface water and groundwater resources
<p>Goal #4 Public Information and Outreach</p>	<p>Objectives 4.1 Share and collect information, opinions and concerns</p> <hr/> <p>4.2 Determine Three-County Residents' Water Values</p>	<p>Actions</p> <ul style="list-style-type: none"> ▪ Identify Technical Teams to assist with project work. ▪ Develop a Public Information work plan (see attached draft) ▪ Technical Team develops a strategy to identify the public's values concerning water (e.g., affordability, equity, etc.) <hr/> <ul style="list-style-type: none"> • Set the community outreach stage using global, U.S. and Oregon level issues for water resources. • Collect and organize value statements.

Problem Statement

The social, economic, and environmental quality of life in the Upper Willamette Basin is dependent on reliable and clean water resources¹. Current law, policies, plans and science that determine the condition of surface water and groundwater resources in the region are complicated and incomplete, leading to current and future conflicts. In fact, there is no single body that addresses water issues in a comprehensive way².

Many conflicts are the results of unintended consequences of policy or regulatory decisions. Decisions are made in isolation without consulting neighboring jurisdictions often with unreliable or undeveloped data or science. There is a lack of financial resources for individual jurisdictions to undertake the necessary work to deal with the social, legal, economic and environmental issues. And, there are many authorities that have jurisdiction over a slice of the issues.

Purpose Statement

To ensure a reliable supply of clean water for all users and beneficial uses and inform the decision-makers in Benton-Lane-Linn Counties, the Benton-Lane-Linn County Water Resources Study Group will: 1) comprehensively examine shared water resources quantity, use and quality issues; and 2) work collaboratively and transparently to address water issues.

Study Group Structure

Study Group membership will be an informal collaborative. Memoranda of Cooperation (MOC) will be created and signed by all Study Group Members. Participating County Commissioners will lead the Study Group work as the core of the group to elevate shared water issues and form project partnerships.

¹ Reliable and clean water resources are defined as meeting the beneficial uses of water for human health, the environment and economy consistently over time.

² No single group has jurisdictional oversight of the water quantity and quality within the study basin; federal, state and local jurisdictions all have nominal control and effects on water.

Work Plan Details

Goal #1: Study Group Development

1.1 Leadership

Current Study Group members led by Benton, Lane and Linn County will be the conveners and adopters of a joint Memorandum of Cooperation.

Gaining participation from Marion and Polk County Commissioners is an immediate goal.

1.2 Financing Study Group Work

Financial resources are required to fund work plan goals and objectives, Identification of grant resources and funding partners will occur.

1.3 Expand Participation

Identification of key stakeholders to advise and support the three-county objectives (e.g., watershed councils, cities, irrigation districts, agriculture, etc.) is a priority; interested participants will sign the Joint Memorandum of Cooperation. The general public is a key stakeholder who will be notified of meetings, have access to the website, and be on a mailing list(s).

Stakeholder Groups including State and Federal agencies, farmers, special districts, etc. will be contacted and encouraged to participate.

Goal #2: Examine shared water resources issues: quantity, use and quality

2.1 Study and Manage Important Water Issues

The Study Group has determined that the quantity, quality and use of water for all beneficial uses of water within the region are of importance. These include the issues of State and Federal water quality regulations (e.g. TMDLs, stormwater, and wastewater, water rights and water use for surface water and groundwater). Such issues will provide focus areas for a baseline assessment within Benton, Lane and Linn Counties as directed by the Study Group. Prioritization of water issues and projects will be done by the Study Group.

2.2 Complete Draft Assessment of Three-County Water Situation

A three-county assessment of water quantity, quality and use will build upon State and Federal information. Of course, the complexity lack of and/or outdated information sources should be acknowledged. The three-county assessment should be completed at the individual county level, to aid county planning and policy. The Oregon Water Resources Department-Oregon Water Supply and Conservation Initiative final report and tools along with the Benton County Phase 1 countywide assessment are new, readily available templates consisting of interactive databases for the assessment of current and future county level water supply and quality. Technical liaisons to the Study Group from each jurisdiction will determine how an assessment could be developed.

2.3 Develop a Feasibility Report: Carrying Capacity

Building on comprehensive land use planning goal responsibilities and known residents' values regarding carrying capacity (Statewide Planning Goal 7), the Study Group will develop a Scoping Report to determine feasibility of completing a carrying capacity study of the Three-County Region (Benton, Lane, Linn County). The assessment outlined in 2.2 will provide the basis for completing a carrying capacity assessment.

Goal #3: Work collaboratively and transparently to address water issues that are common to multiple jurisdictions and stakeholders.

*Goal #1 and Goal #2 process and findings will help to inform the completion of Goal #3.

3.1 Positive Impacts to Priority Water Issues

County Study Group participants are interested in 'low hanging fruit' opportunities for addressing water issues. Issues that affect the three-county region that can be readily addressed include:

- **Sharing information and work among jurisdictions:** effectively share information among participating organizations (e.g. Upper Willamette Basin counties) to share planning information, tools and incentives (e.g. riparian, wetland, flood plain studies and planning requirements).

Benton-Lane-Linn Water Resources Study Group Work Plan

- Water and energy conservation: training and services through existing community organizations working in the three-county region;
- Voluntary groundwater studies and outreach: evaluate community interest and feasibility of building a network of voluntary groundwater outreach program, which could include measurement in the three-county region—this effort could be paired with water conservation and water quality education/opportunities along with incentives to report water use and quality.
- Projects to enhance water resources data, including: identify exact locations of unused (improperly abandoned) and domestic water wells; track and record groundwater and surface water quality (nitrate, arsenic, bacteria, others as appropriate); and, project water demands and issues within the region under various scenarios of land uses.

Longer term issues and work for consistent water quantity and quality related planning, policies, and projects include:

- Water Energy Nexus: Assess water and wastewater treatment energy demands.
- Drinking Water Source Protection (surface water and groundwater): Domestic well abandonment funding program, land use notification system when building proposed in source water protection 'overlay zone';
- Southern Willamette Valley Groundwater Management Area: Septic and domestic well density and standards adopted to address high nitrate issues;
- Total Maximum Daily Loads: Erosion and stormwater management, riparian protection and restoration, wide array of outreach and education.

Goal #4: Public Information and Outreach

4.1 Technical Team Formation

Call together members of existing outreach and education organizations to lead the public information and outreach work plan development and implementation. Participating members would come from NGO's, non-profits, quasi-governmental and academic-extension organizations with understanding of and experience in water quantity and quality in the three-county area.

Benton-Lane-Linn Water Resources Study Group Work Plan

4.2 Develop a Public Information and Outreach Work Plan (see attached Draft Work Plan)

- Develop a strategy(s) to collect the public's values concerning water (e.g., affordability, equity, etc.) in order to evaluate suggestions approaches or solutions to issues developed by the Benton-Lane-Linn Counties Water Resources Study Group
- Develop media channels to inform and solicit input from all interested parties.

4.3 Determine Three-County Residents' Water Values

A way of obtaining broader agreement is to clarify through dialogue and survey residents' values, value differences, and common ground within the Benton-Lane-Linn Counties area regarding water issues.

Dialogue about values also strengthens the legitimacy and sustainability of formal political decisions; which may have been reversed or deferred at great cost because underlying value issues were ignored. Values should be solicited pertaining to water systems including water for agriculture, urban and environmental uses; carrying capacity; sewerage and wastewater treatment; and runoff and flood control. Values for instream and environmental water flows for fish and wildlife are often seen as conflicting with consumptive use demands of cities and agriculture. Failure to recognize the full environmental services values of water has added to this conflict.

The Study Group will work to 1.) determine wide range of water perceptions from residents of the three counties 2.) interact with residents to inform perceptions regarding perceived needs and wants related to water.

Attachments

**Benton-Lane-Linn Water Resources Study Group Public Information and Outreach
Work Plan**

2009-2011

Goal #1	Objectives	Tasks
Form Public Information and Outreach Team	1.4 Solidify Leadership	<ul style="list-style-type: none">▪ Collaborate with identified and other interested organizations for development and directing outreach events and other work.
Goal #2	Objectives	Tasks
Public Information and Outreach Media and Events	1.5 Newspaper Press Releases	<ul style="list-style-type: none">▪ At least monthly press releases will be drafted by Technical Teams and sent to local newspapers.
	1.6 Website	A website domain is reserved. All meetings and associated Study Group work items of public interest will be available on the Study Group final Website--TBD internet management; Website will be developed through Study Group meeting discussions. Website components TBD.
	1.7 Mailing Lists	The Study Group will develop a mailing list and will work with organizations collaboratively, to provide information to existing interested groups, partners, mailing list subscribers and others.
	1.8 Community Meetings	Community engagement events around three-county region to capture water issues, perceptions and provide information of Study Group efforts and work to date--whenever possible these events will be included as part of existing community events (fairs, workshops, etc.)



Oregon's Integrated Water Resources Strategy

September 23, 2009 Briefer

Introduction

The 75th Legislative Assembly passed HB 3369 in 2009, directing the Oregon Water Resources Department to develop a statewide, integrated water resources strategy in consultation with the Departments of Environmental Quality and Fish and Wildlife. The Water Resources Commission will provide notice of the strategy to the Environmental Quality Commission, Oregon Department of Agriculture, and Oregon Department of Fish and Wildlife. The strategy will become effective upon adoption by the Water Resources Commission.

What Is a Statewide Integrated Water Resources Strategy?

The strategy, when finished, will be a roadmap for the state to follow as it prepares to meet Oregon's water needs now and in the future for both instream and out-of-stream uses from surface water and groundwater. The approach will be *integrated*, taking into consideration water quantity, water quality and ecological needs. The intent is to develop a framework, consisting of a set of tools, data, and resources with *statewide* relevance that communities can use to develop their water resource needs. The intention is not to overhaul Oregon water law as it relates to quantity and quality. Nor is the intention to lay out a plan that re-allocates water. If, during the process, statutory modifications are needed to achieve the objectives of the strategy, the Department will forward recommendations to the Legislature as part of its 2012 report.

Why Do We Need an Integrated Water Resources Strategy?

Surface water is nearly fully allocated during the summer months and groundwater is declining in many areas. More than 1,861 water bodies are impaired and not meeting water quality standards. There are also twenty-four fish species that have been identified as Threatened or Endangered under the Federal Endangered Species Act, while another 31 are listed as state sensitive species. These pressures, along with the potential challenges presented by climate change, population growth and changes to land use, highlight the urgency for an integrated strategy that meets Oregon's water needs.

Vision Statement

A statewide integrated water resources strategy will bring various sectors and interests together to work toward the common purpose of maintaining healthy water resources to meet the needs of Oregonians and Oregon's environment for generations to come.

Draft Preliminary Workplan and Issue Papers

http://www1.wrd.state.or.us/pdfs/Issue_Papers.pdf

http://www1.wrd.state.or.us/pdfs/Preliminary_Workplan.pdf

IN THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON

ORDER NO. 08-4-30-11

) IN THE MATTER OF APPROVING A
) MEMORANDUM OF COOPERATION
) WITH BENTON COUNTY REGARDING A
) WATER POLICY AND SUPPLY PLAN
) AND APPOINTING A COUNTY
) COMMISSIONER REPRESENTATIVE

WHEREAS, Benton County has proposed creating a cross-jurisdictional and cross-watershed water policy and supply plan through collaborative efforts of the affected parties, and

WHEREAS, the first phase of such an effort is the establishment of collaborative working relationships and data collection, and

WHEREAS, the proposed Memorandum of Cooperation recognizes that it is not designed to obligate any commitment of funds or resources except as otherwise authorized, and

WHEREAS, Lane County acknowledges the importance of cooperative efforts with respect to water for the benefit of all of our communities,

NOW, THEREFORE IT IS HEREBY ORDERED that the Memorandum of Cooperation attached hereto as Exhibit A is approved and the Chair is authorized to execute it on behalf of Lane County, and it is further

ORDERED that West Lane Commissioner Bill Fleenor is designated as the Lane County representative pursuant to Article II of the Memorandum of Cooperation, with reappointment of a County representative to occur annually in January at the time of appointment of County representative to various committees and agencies.

DATED this 30th day of April, 2008.

Larry Stettin

Chair, Lane County Board of
Commissioners

APPROVED AS TO FORM

Date 4/30/08 Lane County
Teresa Artich
OFFICE OF LEGAL COUNSEL

FILED

MAY 05 2008

COUNTY CLERK
BY *M. B. B. B.*



BOOK 250 PAGE 0169

MEMORANDUM OF COOPERATION

Between
Benton County
and
Lane County

Water Policy and Supply Plan

Purpose: The Memorandum of Cooperation (MOC) is intended to promote collaboration between the parties for the purpose of creating a cross-jurisdictional and cross-watershed water policy and supply plan to be considered by elected officials in the cities and counties from which data is collected in the upper Willamette Basin. This effort is consistent with the Governor's H2O and Oregon Water Resources Department's charge from the Governor and Oregon's Legislature.

The MOC includes:

- 1) Sharing a common interest in a sustainable water supply;
- 2) Acknowledging the collective goals of the Parties' to provide water to current and future generations of the county;
- 3) Desiring to promote and enhance social well-being, environmental quality, and sustainable economic development;
- 4) Desiring to promote public health and community welfare by fostering interdisciplinary scientific research;
- 5) Acknowledging the collaborative mission of the Parties' to establish broad policy guidelines;
- 6) Acknowledging the many municipalities and others have done admirable work to collect use data, develop management programs that speak to resource conservation, high quality drinking water, and adherence to federal and state law

Recognizing the Parties' mutual interest in working together with technical assistance and outreach from the Institute for Water and Watersheds at Oregon State University, to contribute to creating Water Supply Policy relationships with the Lane County and water resource management organizations, including, but not limited to: the Oregon Water Resources Department, Watershed Councils, Private Water Utilities, Agriculture, Businesses of the region and participating Counties;

The Lane County and Benton County do hereby simultaneously declare the following framework for the Parties' working relationship:

Article I

The Parties will use their best efforts to establish a long-term, collaborative working relationship to aid in forming a Benton County Water Supply Plan and Policy, starting with participation in completing water needs analysis and assessment.

The Parties are especially interested in pursuing cooperative opportunities in the following areas of common interest:

Exhibit A

1. Clean water supply for current and future populations of Benton, Lane, and Linn Counties: the headwaters communities of the Willamette River
2. Sustainable water supply with efficient delivery systems for city and rural residents, businesses, agriculture and other natural resources, both within the City's jurisdiction and within the region
3. Consensus building, public participation, and conflict resolution and management during working relationship forums that discuss water resource analysis and policy initiatives.
4. Sustainable management of both surface and groundwater resources
5. Public education and outreach regarding local water resource issues
6. Sustainable management of wastewater
7. Effects of climate variability on future water supply
8. Benton County will obtain approval from Lane County, if this document is to be used to forward any fund-raising or policy development efforts.

Article II

Each party shall designate a principal representative to serve as the primary point of contact between the parties on all matters arising under this Memorandum of Cooperation.

Article III

Any collaborative activity undertaken between the Parties shall only be done under the authority of the laws, regulations, and policies governing each party individually.

Article IV

Notwithstanding any other provision, nothing in this Memorandum of Cooperation shall be construed as binding. Further, nothing in this document shall be construed as either authorizing or obligating either party to commit funds or resources to any project or work except as otherwise authorized by the laws, regulations, and policies governing each party individually.

Article V

This Memorandum of Cooperation shall become effective when signed by all principal representatives.

Benton County Commissioners

Lane County

Linda Modrell, Chair

Commissioner(s)

Anabelle Jaramillo, Commissioner

Jay Dixon, Commissioner

Date

Date

Benton County Water Supply

**"Establishing a Path Forward for a Clean and Sustainable
Water Supply"**

Contact: Adam Stebbins, Benton County Water Project Coordinator
(541)766-6085; Adam.Stebbins@co.benton.or.us

How did this begin?

On September 13 2007, Benton County held a "kickoff meeting". The question is, *"Will we have enough water in year 2050 for all uses, needs and users?"* More than 90 attendees from throughout the county engaged state and local water experts to discuss the current and future issues of water supply within western Oregon and Benton County. The disconnect between statewide planning goals and local land use and water planning drove the take home message of the day: Benton County needs a single, countywide, water supply policy and plan that builds on city and county plans to ensure a clean and sustainable water supply for its citizens and their environment.

What has happened so far?

★ The Water Supply Project is initiated by Benton County Commissioners with intern funding provided by the Institute for Water and Watersheds at Oregon State University.

★ Benton County seeks additional revenue to drive the project forward including a proposal to the USGS Small Grants Program to develop community learning events on issues and values around water supply within the county. *(Not granted.)*

★ The County moves forward by meeting with local organizations, city governments, and the Oregon Water Resources Department (OWRD) to develop a **Phase I Water Data Collection and Analysis** process to form a countywide Water Supply Assessment that is based on current and projected water supply needs for all users and uses within Benton County.

Phase 2 will address alignment of water availability with population growth and possible effects of climate change. Also addressed will be identification of mitigation strategies for possible mismatches of availability and demand--including storage, protection, reuse and conservation.

★ Collaboration with upstream and downstream stakeholders is ongoing throughout the project and will be instrumental in planning for the long term use of cross-county water supplies over time.

How can you participate?

Stay informed: As the project progresses, there will be several ways to participate in community events and to voice your values and issues in regards to water supply in Benton County. Be sure to check the website on a weekly basis at:

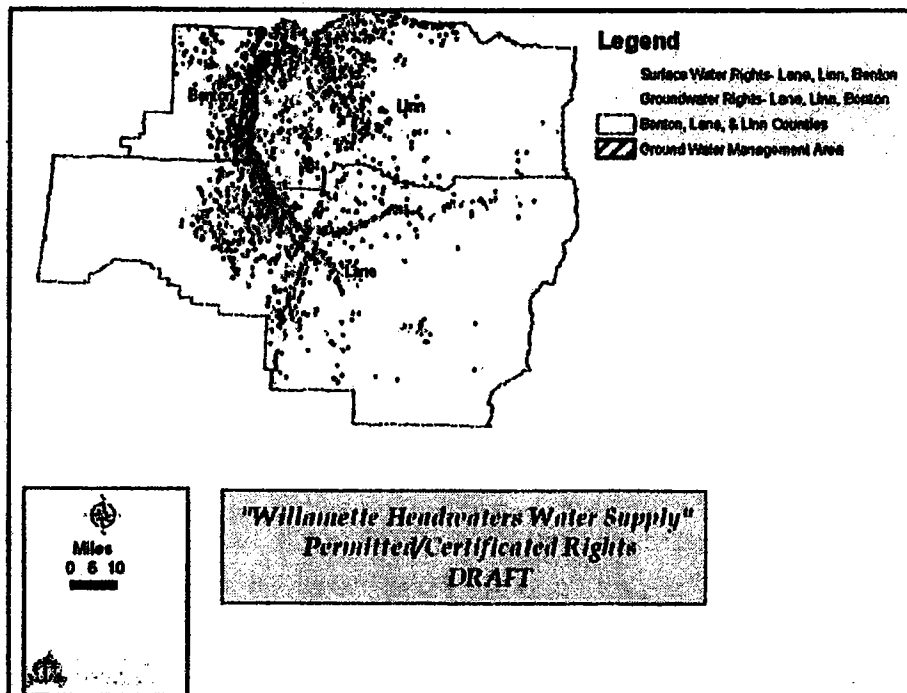
<http://www.co.benton.or.us/boc/water/>

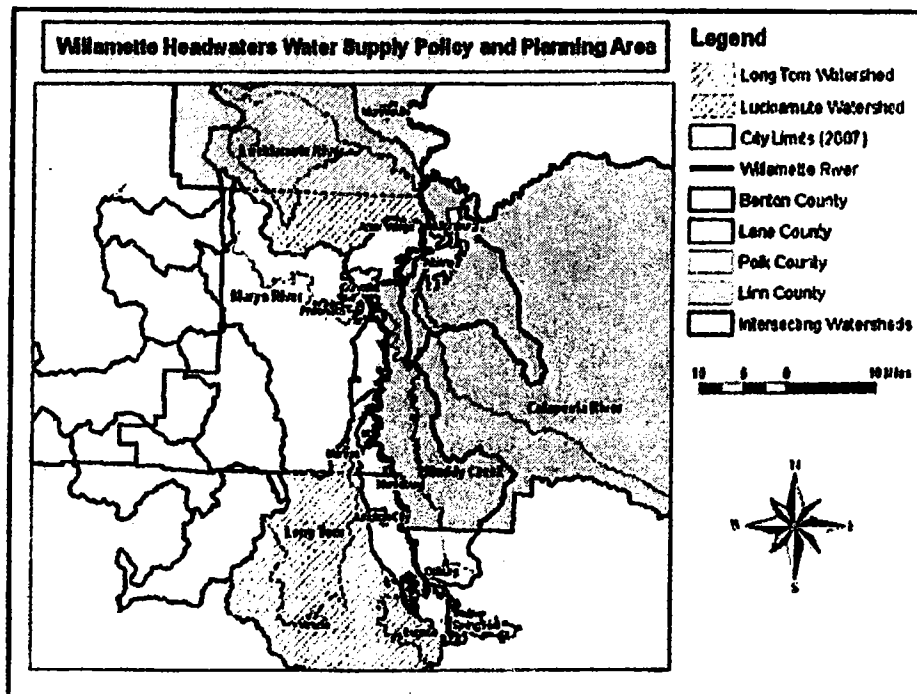



Benton County Water Project

<http://www.co.benton.or.us/boc/water>

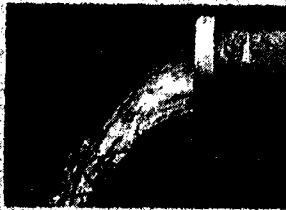
Adam Stebbins, Water Project Coordinator
Adam.Stebbins@co.Benton.OR.US
541-766-6085



Phase 1 of Project

- Data Collection:** Work with OWRD to gain local and regional data on current water supply and projected future demand.
- Education and Outreach:** Collect concerns and values on countywide water supply, while increasing the level of awareness around water supply.
- Water Policy:** Establish a cross jurisdictional policy framework to gain project collaboration, setting a process to address future water issues.

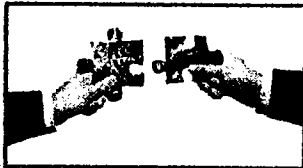


Phase 2 of Project

▲ **Availability versus Demand:** Is there projected to be enough water for all users and uses by 2050?

▲ **Groundwater-Surface water:** Stream flow, wells, TMDLs, storm water

▲ **Alternatives Analysis:** Including Conservation, Reuse, and Storage scenarios.



Memoranda of Cooperation

▲ **Promote collaboration countywide through:**

- Appoint Representative on steering committee.
- Encourage Phase 1 Project data gathering and collection process.

▲ **Pending with Adair, Watershed Councils, Counties, other cities and other stakeholders**