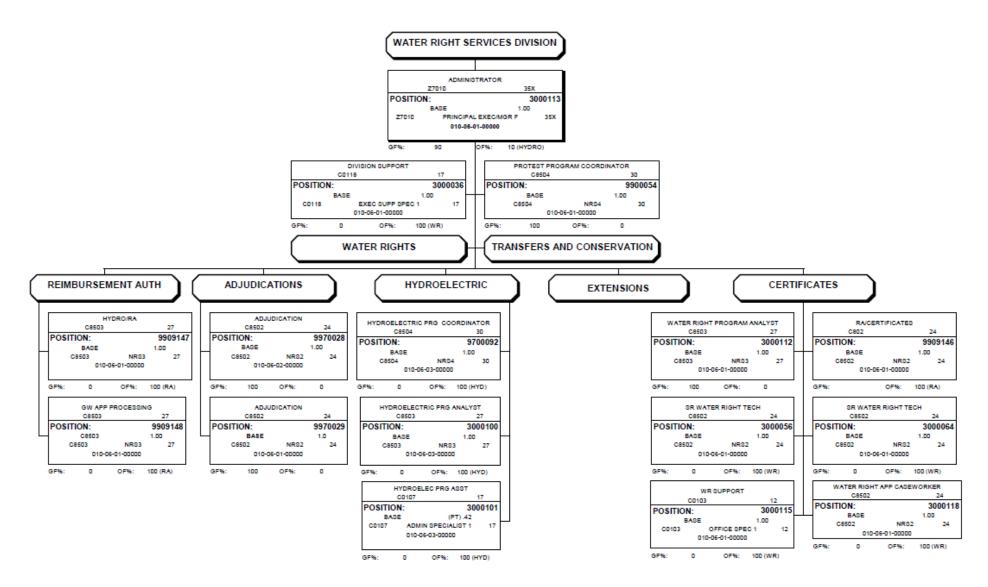
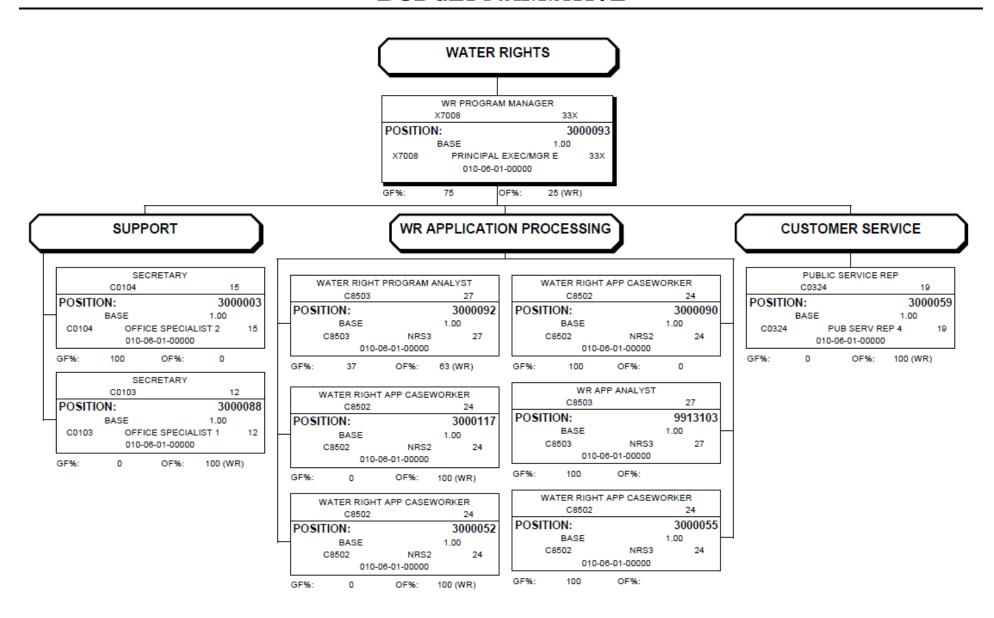
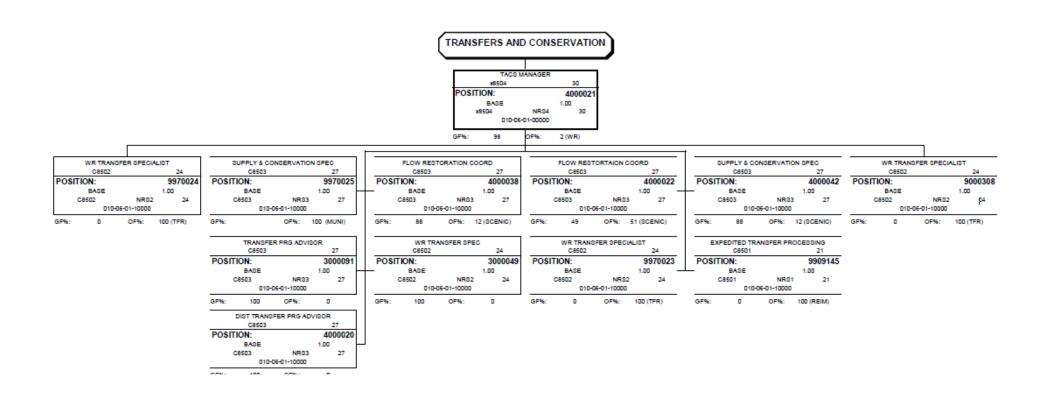
## **WATER RIGHT SERVICES DIVISION**







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### **WATER RIGHT SERVICES DIVISION**

The Water Right Services Division supports the allocation of water for instream and out-of-stream purpose, supporting both the economy and a healthy environment by processing all of the water right applications for the state. This includes, but is not limited to, the following application types: new water right permits, water right transfers (changes to existing water rights), requests for extension of time to further develop existing water rights and transfers, limited licenses, determinations of pre-law water uses through adjudications, and hydroelectric licensing.

Program Contact: Dwight French

(503) 986-0819

### **Program Funding Request**

The Water Resources Department proposes to add approximately \$390,000 in General Fund to improve water right application processing and to allow the Department to be more responsive to mitigation needs across the state.

During the 2017-19 biennium Water Right Services had 38 budgeted positions in seven programs: Water Rights, Certificates, Extensions, Transfer and Conservation, Protests, Adjudication, and the Hydroelectric Program.

### **Program Description**

The Division supports the agency mission by evaluating and acting upon water rights applications. Under Oregon law, almost all water users must apply for and receive a water right before initiating water use. The Water Right Services Division is responsible for the evaluation of both instream and out-of-stream water right applications and the issuance of new water right permits and certificates. In addition, the Division administers the following water right-related programs, including: water right program and policy development; limited water use licenses; drought-related water use permits; customer service and record management; protests; adjudicating water right claims based on water use that pre-dates the 1909 water code, federal reserved rights and tribal rights; hydroelectric permitting; extensions; transfers; permit amendments; instream leasing, allocations of conserved water, and approval of water management and conservation plans.

The Division is also responsible for distributing the weekly public notice of applications and responding to public inquiries. The Division receives and evaluates citizen and interest group comments, as well as protests concerning water use applications.

Water Right Services Division's seven major programs are described in detail below.

### **Water Rights**

### Water Right Application Review

The focus of the water right permitting program during the 2017-19 Biennium was to maintain the timely processing of water right applications and continue efforts to systematize and automate the process. The Division also continues to focus efforts on the resolution of protests of proposed water rights. While the number of water right applications is expected to remain stable overall, the complexity of application review is increasing as less water is available for appropriation. In addition, more applications are for groundwater, which requires a more complex technical review. For these reasons, the Department expects that the number of protested applications will grow in the future.

### **Customer Service and Record Management**

The Water Right Services Division is responsible for walk-in, telephone and e-mail customer service concerning all water right matters at the Salem office. Division staff help provide counter service to the public. Division staff receive approximately 2,500 calls per month concerning water right matters. In addition, Division staff maintain and manage all of the Department's official water right records.

The Division continues to provide a high-level of customer service including an increased amount of pre-application counseling, immediate review of applications for completeness, a maximum one day call-back policy, and improvements to an already customer-friendly environment. The Department has improved its web page to allow the public quick access to Departmental records and other information including powerful and efficient research tools.

### **Certificates**

After a permit is issued, the permittee generally has up to five years to develop the right unless an extension of time is applied for and approved. To perfect the right, the permittee must submit a final water-use report with a map of the use as developed. The Division receives these final reports and maps and prepares the certificate describing the use allowed.

Since the 2007-09 biennium, the Division has instituted a number of practices to more efficiently process certificates. These approaches have led to a reduction in the backlog of work in this area; from a high of 6,400 in 2004 to 1,123 as of July 1, 2018. It will take the Department approximately 3 years to eliminate the backlog entirely.

#### **Extensions**

If a permittee is not able to complete water development within the allotted time as prescribed in the permit, the permittee may request an extension of time within which to complete the work. The Division reviews these extension requests and determines, within the requirements of the law, whether or not to allow the extension. The Department received 266 extensions in 2015, an all time high, 179 applications in 2016 and 107 in 2017. The Department continues to improve our document generation tools which allow the extension caseworker to quickly generate proposed final orders once they have completed the review of the application. Due to staff turnover and to make the best use of available resources, extensions are currently being processed by adjudications staff.

### **Transfer and Conservation Section**

The Transfer and Conservation Section includes staff responsible for processing changes to existing water rights and permits, flow restoration applications, water management and conservation plans, and coordination with local government, conservation partners, soil and water conservation districts, watershed councils, and others. These programs are key to meeting Oregon's long-term water supply and restoration goals.

#### **Transfers**

The transfer of an existing water right to a new use or place of use is often the best alternative for establishing a "new" water supply for economic development or streamflow restoration. Under Oregon law, water rights are issued for a specific use, to receive water from specific points of diversion, and are appurtenant to specific locations. However, Oregon water law also provides a process to change the use, place of use, or point of diversion while still retaining other characteristics, such as the water source and priority date, provided that the changes do not injure other water rights. While transfers can only be completed for specific types of rights, permit amendments and groundwater registration modifications can allow for changes to these other types of rights. The Transfer and Conservation Section is responsible for receiving and processing water right transfer, permit amendment, and groundwater registration modification applications.

The backlog in processing water right transfers in 2004 was about 760 applications, rendering transfers a somewhat inefficient management option. The Department has taken a number of steps to address this workload, starting with a Lean-Kaizen process in 2009 that led to a number of changes to the processing of transfers. These changes resulted in a significant reduction in the time required to process transfer applications to Final Order and also made the process more user-friendly. The Department has also used the Reimbursement Authority program to expedite some transfer applications. The backlog as of July 2017 has dropped to 358, even though the number of transfer applications has actually increased steadily over the past 5 years.

The Department continues to look at ways of streamlining, combining functions, and leveraging its staff resources to best serve its customers.

#### Flow Restoration

In addition to processing instream transfers, this section is also responsible for processing instream lease and allocations of conserved water applications. The Transfer and Conservation Section works, in coordination with the Field Services Division, conservation groups, water right holders, irrigation districts, watershed councils, and soil and water conservation districts to complete flow restoration projects.

The Water Resources Department processes approximately 120 lease applications annually, with a goal for average processing time being 45 days. Several years ago the processing time was near 90 days. There is no backlog for instream lease processing.

Approximately ten instream transfers are received annually. The number of allocations of conserved water averages six to seven per year. In the past, some applications have taken more than two years to process, but, due to a thorough process and efficiency review in 2013, processing of these applications is now taking only 12 months.

### Water Supply and Conservation Planning

Staff in this section work closely with community water suppliers (municipal and certain quasi-municipal water suppliers) and irrigation districts to assist in the development of water management and conservation plans. Many community water suppliers and districts have initiated planning efforts to identify new options and alternatives to meet future water needs. Community water supply entities are required by water right permit conditions or statutory provisions to prepare water management and conservation plans. Under the planning approach developed by the Department, a variety of water supply alternatives, including storage, conservation, and water right transfers, are considered for cost-effectiveness and feasibility. The approach is intended to help water suppliers identify least-cost options for meeting future water needs. In the most recent four fiscal years, 100 percent of the plans received by the Department were reviewed within the 90-day review goal.

### **Protests**

The protest program is responsible for resolving protests filed against various Department orders, either by negotiated settlement or through a contested case hearing process. Based on past experience, the Department expects to receive approximately 100 protests during the 2019-21 biennium. About 75 percent of these are filed by applicants who disagree with the Department's determination; the other 25 percent typically come from a neighbor to the proposed project, conservation groups, or an interested local citizen. The program successfully negotiates resolution of approximately 90 percent of the protests, thereby dramatically reducing the need for expensive contested case hearings, while meeting the essential water needs of the applicants, protecting existing water rights, and ensuring adequate resource protections.

### **Adjudication**

The Adjudication Program is responsible for the adjudication of pre-1909 water rights, tribal water rights, and other federal reserved water rights. Most of Oregon's river basins east of the Cascade Mountains have been adjudicated for pre-1909 water rights. Only a few of the river basins west of the Cascades have been adjudicated. Adjudications are important for holders of claims, who are often the senior-most users in the basin, but whom the Department cannot regulate for in accordance with the doctrine of prior appropriation until such claims are adjudicated. These senior claims also cannot be transferred until adjudicated.

Adjudications can be complex, long-lasting and controversial. The Department initiated the Klamath Basin Adjudication in 1975. This adjudication was delayed by two lengthy federal lawsuits and final claims were then filed prior to April 30, 1997. The Department received 5,660 legal contests to 730 claims. The administrative phase of the Klamath Adjudication was completed in March of 2013, and the case was transferred to the Klamath County Circuit Court. The Department is providing support to the Department of Justice as the Klamath Adjudication makes its way through the Circuit Court.

### **Hydroelectric Program**

The Hydroelectric Program has lead responsibility for Oregon's hydroelectric water right program. Program staff process all applications related to development, modification, assignment and decommissioning of hydroelectric projects. Staff are responsible for implementing a coordinated, interagency program for evaluating applications to reauthorize hydroelectric projects with state or federal licenses that are due to expire. The program is also responsible for coordinating the decommissioning of existing facilities.

Division staff conduct annual fee billing and collection for approximately 150 existing hydroelectric projects in Oregon. These fees support hydroelectric programs in the Departments of Water Resources, Fish and Wildlife, and Environmental Quality.

### **Program Justification**

The Water Right Services Division has frequent contact with many of Oregon's key industries including: agriculture, food processing, nursery products, tourism, semiconductors, solar, wave energy and even wind energy. Water is a necessary ingredient for these business sectors to thrive, and therefore, the work conducted by the Division is essential to existing and future economic activity. In addition, its work is also essential for a healthy environment and those industries that rely on the use of water instream by processing water right transactions for recreation, fish and wildlife, and water quality. It is critical to business and communities that the Division is able to process different types of water use requests in a timely and accurate manner. A delay due to lack of funding or lack of staff resources in the Division can cause a business to have to delay its plans and may even allow a competitor a start-up advantage.

The Division also plays an integral part in implementing several key priority actions of the state's Integrated Water Resource Strategy. These efforts include revising informational materials to provide clearer guidance about how to use the agricultural and municipal Water Management and Conservation Plans and the Allocation of Conserved Water program.

### **Program Performance**

The Division is dedicated to providing high-quality customer service, while also improving the timeliness of processing times. The Division continues to look for ways to improve, and has undertaken a number of efforts in coordination with the Technical Services Division to increase efficiency through information technology.

The Division has reduced waiting times and backlogs consistently over the last decade. The percentage of protests received, which are formal challenges to our proposed final orders, has averaged only 1.3 percent over the last 10 years. This means that nearly 99 percent of interested persons and entities, including applicants, do not protest the Department's proposed decisions.

Specific performance in each program area is highlighted in the prior sections above.

### **Enabling Legislation/Program Authorization**

The Division prides itself in strictly adhering to the enabling statutes that authorize the water right processes that we administer. We continue to seek amendments to statutes to allow for regulatory streamlining whenever possible. The following is a list of Division programs and their enabling ORS citations.

Water Right Transfers – Processing requests for changes (i.e., leases, allocations of conserved water or transfers). Transfers can include a change in place of use, type of use, or point of diversion. Both regular and expedited processes are available.	ORS 536.050; ORS 537.120 to 537.360; ORS 537.525; ORS 540.520 to 540.580; ORS 537.455 to 537.500; ORS 540.510.
Water Right Permitting – Water right records and research, processing of new water right applications, permit extensions, certificates, and limited licenses. Both regular and expedited processes are available.	ORS 537.097; ORS 537.799; ORS 536.050; ORS 537.130; ORS 537.120 to 537.360; ORS 537.135; ORS 537.211 to 537.252; ORS 537.525; ORS 540.520 to 540.580; ORS 537.153; ORS 537.797; ORS 537.621 to 537.628
Adjudication – Confirming uses of water that pre-date Oregon's 1909 water code.	ORS Chapter 539; ORS 539.010; ORS 537.665 to 537.700;
Hydroelectric Program – Coordinating agency for project re-authorization and FERC licensing, review of non-FERC applications.	Oregon Constitution Article XI-D ORS 543.015; ORS 543.017; ORS 537.283

### **Funding Streams**

Funding for staff comes from the state General Fund and Other Fund fees. Fees are charged for various water rights permitting activity as well as for the Hydroelectric Program. The fees related to each of the Department's water right transactions are set in statute.

	Water Right Se	WRSD Total			
	General Fund	Other Funds	Lottery Funds	Federal Funds	Total Funds
2017-19 Legislatively Adopted Budget	3,647,773	4,201,608	-	-	7,849,381
2017-19 Emergency Boards	86,396	416,304	-	25,000	527,700
2017-19 Legislatively Approved Budget	3,734,169	4,617,912	-	25,000	8,377,081
2019-21 Base Budget	3,818,314	4,752,988	-	-	8,571,302
2019-21 Current Service Level	3,973,306	4,854,962	-	25,000	8,853,268
Total Packages	(52,065)	(51,430)	-	(526)	(104,021)
2019-21 Legislatively Adopted Budget	3,921,241	4,803,532	-	24,474	8,749,247

# WATER RIGHTS SERVICES DIVISION ESSENTIAL AND STATEWIDE PACKAGES

010 - Vacancy Factor and Non-PICS Personal Services

This package contains adjustments to the base budget as directed in the 2019-21 Budget Instructions. These changes include changes to the Vacancy Savings Factor, the non-PICS generated Personal Services inflation adjustments and the Pension Obligation Bonds calculations supplied to Agencies by the Department of Administrative Services Chief Financial Office.

020 - Costs of Phased In/Phased Out Programs and One Time Costs

This package removes funding that was intended as one-time funding from the 2017-19 biennium.

030 – Inflation and Price List Adjustment

This package contains adjustments for inflation and other price list adjustments including State Government Service Charges and Usage Based Charges as directed in the 2019-2021 Budget Instructions. General inflation was calculated using a factor of 3.8% while a rate of 4.2% was used for Professional Services and Special Payments. Adjustments to State Government Service Charges and Usage Based Charges were adjusted per the 2019-21 price lists.

060 - Technical Adjustment

This package was used to adjust 2019-21 budgets to align with the 2017-19 changes to the agency structure.

801 - LFO Analyst Adjustments

This package contains the carry forward from the direct award grant for the Umatilla Basin Water Supply Projects.

810 - Statewide Adjustments

This package includes adjustments for expenses related to SGSC, DAS Assessments, PERS, Attorney General and Debt Service.

811 - Budget Reconciliation Adjustments

This package contains lottery revenue bond proceeds and the associated cost of issuance.

### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Water Resources Dept
Pkg: 010 - Non-PICS Psnl Svc / Vacancy Factor
Cross Reference Name: Water Right Services Division
Cross Reference Number: 69000-010-06-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues					I		
General Fund Appropriation	130,020		-	-	-		130,020
Power and Water Fees	-		-	-	-		-
Total Revenues	\$130,020		-	-	-	-	\$130,020
Transfers Out							
Tsfr To Agriculture, Dept of	-		-	-	-	<u>-</u>	-
Total Transfers Out	-			-	-	-	-
Personal Services							
Temporary Appointments	73		-	-	-	<u>-</u>	73
Pension Obligation Bond	2,749		4,694	-	-		7,443
Social Security Taxes	6		-	-	-		6
Unemployment Assessments	53		- 97	-	-	-	150
Mass Transit Tax	314		- 1,031	-	-		1,345
Vacancy Savings	126,825		101,457	-	-	-	228,282
Total Personal Services	\$130,020		- \$107,279			-	\$237,299
Total Expenditures							
Total Expenditures	130,020		107,279	-	-	<u>-</u>	237,299
Total Expenditures	\$130,020		- \$107,279	-	-	-	\$237,299

Agency Request	Governor's Budget	Legislatively Adopted
2019-21 Biennium	Page	Essential and Policy Package Fiscal Impact Summary - BPR013

#### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Water Resources Dept
Cross Reference Name: Water Right Services Division
Pkg: 010 - Non-PICS PsnI Svc / Vacancy Factor
Cross Reference Number: 69000-010-06-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Ending Balance							
Ending Balance	-	=	(107,279)	=	-	-	(107,279)
Total Ending Balance	-	-	(\$107,279)	-	-	-	(\$107,279)

Agency Request	Governor's Budget	Legislatively Adopted
2019-21 Biennium	Page	Essential and Policy Package Fiscal Impact Summary - BPR013

#### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Water Resources Dept Pkg: 021 - Phase - In				Cr		ame: Water Right S ce Number: 69000-	
Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues	l		ı	<u> </u>	L	1	
General Fund Appropriation			Э.				
Total Revenues	-	-	-	-			
Personal Services							
Vacancy Savings	-	-		-			
Total Personal Services	(=	-		-			
Total Expenditures							
Total Expenditures				-			
Total Expenditures		-		-			
Ending Balance							
Ending Balance		-					
Total Ending Balance	-	-		-	-	-	
Agency Request			Governor's Budge	ot	Ecceptial and Palls		egislatively Adopt
2019-21 Biennium			Page		Essential and Police	cy Package Fiscal Impac	

#### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Water Resources Dept Cross Reference Name: Water Right Services Division Pkg: 031 - Standard Inflation Cross Reference Number: 69000-010-06-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues						1	
General Fund Appropriation	44,924	-	-	-	-	<u>-</u>	44,924
Total Revenues	\$44,924	-	-	-		-	\$44,924
Services & Supplies							
Instate Travel	333	-	-	-	-	<u>-</u>	333
Employee Training	254	-	-	-	-	<u>-</u>	254
Office Expenses	851	-	-	-	-	<u>-</u>	851
Telecommunications	1,138	-	-	-	-	-	1,138
State Gov. Service Charges	(1,849)	-	(5,305)	-	-		(7,154)
Publicity and Publications	14	-	-	-	-		14
Professional Services	-	-	-	-	-	-	-
Attorney General	34,758	-	-	-	-	-	34,758
Employee Recruitment and Develop	39	-	-	-	-		39
Dues and Subscriptions	14	-	-	-	-	-	14
Facilities Rental and Taxes	-	-	-	-	-	. <u>-</u>	-
Facilities Maintenance	19	-	-	-	-	-	19
Agency Program Related S and S	7,600	-	-	-	-	-	7,600
Other Services and Supplies	1,163	-	-	-	-	-	1,163
Expendable Prop 250 - 5000	348	-	-	-	-	-	348
IT Expendable Property	242	-	-	-	-	=	242
Total Services & Supplies	\$44,924	-	(\$5,305)	-		<u>-</u>	\$39,619

Agency Request	Governor's Budget	Legislatively Adopted
2019-21 Biennium	Page	Essential and Policy Package Fiscal Impact Summary - BPR01

#### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Water Resources Dept
Cross Reference Name: Water Right Services Division
Pkg: 031 - Standard Inflation
Cross Reference Number: 69000-010-06-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Total Expenditures				,			_
Total Expenditures	44,924	-	(5,305)	-	-	-	39,619
Total Expenditures	\$44,924		(\$5,305)	-		-	\$39,619
Ending Balance							
Ending Balance	-	-	5,305	-	-	-	5,305
Total Ending Balance	-	-	\$5,305	-	-	-	\$5,305

Agency Request	Governor's Budget	Legislatively Adopted
2019-21 Biennium	Page	Essential and Policy Package Fiscal Impact Summary - BPR013

#### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Water Resources Dept Pkg: 060 - Technical Adjustments Cross Reference Name: Water Right Services Division Cross Reference Number: 69000-010-06-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues					•	1	
General Fund Appropriation	(19,952)	-			-		(19,952)
Federal Funds	-	-	-	25,000	-		25,000
Total Revenues	(\$19,952)	-		\$25,000	-		\$5,048
Services & Supplies							
Instate Travel	(4,505)	-		-	-		(4,505)
Telecommunications	(19,413)	-			-		(19,413)
Professional Services	1,600	-	-	-	-		1,600
Agency Program Related S and S	5,202	-		-	-		5,202
IT Expendable Property	(2,836)	-	-	-	-		(2,836)
Total Services & Supplies	(\$19,952)	-		-		-	(\$19,952)
Special Payments							
Other Special Payments	-	-	-	25,000	-		25,000
Total Special Payments	-	-		\$25,000			\$25,000
Total Expenditures							
Total Expenditures	(19,952)	-		25,000	-		5,048
Total Expenditures	(\$19,952)	-		\$25,000	-		\$5,048
Ending Balance							
Ending Balance	-	-			-	<u>-</u>	-
Total Ending Balance	-	-		-			
Agency Request			Governor's Budg	et		_ L	egislatively Adopted
2019-21 Biennium			Page		Essential and Police	cy Package Fiscal Impact	Summary - BPR013

#### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Water Resources Dept

Pkg: 810 - Statewide Adjustments

Cross Reference Name: Water Right Services Division

Cross Reference Number: 69000-010-06-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues						l	
General Fund Appropriation	(52,065)	-		-	-		(52,065)
Federal Funds		-		(526)			(526)
Total Revenues	(\$52,065)	-		(\$526)	-	-	(\$52,591
Personal Services							
Vacancy Savings			H	-			
Reconciliation Adjustment	(12,928)	_	(15,613)	(526)		_	(29,067)
Total Personal Services	(\$12,928)	-	(\$15,613)	(\$526)	-	-	(\$29,067
Services & Supplies							
Office Expenses	(291)	-	(2,551)				(2,842)
State Gov. Service Charges	(179)	-	(202)	-			(381)
Attorney General	(8,376)	-	(1,096)	-	-	-	(9,472)
Facilities Rental and Taxes	-	-	(25,428)	-	-	-	(25,428)
Agency Program Related S and S	(3,645)	-	(5,774)	-	-	-	(9,419)
Other Services and Supplies	(26,646)	-	(766)	-	-		(27,412)
Total Services & Supplies	(\$39,137)		(\$35,817)			( <del>-</del>	(\$74,954
Capital Outlay							
Equipment - Part of Building	-	-	-	-	-	_	-
Total Capital Outlay			18	-	-		

\_\_\_\_ Agency Request \_\_\_\_ Governor's Budget \_\_\_\_ Legislatively Adopted 2019-21 Biennium \_\_\_\_ Essential and Policy Package Fiscal Impact Summary - BPR013

#### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Water Resources Dept Pkg: 810 - Statewide Adjustments Cross Reference Name: Water Right Services Division Cross Reference Number: 69000-010-06-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Total Expenditures							
Total Expenditures	(52,065)		(51,430)	(526)	8		(104,021)
Total Expenditures	(\$52,065)		(\$51,430)	(\$526)		-	(\$104,021)
Ending Balance							
Ending Balance		8	51,430		8		51,430
Total Ending Balance	-	-	\$51,430	-	-	-	\$51,430

Agency Request	Governor's Budget	Legislatively Adopted
2019-21 Biennium	Page	Essential and Policy Package Fiscal Impact Summary - BPR013

#### Policy Option Package #102: Groundwater Data, Management and Protection

**Purpose:** This package proposes to help the Department understand and manage groundwater resources sustainably to protect existing users, while providing timely groundwater permitting reviews for potential new uses and protecting the groundwater resource to prevent loss of artesian pressure, contamination, and waste. These actions are called for in Recommended Actions 1A, 1B and 7A of the Integrated Water Resources Strategy.

Understanding the Resource: In some locations throughout the state, groundwater aquifers are no longer capable of sustaining additional development. Water managers need better groundwater information to help the Department, communities, and water users determine how to best utilize limited resources, while protecting existing and future uses. The State needs to know more about how much surface water and groundwater we have, if additional allocations can be made, and how the groundwater and surface water interact in each basin. This information is essential for communities in understanding the sustainability of current groundwater uses and their opportunities for future economic development.

The Department typically evaluates groundwater and surface water resources through cooperative, cost-share science programs with the U.S. Geological Survey (USGS), Oregon Department of Geology and Mineral Industries (DOGAMI), and other scientific partners. In general, the Department obtains this information by conducting a groundwater basin study. Basin studies can take approximately five to six years to complete and the Department currently has the capacity to conduct only one study at a time. Basin studies help define the overall groundwater budget, including groundwater recharge from surface water, groundwater discharge to surface water, and available water for new allocation. The studies develop a broad understanding of surface and groundwater systems and the results are published in peer-reviewed reports (typically USGS-published reports and DOGAMI-published geologic maps). State funds are leveraged through federal cost-match funds when partnering with these agencies (DOGAMI receives matching federal funds for qualifying geologic mapping work). Currently, the Department is working in the Greater Harney Valley and expects to complete the first phase of that study in 2020. The next priority area for a basin study is the Walla Subbasin.

Reducing Groundwater Processing Backlogs: Given the pressures of drought, increased litigation over groundwater, the limited nature of the resource, the complex nature of groundwater, and a greater interest in groundwater data and innovative management options, groundwater staff have a difficult time meeting all of the demands on their time. As a result, the Department has seen an increase in processing times for groundwater-related water rights transactions.

Protecting the Resource through Well Construction: Protecting existing water users and ensuring that groundwater is managed sustainably also requires proper well construction practices. Improper well construction can lead to serious groundwater-level declines, loss of artesian pressure, and contamination of drinking water, public safety hazards, and waste. Well construction in the Columbia River Basalts, which include aquifers across a significant portion of the state (including the Willamette Valley and Columbia River Gorge), require special attention due to the complex

geology and difficult construction conditions. An adequately staffed well inspection and enforcement program is critical to ensuring that wells are constructed, maintained, and abandoned in an appropriate manner. The Department places well inspectors in the field to work with licensed well drillers and landowners that are constructing their own wells, to ensure that water supply wells are constructed in a manner that protects public health, safety, and the groundwater resource for other users. Well inspectors visit wells during construction to observe drilling procedures and practices and to see that the well meets minimum well construction standards, given the specific geologic and hydrologic conditions encountered. To be effective, well inspectors must have training in local geology and hydrogeology, and the knowledge to understand, recognize, and give direction regarding proper well construction practices for specific conditions encountered on each well.

Currently, well inspectors are funded from start card fees; however, there are insufficient funds to hire the number of inspectors that the Department is authorized to hire because of revenue shortfalls. The Department has authorization for five well inspectors, but only has resources for four, which could be further reduced by the projected increased costs of doing business. Each year, approximately 3,000 new wells are drilled; last year, the state inspected about 1,000 of them with its four well inspectors. About 11 percent of the inspected wells were found to have deficiencies or construction problems.

How Achieved: This package requests one NRS 2 Project Hydrogeologist, one NRS 4 Project Hydrogeologist, one NRS 2 hydrographer, one NRS 3 Hydrographer, and one NRS 4 Hydrologist to increase the Department's capacity to conduct an additional basin study, while also addressing some of the workload challenges in the groundwater and surface water sections; improving capacity to collect, process, and validate data; and providing resources to more timely process permit and transfer applications. This package includes both groundwater and surface water staff, as surface water data collection and analyses are necessary inputs to groundwater basin studies and having backlogs in surface water data can slow progress on groundwater studies. The request also includes one IS 6 Database Application Developer, which will be responsible for supporting development of structures for storing and querying data across the Department, with a primary focus on groundwater and surface water data. In addition to the requested increase in staffing, this package requests general fund appropriations each biennium to pay for cost-match to conduct basin studies with partners and equipment for study activities, such as the installation and maintenance of dedicated observation wells (\$100k in cost-share for DOGAMI, \$400k for Observation wells, and \$300k in cost-share for the U.S. Geological Survey). To ensure more timely processing of groundwater permit applications and other transactions, the package also includes an NRS 3 Hydrogeologist Groundwater Reviewer and one NRS 2 Water Right Application caseworker.

In regard to supporting the Well Inspection Program to prevent problems that arise from improper well construction, maintenance, or abandonment, this package includes several proposals. First, in order to stabilize the Start Card Fund, the package proposes to move one NRS 3 hydrogeologist from Start Card to General Fund. Second, given that the Well Inspection Program has no General Fund support, the package proposes to add one NRS 2 General Fund Well Inspector, which will help to prevent loss of artesian pressure, contamination, or waste by providing timely inspections of well construction, review of well logs, and education of drillers and pump installers to ensure construction standards are met. This will help provide some stability to the program by diversifying funding sources. Finally, many of the areas in the state that have seen

significant groundwater level declines and other issues due to improperly constructed wells are within sensitive Columbia River Basalt (CRB) aquifer systems. The Department has issued special standards for some of these areas; however, further work and special attention is needed to ensure proper well construction, alteration, and abandonment of water wells in these areas. As a result, the Department proposes to add one NRS 2 Well Inspector and one NRS 3 Well Construction Specialist that will specifically work on Columbia River Basalts.

#### **Staffing Impact:**

Position	Class/Pay Opt	Class Desc	Working Title	Type	Months	FTE	2019-21	2021-23
9919002	C0872 AP	Operations & Policy Analyst 3	Public Engagement Coordinator	PF	21	0.88	\$187,584	\$212,807
9919003	C8502 AP	Natural Resource Specialist 2	CRB Well Inspector	PF	<del>21</del>	0.88	<del>\$180,305</del>	<del>\$202,917</del>
9919004	C8502 AP	Natural Resource Specialist 2	Well Inspector	PF	<del>21</del>	0.88	<del>\$180,305</del>	<del>\$202,917</del>
9919005	C8503 AP	Natural Resource Specialist 3	CRB Well Construction Specialist	PF	<del>21</del>	0.88	<del>\$196,819</del>	<del>\$221,790</del>
9919006	C8502 BP	Natural Resource Specialist 2	Project Hydrogeologist 2	PF	<del>21</del>	0.88	<del>\$180,305</del>	<del>\$202,917</del>
9919007	C8503 AP	Natural Resource Specialist 3	Project Hydrogeologist 3	PF	<del>21</del>	0.88	<del>\$202,655</del>	<del>\$228,460</del>
9919008	C8504 AP	Natural Resource Specialist 4	Senior Hydrogeologist 4	PF	21	0.88	\$222,572	\$251,220
9919009	C8503 AP	Natural Resource Specialist 3	Hydrogeologist 3 GW Reviewer	PF	21	0.88	\$202,651	\$228,460
4000010	C8503 BP	Natural Resource Specialist 3	Hydrogeologist 3	PF	<del>24</del>	(1.00)	<del>\$(235,608)</del>	<del>(\$235,608)</del>
4000010	C8503 BP	Natural Resource Specialist 3	Hydrogeologist 3	PF	24	1.00	<del>\$235,608</del>	<del>\$235,608</del>
9919010	C1486 AP	Info Systems Specialist 6	Database/Application Developer	PF	21	0.88	\$196,483	\$221,187
9919011	C8502 AP	Natural Resource Specialist 2	Hydrographer 2	PF	<del>21</del>	0.88	<del>\$180,304</del>	<del>\$202,917</del>
9919012	C8503 AP	Natural Resource Specialist 3	Hydrographer 3	PF	21	0.88	\$196,820	\$221,790
9919013	C8504 AP	Natural Resource Specialist 4	Hydrologist 4	PF	21	0.88	\$215,531	\$243,175
9919014	C8502 AP	Natural Resource Specialist 2	WR Caseworker	PF	<del>21</del>	0.88	<del>\$180,305</del>	<del>\$202,917</del>

Quantifying Results: This package will allow the Department to conduct an additional groundwater basin study every five years. This study would be in addition to the ongoing work in the Greater Harney Valley. Information obtained through studies is used by the Department to manage the State's increasingly limited groundwater resources and maximize the consumptive and non-consumptive uses of water in each basin. Basins that are currently a priority for future basin studies include the Umatilla and its Walla Walla subbasin, as well as the Hood, Powder, and Grande Ronde basins. This package will help reduce data and application backlogs in both the surface and groundwater sections, as it will provide adequate staff necessary to process these records in the study areas. The Department would increase the number of observation wells in the state, which would lead to increases in KPM #5 (Assess Groundwater Resources). In addition, the Department anticipates a reduction in groundwater application review and processing timelines, which are in part measured by KPMs #10 and #11, (Promote Efficiency in Water Right and Transfer Application Processing).

In regard to protecting groundwater through the well construction program, metrics would include: Are well inspectors on-site and actively observing when the seal is placed in the well? Are well inspectors available to answer driller questions and technical requests the same day the requests are made? Are there more high-quality inspections made overall? Of the wells inspected, are there fewer deficiencies / construction mistakes over time?

### **Funding Source:**

General Fund: \$3,558,247 \$1,659,740 Staffing Costs: \$2,758,247 \$1,159,740

Geological Mapping: \$100,000 Observation Wells: \$400,000 USGS Study Funds: \$300,00

Other Funds: (\$235,608) Start Card

USGS Study funds: \$300,000 (no extra limitation given)

Staffing Costs: (\$235,608)

The numbers above represent the total package value. Breakdown of the impact to this specific Division can be found in the following reports.

No funding for this package was approved in the Water Rights Services Division in the Legislatively Adopted Budget.

#### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Water R	esources	Dept
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Pkg: 102 - Groundwater Data, Management & Protection

Cross Reference Name: Water Right Services Division Cross Reference Number: 69000-010-06-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues					•		
General Fund Appropriation	-		H	-	-		
Total Revenues	:-		-		-	· -	
Personal Services							
Class/Unclass Sal. and Per Diem							
Empl. Rel. Bd. Assessments	12	_	12	-			
Public Employees' Retire Cont	-	-		-	_	-	
Social Security Taxes			-	-			
Worker's Comp. Assess. (WCD)		-	-	-			
Flexible Benefits		-	-	-		-	
Total Personal Services					-		
Services & Supplies							
Instate Travel	-	-	-	-		-	
Employee Training		-	-	-		-	
Office Expenses	-	-	-	-	-	-	
Telecommunications		-	14				
Employee Recruitment and Develop	-	-		-			
Dues and Subscriptions		-		-	-		
Agency Program Related S and S		-	-	-			
Other Services and Supplies	-	-	-	-			
Expendable Prop 250 - 5000		÷	8	-	8		
Total Services & Supplies	-			-	-	-	
	_						
Agency Request			Governor's Budge	t			Legislatively Adopt
2019-21 Biennium			Page		Essential and Police	y Package Fiscal Impac	t Summary - BPR0

#### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Water Resources Dept Pkg: 102 - Groundwater Data, Mana	ngement & Protection	on		Cı		ame: Water Right ce Number: 69000	
Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Total Expenditures							
Total Expenditures							
Total Expenditures				-		-	a a
Ending Balance							
Ending Balance	) <del>-</del>						
Total Ending Balance	:-		- 0-			-	
Total Positions							
Total Positions							-
Total Positions	7=		- 1-	-			
Total FTE							
Total FTE							
Total FTE	-		-0 0-			-	7
Agency Request			Governor's Budge	et			Legislatively Adopted
2019-21 Biennium			Page		Essential and Police	cy Package Fiscal Impa	ct Summary - BPR013

#### Policy Option Package #114: Mitigation to Allow for New Water Uses

**Purpose:** Cities, farmers, business owner and other potential water users often need additional water to meet their growing needs. Surface water and groundwater sources are increasingly limited and identifying new storage sites is a challenge. Increasingly, water right applicants would like to mitigate for their impacts in order to obtain a new water right, which otherwise might be denied. Currently, the Department has rules in place for mitigation of new groundwater permits in the Deschutes Basin above Lake Billy Chinook. The state does not have a comprehensive approach in other basins to address needs for mitigation. As a result, working with applicants who would like to explore mitigation options can take considerable staff time and is further complicated by the need for individual analysis of proposed mitigation. Establishing a more programmatic approach to mitigation will benefit water right applicants, as the Department will be better able to respond to and evaluate mitigation requests in a timely manner. This proposal is consistent with Recommended Action 10.G of the Integrated Water Resources Strategy.

**How Achieved:** A new NRS 4 position would be dedicated to evaluating mitigation options for individual applicants, as well as working on more programmatic water mitigation. This would allow the Department to investigate opportunities to develop mitigation rules and standards for other areas of the state outside the upper Deschutes Basin, as well as assist potential applicants in finding solutions to their water needs through mitigation or other options such as transfers. Developing rules would allow the Department to apply a consistent approach to considering mitigation proposals and enable more efficient processing, which would benefit water right applicants.

#### **Staffing Impact:**

Position	Class/Pay Opt	Class Desc	Working Title	Туре	Months	FTE	2019-21	2021-23
9919051	C8504 AP	Nat Res Spec 4	Mitigation Specialist	PF	<del>21</del>	0.88	<del>\$215,531</del>	<del>\$243,175</del>

**Quantifying Results:** As a result of this proposal, the number of applications approved with mitigation components should increase. In addition, the Department would anticipate developing rules defining standards for mitigation.

Fun	ding	Source:

General Fund: \$215,531 Staffing Costs: \$215,531

The numbers above represent the total package value. Breakdown of the impact to this specific Division can be found in the following reports.

No funding for this package was approved in the Water Rights Services Division in the Legislatively Adopted Budget.

#### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Water Resources Dept	Cross Reference Name: Water Right Services Division
Pkg: 114 - Mitigation to Allow for New Water Uses	Cross Reference Number: 69000-010-06-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Revenues						'	
General Fund Appropriation			×		8		
Total Revenues	-			-			
Personal Services							
Class/Unclass Sal. and Per Diem	-	_	-	-		-	
Empl. Rel. Bd. Assessments				-			
Public Employees' Retire Cont		-	-		-	_	
Social Security Taxes		-	-				
Worker's Comp. Assess. (WCD)	-	-		-	_	-	
Flexible Benefits	-	-		-			
Total Personal Services		-		-	-		
Services & Supplies							
Instate Travel		-	-	-		-	
Employee Training	-	-	:-	-	-	-	
Office Expenses	-	-	-	-		-	
Telecommunications	-	-		-			
Employee Recruitment and Develop		-	-	-			
Dues and Subscriptions	-	-		-			
Agency Program Related S and S	-	-		-	-		
Other Services and Supplies					-		
Expendable Prop 250 - 5000	=	ε	H	Θ.	8	Ξ.	
Total Services & Supplies	-			-			

Agency Request	Governor's Budget	Legislatively Adopte
2019-21 Biennium	Page	Essential and Policy Package Fiscal Impact Summary - BPR01

#### ESSENTIAL AND POLICY PACKAGE FISCAL IMPACT SUMMARY

Water Resources Dept	Cross Reference Name: Water Right Services Division
Pkg: 114 - Mitigation to Allow for New Water Uses	Cross Reference Number: 69000-010-06-00-00000

Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Total Expenditures							
Total Expenditures				-			
Total Expenditures			· -	-	-	-	
Ending Balance							
Ending Balance	-		B	-	-		-
Total Ending Balance	-			-	-	-	ž.
Total Positions							
Total Positions							
Total Positions	-			-	-	s <b>-</b>	
Total FTE							
Total FTE							
Total FTE	-	-		-		-	,

Agency Request	Governor's Budget	Legislatively Adopted
2019-21 Biennium	Page	Essential and Policy Package Fiscal Impact Summary - BPR013

## Detail of Lottery Funds, Other Funds, and Federal Funds Revenue

				2017-19			2019-21	
			2015-17	Legislatively	2017-19	Agency	Governor's	Legislatively
Source	Fund		Actuals	Adopted	Estimated	Request	Budget	Adopted
Non-Business Lic and Fees	OF	0210	-	-	-	-	-	-
Power and Water Fees	OF	0245	6,220,338	6,988,044	-	5,533,164	5,533,164	5,105,016
Federal Revenue Service Contracts	OF	0360		-		100,000	100,000	138,022
Charges for Services	OF	0410	412,533	411,232	-	400,000	400,000	467,478
Admin and Service Charges	OF	0415	-	-	-	-	-	-
Fines and Forfeitures	OF	0505	-	-	-	-	-	-
Rents and Royalties	OF	510	-	-			-	-
Dedicated Fund Obligation Bond	OF	0560	-	-	-	-	-	-
Lottery Bonds	OF	0565	-	-	-	-	-	-
Revenue Bonds	OF	0570	-	-	-	-	-	-
Interest Income	OF	0605	37,136	37,500	-	46,000	46,000	56,599
Sales Income	OF	0705	-	-	-	-	-	-
Loan Repayments	OF	0925	-	-	-	-	-	-
Other Revenues	OF/FF	0975	-	50,000	-	1,000	1,000	-
Federal Funds	FF	0995	-	25,000	-	25,000	25,000	24,474
								-
Total Revenue			6,670,007	7,511,776	-	6,105,164	6,105,164	5,791,589
Transfer In - Intrafund	OF	1010	11,790	_	_	_	-	-
Transfer from General Fund	OF	1060	-	-	-	-	-	-
Transfer In - Lottery	LF	1040	-	-	-	-	-	-
Transfer In from Admin Serv	LF	1107	-	-	-	-	-	_
Transfer In from State Lands	OF	1141	_	-	-	-	-	-
Transfer from Watershed Enhance Bd	OF	1691	-	-	-	-	-	-
Transfer Out - Intrafund	OF	2010	(367,687)	(612,141)	-	-	-	-
Transfer to General Fund	OF	2060	-	-	-	-	-	-
Tsfr to Environmental Quality	OF	2340	(722,335)	(681,921)	-	(714,000)	(714,000)	(714,000)
Tsfr to Parks and Rec	OF	2634	-	-	-	- 1		-
Tsfr to Fish and Wildlife	OF	2635	(1,791,067)	(1,847,549)	-	(1,976,000)	(1,976,000)	(1,976,000)
Total Transfers			(2,869,299)			(2,690,000)	(2,690,000)	(2,690,000) 3,101,589
Total Transfers Net Revenue			(2,869,299) 3,800,708	(3,141,611) 4,370,165	-	(2,690,000) 3,415,164	(2,690,000) 3,415,164	

### DETAIL OF LOTTERY FUNDS, OTHER FUNDS, AND FEDERAL FUNDS REVENUE

Water Resources Dept
Agency Number: 69000
2019-21 Biennium
Cross Reference Number: 69000-010-06-00-00000

	2015-17 Actuals	2017-19 Leg	2017-19 Leg	2019-21 Agency	2019-21 Governor's	2019-21 Leg.
Source	2015-17 Actuals	Adopted Budget	Approved Budget	Request Budget	Budget	Adopted Audit
Other Funds			•		•	
Power and Water Fees	6,220,338	6,571,740	6,988,044	5,533,164	5,533,164	5,105,016
Federal Revenues - Svc Contracts	-			100,000	100,000	138,022
Charges for Services	412,533	411,232	411,232	400,000	400,000	467,478
Interest Income	37,136	37,500	37,500	46,000	46,000	56,599
Other Revenues	-	50,000	50,000	1,000	1,000	-
Transfer In - Intrafund	11,790			-		
Transfer Out - Intrafund	(367,687)	(612,141)	(612,141)			
Tsfr To Environmental Quality	(722,335)	(681,921)	(681,921)	(714,000)	(714,000)	(714,000)
Tsfr To Fish/Wildlife, Dept of	(1,791,067)	(1,847,549)	(1,847,549)	(1,976,000)	(1,976,000)	(1,976,000)
Total Other Funds	\$3,800,708	\$3,928,861	\$4,345,165	\$3,390,164	\$3,390,164	\$3,077,115
Federal Funds						
Federal Funds		-	25,000	25,000	25,000	24,474
Total Federal Funds	-	-	\$25,000	\$25,000	\$25,000	\$24,474

Agency Request	Governor's Budget	Legislatively Adopted
2019-21 Biennium	Page	Detail of LF, OF, and FF Revenues - BPR012

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