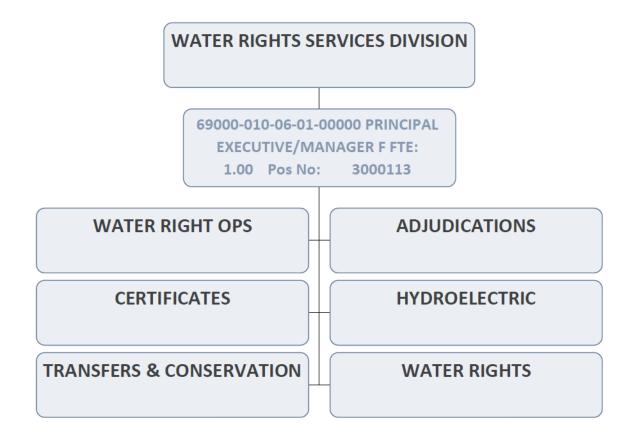
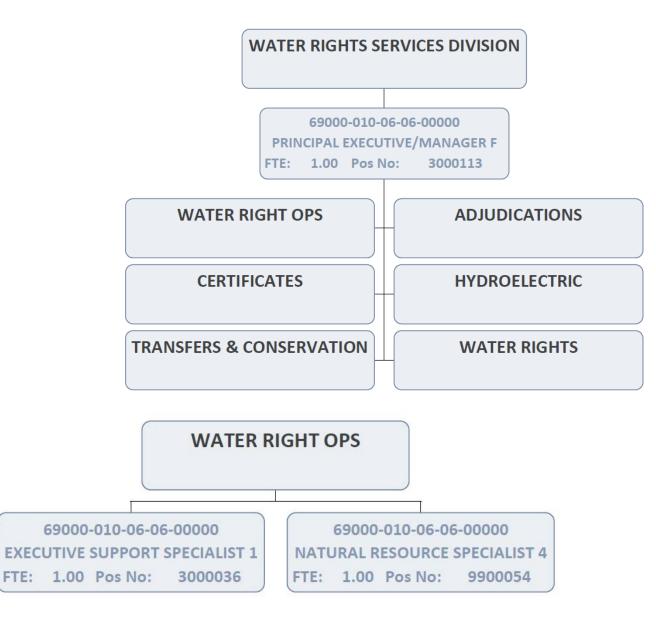
WATER RIGHT SERVICES DIVISION

ORGANIZATIONAL CHART 2019-21



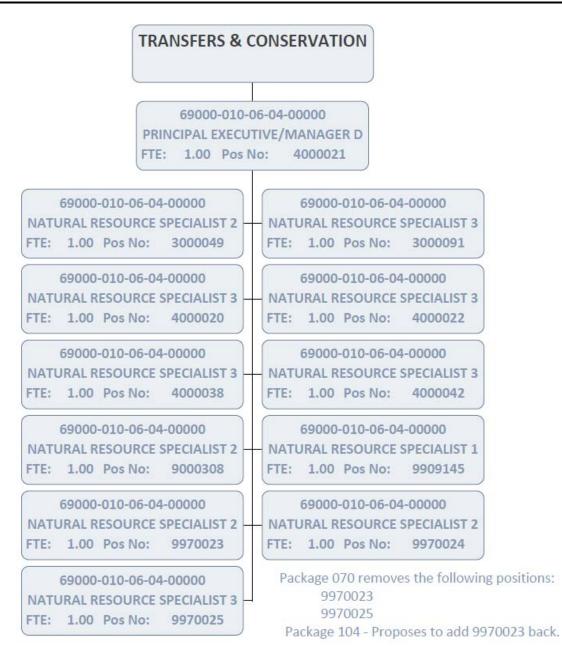
ORGANIZATIONAL CHART 2021-23

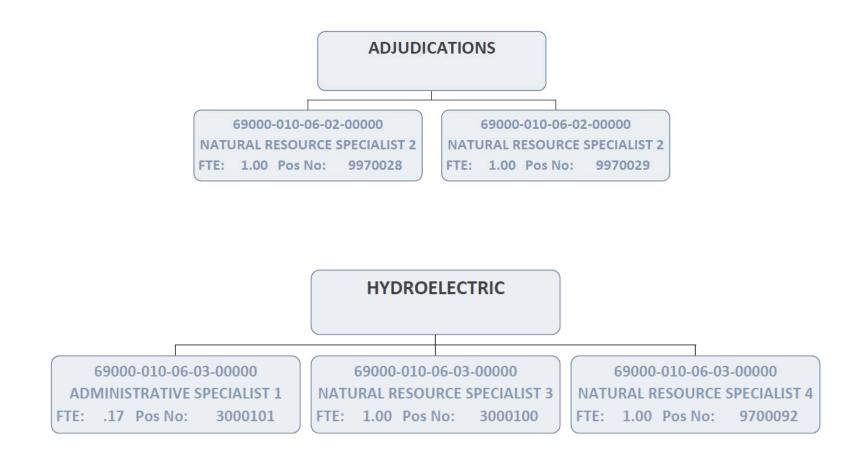




Package 070 - Removes the following positions: 9909146 3000056 3000118 9909148

Package 104 - Proposes to add 9909148 back.





WATER RIGHT SERVICES DIVISION

The Water Right Services Division supports the allocation of water for instream and out-of-stream purposes, 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, instream water rights including transfers and leases, water right transfers (changes to existing water rights), requests for extension of time to further develop existing water rights and transfers, water management and conservation plans, allocations of conserved water, 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 Right Services Division proposes a \$1.7 million fee revenue shortfall package to better align its budget with current fee revenue streams. The Department also proposes a Fee Revenue Increase and Add-Back Package which would provide \$509,894 in water right fee revenue and allow the Department to retain 2.50 positions that are proposed for abolishment in the revenue shortfall package. Also proposed is a fee revenue package for the Hydroelectric program which includes a projected revenue increase of \$1.29 million in other fund, with \$367,064 passed through to the Department of Environmental Quality and \$681,381 passed through to the Department of Fish and Wildlife for their costs related to the Hydroelectric Program.

Program Description

The Division supports the agency's mission by evaluating and acting upon various water right applications and working with certain cities and irrigation districts to promote conservation and efficient water use. 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. The Division also administers the following related programs and functions: limited licenses; emergency drought-related authorizations and water right transfers; customer service and record management; protests and cancellations; 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, allocation of conserved water projects, and review of water management and conservation plans.

The Division is also responsible for developing the weekly public notice of applications and responding to public comments. The Division receives and evaluates comments from interest groups and the public, as well as protests concerning water use applications.

Seven major programs are administered by this Division and described below.

WATER RIGHTS

WATER RIGHT APPLICATION REVIEW

Generally, in order to use water in Oregon an invidual must obtain a water right permit. During the 2019-2021 biennium, the focus of the water right application program was to maintain the timely processing of water right applications and continue efforts to systematize and automate processes. The Division also continues to focus efforts on the resolution of protests filed on new water right applications. The complexity of application review is increasing as less water is available for appropriation while demands for competing needs continues to grow. Frequently, water right applications are for groundwater use, which involves a more complex technical review, compared to other application types. For these reasons, the Department expects that the number of protested applications will grow in the future.

CUSTOMER SERVICE AND RECORD MANAGEMENT

Based out of the Department's Salem office, the Water Right Services Division is responsible for assisting customers with a wide variety of water right matters. Division staff maintain a customer service counter that provides services to the public, which includes assisting with applications, locating water rights on a property, and directing customers to other appropriate staf within the Department. The Division also maintains and manages all of the Department's official water right records.

The Division works to provide a high-level of customer service through pre-application conferences, timely reviews of applications for completeness, striving for a one-day call-back policy, and making refinements to improve the customer service experience. The Department continues to upgrade its website, application guidance materials, and research tools, creating greater public access to information, water right records, and associated data.

CERTIFICATES

After a permit is issued, the permittee generally has up to five years to develop the water use 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 1,208 as of July 1, 2020, including new requests the

Department continues to receive each year. It will take the Department approximately 2 years to eliminate the backlog entirely provided that staffing levels in the Certificate section do not change, receipt of new requests remains relatively stable.

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. More recently the division received 134 in 2017, 119 in 2018 and 111 in 2019. 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

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 obtaining water for new purposes 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 existing water rights.

While transfers can only be completed for specific types of water rights, permit amendments and groundwater registration modifications can allow for changes to other types of rights that are not eligible for transfer. The Transfer and Conservation Section is responsible for receiving and processing water right transfer, permit amendment, and groundwater registration modification applications. Water right transfer applications include not only standard transfers, but also district transfers, temporary transfers, emergency drought transfers, and instream transfers.

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. As of June 2020, the backlog has dropped to 302, meaning the

Department has reduced the backlog while still receiving and processing new transfer applications. 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 between 100 and 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.

Since 2016, the Department has received an average of four instream transfers annually. In recent years, the Department has trained additional staff to process instream transfers resulting in shorter processing timelines; as compared to more lengthy processing timelines when only one staff person was trained and available to process these applications.

In addition, the number of allocations of conserved water averages six to seven per year. In the past, some applications took more than two years to process, but, due to a thorough process and efficiency review in 2013, processing of these applications is now taking about six months.

WATER SUPPLY AND CONSERVATION PLANNING

Staff 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 are considered for cost-effectiveness and feasibility. The approach is intended to help water suppliers improve their water use efficiency over time and 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 90 protests during the 2021-23 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 member of the public. 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, represented by the Department of Justice, continues its involvement 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 160 existing hydroelectric projects in Oregon. These fees support hydroelectric programs to the Department as well as the Departments of 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, and 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 for recreation, fish and wildlife, and water quality. Water is also essential to healthy

people and thriving communities, especially for drinking and sanitation. It is critical to business, communities, and the public, that the Division is able to process different types of water use requests in a timely and accurate manner.

The Division also plays an integral part in implementing several key priority actions of the state's Integrated Water Resource Strategy.

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. Budget shortfalls within the section have caused the Department to leave positions vacant, which has hampered progress on backlogs further. Water right applications, transfers, certificate and extension workloads are slowly shrinking, reducing wait times. For the past several years there is virtually no waiting time for most extensions, instream leases, water management conservation plans and allocations of conserved water beyond the wait times prescribed by rule and law. The Department has revised 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.

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 Services Division					
	General Fund	Other Funds	Lottery Funds	Federal Funds	Total Funds	
2019-21 Legislatively Adopted Budget	3,921,241	4,803,532		24,474	8,749,247	
2019-21 Emergency Boards 2019-21 Legislatively Approved Budget	3,921,241	4,803,532	-	- 24,474	8,749,247	
2021-23 Base Budget 2021-23 Current Service Level	<u>4,263,617</u> 4,355,764	5,168,509 5,246,276	-	25,000 25,000	9,457,126 9,627,040	
2021-23 Modified Current Service Level Total Packages	4,355,764	3,557,283 (1,202,701)	-	25,000	7,938,047 (1,202,701)	
2021-23 Agency Request Budget	4,355,764	4,043,575	-	25,000	8,424,339	

WATER RIGHTS SERVICES DIVISION

ESSENTIAL AND STATEWIDE PACKAGES (BPR013)

010 - Vacancy Factor and Non-PICS Personal Services

This package contains adjustments to the base budget as directed in the 2021-23 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 adjusts funding that was intended as one-time funding or programs that were funded for less than 24 months in the 2019-21 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 2021-23 Budget Instructions. General inflation was calculated using a factor of 4.3% while a rate of 5.7% was used for Professional Services and Special Payments. Adjustments to State Government Service Charges and Usage Based Charges were adjusted per the 2021-23 price lists.

050 – Fund Shifts

This package contains adjustments needed to better align position funding with anticipated revenues that support the positions.

060 – Technical Adjustment

This package contains adjustments to better align funding due to changes to the agency appropriations, structure and fiscal activities.

Water Resources Dept Pkg: 010 - Non-PICS PsnI 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							
General Fund Appropriation	32,474	÷	×	-	8	8	32,474
Total Revenues	\$32,474	-	-	-	-	• -	\$32,474
Personal Services							
Temporary Appointments	86			-			86
Pension Obligation Bond	16,511	-	16,831	-			33,342
Social Security Taxes	7	-	-	-	-	-	7
Unemployment Assessments	62	-	-	-	-	-	62
Mass Transit Tax	1,349	-	1,307	-	-	-	2,656
Vacancy Savings	14,459	-	2,530	-	-	-	16,989
Total Personal Services	\$32,474	-	\$20,668	-	-	-	\$53,142
Total Expenditures							
Total Expenditures	32,474	-	20,668	-	-	-	53,142
Total Expenditures	\$32,474	-	\$20,668	-	-	-	\$53,142
Ending Balance							
Ending Balance	-	-	(20,668)	-	-	-	(20,668)
Total Ending Balance	-		(\$20,668)	-	-	. .	(\$20,668)

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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	· ·						
General Fund Appropriation	61,043		×	-			61,043
Total Revenues	\$61,043	-	-	-	-		\$61,043
Personal Services							
Temporary Appointments	-	-	-	-		-	-
Social Security Taxes	-	-	-	-	-		-
Unemployment Assessments	-	-		-			~
Mass Transit Tax	ш.	-	-	-	-		-
Total Personal Services		-	-	-		. .	-
5. 							
Services & Supplies							
Instate Travel	140	-		-		-	140
Employee Training	162	-	-	-	-		162
Office Expenses	1,079	-	-	-	-	-	1,079
Telecommunications	558	-	-	-	-		558
State Gov. Service Charges	10,421	-	7,099	-	-		17,520
Data Processing	106	-	-	-	-	-	106
Publicity and Publications	12	-		-		-	12
Professional Services	91	-		-			91
Attorney General	38,659					-	38,659
Employee Recruitment and Develop	46	×	н	-			46
Dues and Subscriptions	109	H		-	-	е н	109
Facilities Maintenance	22		-	-			22
Agency Program Related S and S	8,959	-	-	-	-		8,959

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Water Resources Dept Pkg: 031 - Standard Inflation

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
Services & Supplies						11	
IT Expendable Property	679	-	-	-	-	-	679
Total Services & Supplies	\$61,043	-	\$7,099	-	-		\$68,142
Total Expenditures							
Total Expenditures	61,043	-	7,099	-	-		68,142
Total Expenditures	\$61,043	-	\$7,099	-	-		\$68,142
Ending Balance							
Ending Balance	-	-	(7,099)	-		-	(7,099)
Total Ending Balance	-	-	(\$7,099)	-	-	-	(\$7,099)

Agency Request	Governor's Budget	Legislatively Adopted
2021-23 Biennium	Page	Essential and Policy Package Fiscal Impact Summary - BPR013

Water Resources Dept Pkg: 032 - Above Standard Inflation 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	185	-				÷ ÷	185
Total Revenues	\$185	-	-	-	-		\$185
Services & Supplies							
Agency Program Related S and S	185			-		-	185
Total Services & Supplies	\$185	-	-	-			\$185
Total Expenditures							
Total Expenditures	185			-			185
Total Expenditures	\$185	-	-	-	-		\$185
Ending Balance							
Ending Balance	-	-		-	-		
Total Ending Balance	-	-	-	-	-	· -	-

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Water Resources Dept Pkg: 060 - Technical Adjustments

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

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other	Nonlimited Federal	All Funds
Description					Funds	Funds	
Revenues	-1						
General Fund Appropriation	(1,555)	8	×	-			(1,555)
Total Revenues	(\$1,555)	-	-	-	-	· -	(\$1,555)
Comisso & Cumplian							
Services & Supplies							
Instate Travel	(1,555)	-	-	-	-		(1,555)
Out of State Travel	-	-	2	-	-	-	2
Employee Training	1	-		-	-	-	1
Office Expenses	1	-	1	-	-		2
Telecommunications	-	-	-	-	-	-	-
State Gov. Service Charges	-	-	-	-	-		-
Publicity and Publications	-	-	-	-	-		-
Professional Services	-	-	-	-	-		-
Employee Recruitment and Develop	-	-		-			
Dues and Subscriptions	-	-	-				-
Facilities Rental and Taxes	-	-	49,999	-		-	49,999
Facilities Maintenance	-						
Agency Program Related S and S	(1)		(1)	-			(2)
Other Services and Supplies	-	-	-	-	-		
Expendable Prop 250 - 5000	-	-	(1)	-			(1)
IT Expendable Property	(1)	-	-	-	-		(1)
Total Services & Supplies	(\$1,555)	-	\$50,000	-			\$48,445

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 Water Resources Dept
 Cross Reference Name: Water Right Services Division

 Pkg: 060 - Technical Adjustments
 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	(1,555)	-	50,000	-	-	e	48,445
Total Expenditures	(\$1,555)	-	\$50,000	-	-	-	\$48,445
Ending Balance							
Ending Balance	-	-	(50,000)	-	-		(50,000)
Total Ending Balance	-	-	(\$50,000)	-	-		(\$50,000)

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Revenue Shortfall Package #070: Water Rights Transactions Fee Schedule and Dam Safety Fee Revenue Reduction Package

Purpose

The majority of the Department's fees for water right and dam safety annual fee transactions are set in statute. In 2009, the legislature restructured many of the Department's fees and since then the Department has brought forward modifications to the water right transactions fee schedule every four years, based on projected cost increases. The fee schedule was last modified in 2017 to increase fees by approximately 15.88 percent based on the Department of Adminsitrative Service's estimated costs increases and dam safety fees were added to the four-year schedule.

The current Water Right fee schedule provides revenues of about \$2.4 million to fund 21.42 FTE (24 positions) of which 17.93 FTE are in the Water Right Services Division, as well as 0.5 FTE in the Groundwater Section of the Technical Services Division, 2.0 FTE are Water Right Data Techs in the Administrative Services Division, and 1.0 Field Water Right Processing position. The current Dam Safety Annual Fee schedule provides about \$300k which funds 0.95 FTE (2 positions) in the Dam Safety program. Several factors can affect revenues upon which a fee schedule is based to fall short of projections. The number of water right applications and other transactions has been less than anticipated, and has declined instead of increasing, leading to reduced revenues to support positions. As a result, despite the fee increase in 2017, in recent years the Department has kept seven positions, three funded by general fund and four funded by water right fees, unfilled as natural vacancies have occurred in an effort to administratively manage the budget.

For the 2021-2025 fee schedule, based on estimates from the Department of Administrative Services, the Department anticipates that costs will increase by 17.39 percent. Consistent with its past approach, the Department is proposing to increase fees by the anticipated increased cost – 17.39 percent.

How Achieved

Without a fee increase in the 2021-23 biennium, this package will eliminate 8.83 FTE funded by water rights fees. The fee increase package and associated legislation (LC 69001/POP 104), if approved, would allow the Department to retain 2.50 FTE of the 8.83 FTE eliminated in the Water Rights Services Division. In addition, for the Dam Safety program, this package would eliminate \$40,667 in Services & Supplies, which would be restored by the fee increase, if approved, in package #104 (LC 69001).

Staffing Impact

Position	Class/Pay Opt	Class Desc	Working Title	Туре	Months	FTE	2021-23	2023-25
9909146	OAO C8502 AP	Natural Resource Specialist	Water Right Transfer	Perm FT	-24	-1	\$ (201,848)	
		2	Specialist					
9970023	OAO C8502 AP	Natural Resource Specialist	Water Right Transfer	Perm FT	-24	-1	\$ (201,848)	
		2	Specialist					
3000055	OAO C8502 AP	Natural Resource Specialist	Water Right	Perm FT	-24	-1	\$ (167,407)	
		2	Application					
			Caseworker					
3000052	OAO C8502 AP	Natural Resource Specialist	Water Right	Perm FT	-24	-1	\$ (194,301)	
		2	Application					
			Caseworker					
9970025	OAO C8503 AP	Natural Resource Specialist	Transfer and	Perm FT	-24	-1	\$ (187,293)	
		3	Conservation Specialist					
3000056	OAO C8502 AP	Natural Resource Specialist	Certificate Specialist	Perm FT	-24	-1	\$ (167,408)	
		2						
3000118	OAO C8502 AP	Natural Resource Specialist	Certificate Specialist	Perm FT	-24	-1	\$ (194,301)	
		2						
9909148	OAO C8503 AP	Natural Resource Specialist	Reimbursement	Perm FT	-24	-1	\$ (187,293)	
		3	Authority					
3000117	OAO C8502 AP	Natural Resource Specialist	Water Right	Perm FT	-20	83	\$ (181,907)	
		2	Application					
			Caseworker					

Quantifying Results

The Department anticipates that with the reduced staff, the timeliness of processing these application types will gradually decrease as the backlogs build. This means that farmers, water supply providers, entities seeking to restore streamflows, and others may have to wait longer to receive determinations on their water right applications. With reduced staff, the Department would increase challenges meeting Key Preformace Measures #10 and 11 related to processing new water right applications and transfers of existing water rights respectively, and would likely be unable to meet KPM #9 related to the processing of Water Management and Conservation Plans.

In addition, the dam safety program is already understaffed and experiences challenges inspecting all high-hazard dams across the state, reviewing plans for new dams, and other activities of the program. Any reduction of engineering staff would further exacerbate these challenges and the challenges the Department faces in trying to protect the public and preserve water supplies through the dam safety program.

Funding Source:

Total Package Cost: (\$1,729,660) Other Fund Staffing (\$1,729,660) Services & Supplies (\$5,386) Special Payments (\$40,667) Water Rights Service Division Package Cost: (\$1,688,993)

Other Fund Staffing (\$1,683,607) Services & Supplies (\$5,386)

Water Resources Dept Pkg: 070 - Revenue Shortfalls 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
Personal Services	1	1	Į.			1 1	
Class/Unclass Sal. and Per Diem	-	-	(1,077,876)	-		· ·	(1,077,876)
Empl. Rel. Bd. Assessments	-	-	(512)	-			(512)
Public Employees' Retire Cont	-	-	(184,639)	-		-	(184,639)
Social Security Taxes	-	-	(82,458)	-	-		(82,458)
Worker's Comp. Assess. (WCD)	-	-	(406)	-	-	· •	(406)
Flexible Benefits	-	-	(337,716)	-			(337,716)
Total Personal Services	×	-	(\$1,683,607)	3		· ·	(\$1,683,607
Services & Supplies							
Agency Program Related S and S	5 - 0	-	(5,386)	-	-		(5,386)
Total Services & Supplies	-	H	(\$5,386)		-	-	(\$5,386
Special Payments Other Special Payments		-	-	-			-
Total Special Payments	-	-	-	-	-	-	2
Total Expenditures							
Total Expenditures	-	-	(1,688,993)	-	-		(1,688,993)
Total Expenditures	-		(\$1,688,993)	-	-	•	(\$1,688,993
Ending Balance							
Ending Balance	-	-	1,688,993	-	-	· · ·	1,688,993
Total Ending Balance	-	-	\$1,688,993	-			\$1,688,993
Agency Request			Governor's Budget	t		L	egislatively Adopted
2021-23 Biennium			Page		Essential and Polic	y Package Fiscal Impact	Summary - BPR013

Water Resources Dept Pkg: 070 - Revenue Shortfalls				Ci		ame: Water Right ce Number: 6900	
Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	All Funds
Total Positions							
Total Positions							(8)
Total Positions	-	-	-	-			(8)
Total FTE							
Total FTE							(8.83)
Total FTE	-	-	-	-			(8.83)

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PICS116 - Net Package Fiscal Impact Report

Water Right Services Division

2021-23 Biennium Agency Request Budget

Cross Reference Number: 69000-010-06-00-00000
Package Number: 70

Position Number	Auth No	Workday Id	Cla	assification	Classification Name		Pos Type	Mos	Step	Rate	Salary	OPE	Total	Pos Cnt	FTE
3000052	431440	21741	OAO	C8502 A P	NATURAL RESOURCE SPECIALIST	24	PF	0	6	5,208	-124,992	-69,309	-194,301	-1	-1.00
3000055	431450	16983	OAO	C8502 A P	NATURAL RESOURCE SPECIALIST	24	PF	0	2	4,310	-103,440	-63,968	-167,408	-1	-1.00
3000056	431460	64010	OAO	C8502 A P	NATURAL RESOURCE SPECIALIST	24	PF	0	2	4,310	-103,440	-63,968	-167,408	-1	-1.00
3000117	620930	22477	OAO	C8502 A P	NATURAL RESOURCE SPECIALIST	24	PF	4	9	6,009	-120,180	-61,727	-181,907	0	-0.83
3000118	620920	19383	OAO	C8502 A P	NATURAL RESOURCE SPECIALIST	24	PF	0	6	5,208	-124,992	-69,309	-194,301	-1	-1.00
9909146	1037940	45634	OAO	C8502 A P	NATURAL RESOURCE SPECIALIST	24	PF	0	7	5,460	-131,040	-70,808	-201,848	-1	-1.00
9909148	1037960	66146	OAO	C8503 A P	NATURAL RESOURCE SPECIALIST	27	PF	0	2	4,974	-119,376	-67,917	-187,293	-1	-1.00
9970023	982410	37057	OAO	C8502 A P	NATURAL RESOURCE SPECIALIST	24	PF	0	7	5,460	-131,040	-70,808	-201,848	-1	-1.00
9970025	982430	65965	OAO	C8503 A P	NATURAL RESOURCE SPECIALIST	27	PF	0	2	4,974	-119,376	-67,917	-187,293	-1	-1.00
					General Funds						0	0	0		
					Lottery Funds						0	0	0		
					Other Funds						-1,077,876	-605,731	-1,683,607		
					Federal Funds						0	0	0		
					Total Funds						-1,077,876	-605,731	-1,683,607	-8	-8.83

Policy Option Package #104: Maintain Water Right & Dam Safety Services

Purpose

Water is essential for industry, communities, agriculture, fisheries, and other uses of water. Generally, in order to use water in Oregon, one must obtain a water right from the Department. Changes in how a water right is used must also receive approval from the Department in order to ensure those changes will not injure other existing users. Since 2009, the Legislature has supported the processing of water rights transactions by requiring applicants to pay for about 50 percent of the cost of the Water Rights Services Division staff to process these transactions, while the other 50 percent are paid for by General Fund. The water right fee schedule is reviewed every four years and was last modified in 2017.

The Department is also responsible for ensuring the safety of dams in Oregon, by evaluating new storage projects for dam safety standards, as well as evaluating the condition of existing dams in Oregon. Annual dam safety fees cover about 35 percent of the dam safety program budget and have been included in the Department's four-year fee schedule.

The current water right fee schedule provides revenues of about \$2.4 million to fund 21.42 FTE (24 positions), of which 17.93 FTE are in the Water Right Services Division, as well as 0.5 FTE in the Groundwater Section of the Technical Services Division, 2.0 FTE are Water Right Data Techs in the Administrative Services Division, and 1.0 Field Water Right Processing position.

The current Dam Safety Annual Fee schedule provides revenues of about \$300,000 which fund 0.95 FTE (2 positions) in the Dam Safety program.

Several factors can affect revenues upon which a fee schedule is based to fall short of projections. The number of water right applications and other transactions have been less than anticipated, and have declined instead of increasing, leading to reduced revenues to support positions. As a result, despite the fee increase in 2017, the Department has kept seven positions, three funded by general fund and four funded by water right fees, unfilled as natural vacancies have occurred in an effort to administratively manage the budget.

For the 2021-2025 fee schedule, based on estimates from the Department of Administrative Services, the Department anticipates that costs will increase by 17.39 percent over the next four years. Consistent with its past approach, the Department is proposing to increase fees by the anticipated increased cost – 17.39 percent. This proposed fee increase does not attempt to make up for lost revenue due to the downward trend in filing rates across most types of water right fee-related transactions. The fee increase will allow the Department to buy back 2.50 FTE of the 8.83 FTE that was included in the Department's package 070 revenue shortfall package for water right fees.

Processing water right transactions in a timely manner is essential for farmers, cities, entities seeking to restore streamflows, and other water users. The Department implements several water rights programs that can be used to mitigate climate change impacts to ecosystems and communities. Ensuring dams meet safety standards is critical to protect public safety as well as the reliability of water supplies, particularly with increased droughts and floods as a result of a changing climate.

This bill is consistent with the Integrated Water Resources Strategy recommended actions 7.C (Ensure public safety and dam safety), 10.G (Strengthen Oregon's water quantity permitting program), and 13.B (Fund water resources management activities at state agencies). In addition, improving the resiliency of water infrastructure through the safety of dams is a component of the Department's Executive Order 20-04 plan to address the impacts of climate change. This work cannot be done without dam safety enginering staff. One of the Department's objectives in its 2019-2024 Strategic Plan is to increase protection of public safety and health through its dam safety program.

How Achieved

The fee increase package and associated legislation would provide funding for the dam safety program staff and associated services and supplies costs through the 2021-25 biennium. The package would also provide water right fee funding for 11.6 FTE of the water rights processing staff as well as 0.5 FTE in the Groundwater Section of the Technical Services Division, 2.0 FTE are Water Right Data Techs in the Administrative Services Division, and 1.0 Field Water Right Processing position through 2021-2025. The legislation would be effective July 1, 2021 – the start of the fiscal year.

The legislation and this packages includes one new fee. When applicants file a transfer application to add or change well locations, there is currently no additional fee for the groundwater review that the Department performs on each well to determine if the new location will cause injury to any existing water rights. This package proposes that each additional well location in the transfer application pay a fee of \$410 to account for this review. For comparison, when a new water right application is filed for a new permit, groundwater applicants pay an additional \$410 for each additional well after the first one to pay for a similar review.

Staffing Impact

Position	Class/Pay Opt	Class Desc	Working Title	Туре	Months	FTE	2021-23	2023-25
9970023	OAO C8502 AP	Natural Resource Specialist 2	Transfer Application Specialist	PF	24	1	\$201,849	\$250,293
9909148	OAO C8503 AP	Natural Resource Specialist 3	Water Right Analyst	PF	24	1	\$187,293	\$232,243
3000052	OAO C8502 AP	Natural Resource Specialist 2	Water Right Application Caseworker	PF	24	0.50	\$97,150	\$120,466

Quantifying Results

Increasing the fees to allow the Department to maintain 11.6 FTE of its water right fee funded processing staff will help the Department to provide timely service to the public. This will also contribute to the Department's performance on Key Performance Measures #9 and 10 (related to processing new water right applications and transfers of existing water rights), as well as 11 (related to the processing of Water Management and Conservation Plans), and 14 (which measure the quality of customer service and timeliness of processing). This package does not increase fees to maintain the Department's staffing levels as provided in the 2019-21 Legislatively Adopted Budget within the Water Rights Services Division; however, it does preserve 12 of those positions. The fee increase will allow the Department to continue to serve farmers, water supply providers, entities seeking to restore streamflows, and others on their water supply proposals. The fee package will also assist the Department with staffing resources that will be critical in intended process improvement and modernization projects related to water right transaction processing as identified in the Department's Policy Option Package 102 and as described in the 2019-2024 Strategic Plan priority to "Modernize our management of Oregon's surface water and groundwater resources to meet instream and out-of-stream uses."

In addition, the fee increase will allow the Department to maintain engineering expertise in the dam safety program, which helps the Department ensure timely review of new dam designs and the inspection of existing dams to protect public safety and water supplies.

Funding Source

Total Package Increase to Revenue: \$564,594 Other Fund Power & Water Fees \$564,594

Total Package Cost: \$526,959 Other Fund Staffing \$486,292 Services & Supplies \$40,667

Water Rights Service Division Increase to Revenue: \$509,894 Other Fund Power & Water Fees \$509,894

Water Rights Service Division Total Package Cost: \$486,292 Other Fund Staffing \$486,292

Water Resources DeptCross Reference Name: Water Right Services DivisionPkg: 104 - Maintain Water Right & Dam Safety ServicesCross 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						II	
Power and Water Fees	-		509,894	-	-	-	509,894
Total Revenues	-	-	\$509,894	-	-	-	\$509,894
Personal Services							
Class/Unclass Sal. and Per Diem			212.012				312,912
Empl. Rel. Bd. Assessments	-	-	312,912 145		-	-	145
Public Employees' Retire Cont	-	-	53,602	-	-	-	53,602
Social Security Taxes	-	-	23,938	-	-		23,938
Worker's Comp. Assess. (WCD)			115	-			115
Flexible Benefits			95,580	-	-	-	95,580
Total Personal Services	-	-	\$486,292	-	-	-	\$486,292
Total Expenditures							
Total Expenditures	-	-	486,292	-	-		486,292
Total Expenditures	-	-	\$486,292	-	-	-	\$486,292
Ending Balance							
Ending Balance	-	-	23,602	-	-	-	23,602
Total Ending Balance	-	-	\$23,602	-	-		\$23,602
Total Positions							
Total Positions							3
Total Positions	-	-		-	-	. .	3
Agency Request			Governor's Budge	t			Legislatively Adopted

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Water Resources Dept Cross Reference Name: Water Right Services Division Pkg: 104 - Maintain Water Right & Dam Safety Services 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 FTE							
Total FTE							2.50
Total FTE	-	-	-	-	-	-	2.50

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PICS116 - Net Package Fiscal Impact Report

Water Right Services Division

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Position Number	Auth No	Workday Id	Cla	assification		Classification Name		Pos Type	Mos	Step	Rate	Salary	OPE	Total	Pos Cnt	FTE
3000052	431440	21741	OAO	C8502 A	Р	NATURAL RESOURCE SPECIALIST	24	PF	12	6	5,208	62,496	34,655	97,151	1	0.50
9909148	1037960	66146	OAO	C8503 A	Р	NATURAL RESOURCE SPECIALIST	27	PF	24	2	4,974	119,376	67,917	187,293	1	1.00
9970023	982410	37057	OAO	C8502 A	Р	NATURAL RESOURCE SPECIALIST	24	PF	24	7	5,460	131,040	70,808	201,848	1	1.00
						General Funds						0	0	0		
						Lottery Funds						0	0	0		
						Other Funds						312,912	173,380	486,292		
						Federal Funds						0	0	0		
						Total Funds						312,912	173,380	486,292	з	2.50

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Policy Option Package #105: Maintain Hydroelectric Services at Agencies

Purpose

The current revenue collected from hydroelectric project reauthorization fees are not enough to sustain agency hydroelectric programs at the Oregon Water Resources Department (OWRD), Oregon Department of Environmental Quality (ODEQ), and Oregon Department of Fish and Wildlife (ODFW). The Water Resources Department Hydroelectric Fund (ORS 536.015) receives and disburses fees to support the services provided by OWRD, ODFW, and ODEQ.

OWRD has coordinating responsibility for Oregon's hydroelectric licensing and reauthorization programs. Program positions include 1.0 FTE program coordinator, 1.0 FTE project analyst, and 0.1 FTE manager. OWRD's program is responsible for billing and collecting annual project fees, which are used to support hydroelectric programs at OWRD, ODEQ, and ODFW.

The main function of ODEQ's hydroelectric program is to issue water quality certifications under Section 401 of the federal Clean Water Act for hydroelectric project. ODEQ's Hydropower Program includes a 0.25 FTE manager, 1.0 FTE statewide program leader, 0.7 FTE regional staff, and 0.1 FTE administrative support.

The main function of ODFW's hydroelectric program is to ensure that any water right permit, license, or certificate contains fish and wildlife protection and mitigation measures. ODFW's program consists of 1.0 FTE manager, 1.0 FTE statewide program leader, 5.0 FTE regional hydropower coordinators and several implementation staff.

This package and associated legislation will change the fees associated with projects, making them easier to calculate. Currently, projects greater than 123.5 theoretical horsepower (THP) that have been relicensed pay an annual fee that is linked to inflation, by a Gross Domestic Product - Implicit Price Deflator and is adjusted each year based on the current value of \$0.405/THP in 1998 dollars. The fee for relicensed projects in 2020 was \$0.605/THP. The inflation factor is often less than the cost increases experienced by agencies. In addition, hydroelectric projects of the same size, that have not been relicensed, pay an annual fee of \$0.28/THP, which has not been increased since 1999 and is not linked to inflation. Each of the three agencies have projected fiscal shortfalls in the coming biennia due to increased costs and legal expenses.

This package contributes to IWRS recommended action 13.B (Fund water resources management activities at state agencies).

How Achieved:

This package and associated legislation will equalize the fee rates for both relicensed projects and projects that have not been relicensed. Fees will be standardized for projects based on theoretical horsepower (THP). This will link all fees for projects greater than 123.5 THP to an inflation factor, with the fee starting at \$0.687/THP in 2020 dollars. The bill will also standardize fees for small projects less than 15 THP at \$15/year and for

projects greater than 15 THP and less than 123.5 THP at \$50/year. Initially, the changes will require OWRD to update its forms, rules, and procedures, but over time it should result in billings being less complicated and able to be completed more efficiently.

This bill also allows the Hydroelectric Fee Review Panel under ORS 543.085 to convene in order to evaluate if fee rates for relicensed projects (set by an inflation factor) are adequately supporting programmatic needs. Currently, the Hydroelectric Fee Review Panel is mandated to meet every eight years. This bill will set the minimum meeting period at eight years, thus providing more flexibility for the panel to meet more frequently should fees need to be re-evaluated more often than eight years.

Staffing Impact

Position	Class/Pay Opt	Class Desc	Working Title	Туре	Months	FTE	2021-23	2023-25
N/A								

Quantifying Results

The three agencies, OWRD, ODEQ and ODFW will continue to provide services to current and new hydroelectric project developers by participating in site visits, application and study reviews, consultation on mitigation plans, coordination with the Federal Energy Regulatory Commission and technical assistance for licensing, relicensing, and decommissioning of hydroelectric projects.

Funding Source

Total Package Increase to Revenue: \$1,287,004 Other Fund Transfers

> ODFW (\$681,381) DEQ (\$367,064)

Water Resources Dept Cross Reference Name: Water Right Services Division Pkg: 105 - Maintain Hydroelectric Services at Agencies General Fund Lottery Funds Other Funds Federal Funds Nonlimited Other Nonlimited Federal All Funds Description General Fund Lottery Funds Other Funds Federal Funds Nonlimited Other Nonlimited Federal All Funds

Revenues							
Power and Water Fees	-	-	1,287,004	-	=	÷	1,287,004
Total Revenues		-	\$1,287,004		-	-	\$1,287,004
Transfers Out							
Tsfr To Environmental Quality	-	-	(367,064)	-	-		(367,064)
Tsfr To Fish/Wildlife, Dept of	-	-	(681,381)	-	~	-	(681,381)
Total Transfers Out	-	-	(\$1,048,445)	-	-	-	(\$1,048,445)
Ending Balance							
Ending Balance	-	-	238,559	-	*	-	238,559
Total Ending Balance	-		\$238,559	-	-	-	\$238,559

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Detail of Lottery Funds, Other Funds, and Federal Funds Revenue (107BF07)/(BPR012)

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

		ORBITS		2019-21			2021-23	
		Revenue	2017-19	Legislatively	2019-21	Agency	Governor's	Legislatively
Source	Fund	Acct	Actuals	Adopted	Estimated	Request	Budget	Adopted
Non-Business Lic and Fees	OF	0210	564	-	-	-		
Power and Water Fees	OF	0245	5,250,074	5,105,016	-	6,806,898		
Federal Revenue Service Contracts	OF	0360	138,022	138,022	-	138,022		
Charges for Services	OF	0410	467,475	467,478	-	400,000		
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	56,599	56,599	-	56,599		
Sales Income	OF	0705	-	-	-	-		
Loan Repayments	OF	0925	-	-	-	-		
Other Revenues	OF/FF	0975	-	-	-	-		
Federal Funds	FF	0995	-	24,474	-	25,000		
Total Revenue			5,912,735	5,791,589	-	7,426,519	-	-
Transfer In - Intrafund	OF	1010	5,903	-	-	-		
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	(22,313)	-	-	-		
Transfer to General Fund	OF	2060	-	-	-	-		
Tsfr to Environmental Quality	OF	2340	(689,231)	(714,000)	-	(924,173)		
Tsfr to Parks and Rec	OF	2634	-	-	-	-		
Tsfr to Fish and Wildlife	OF	2635	(1,865,940)	(1,976,000)	-	(2,747,390)		
Total Transfers			(2,571,581)	(2,690,000)		(3,671,563)	_	_
Net Revenue			3,341,154	(2,890,000) 3,101,589	-	(3,671,563) 3,754,956	-	-

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

Water Resources Dept 2021-23 Biennium				Cross Refere	Agen ence Number: 6900	cy Number: 6900 00-010-06-00-0000
Source	2017-19 Actuals	2019-21 Leg Adopted Budget	2019-21 Leg Approved Budget	2021-23 Agency Request Budget	2021-23 Governor's Budget	2021-23 Leg. Adopted Budget
Other Funds	I					
Non-business Lic. and Fees	564	-	-	-		
Power and Water Fees	5,250,075	5,105,016	5,105,016	6,806,898	-	
Federal Revenues - Svc Contracts	138,022	138,022	138,022	138,022		
Charges for Services	467,475	467,478	467,478	400,000	-	
Interest Income	56,599	56,599	56,599	56,599	-	
Transfer In - Intrafund	5,903	-	-	-		
Transfer Out - Intrafund	(22,313)	-	-	-	-	
Tsfr To Environmental Quality	(689,231)	(714,000)	(714,000)	(924, 173)		
Tsfr To Fish/Wildlife, Dept of	(1,865,940)	(1,976,000)	(1,976,000)	(2,747,390)	-	
Total Other Funds	\$3,341,154	\$3,077,115	\$3,077,115	\$3,729,956	-	
Federal Funds						
Federal Funds		24,474	24,474	25,000		
Total Federal Funds	-	\$24,474	\$24,474	\$25,000	-	

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Legislatively Adopted Detail of LF, OF, and FF Revenues - BPR012 ----This page left blank intentionally----