



# Oregon

Tina Kotek, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

## MEMORANDUM

**TO:** Water Resources Commission

**FROM:** Ivan Gall, Interim Deputy Director, FSD Administrator

**SUBJECT:** Agenda Item E, September 28, 2023  
Water Resources Commission Meeting

### **2022 Field Services Division Activity Update**

#### **I. Introduction**

During this informational report, staff will provide an overview of activities undertaken by the Field Services Division during 2022. Staff will also discuss new positions and sections added to the Division, and how these will aid in addressing water management challenges in Oregon.

#### **II. Integrated Water Resources Strategy Recommended Action**

- 1.B Improve water resource data collection & monitoring
- 7.C Ensure public safety/dam safety
- 7.A Develop and Upgrade Water and Wastewater Infrastructure (well inspections)
- 10.F Provide an adequate presence in the field
- 11.D Protect and restore instream habitat and habitat access for fish and wildlife
- Other recommended actions

#### **III. Background**

##### **A. Division Structure and Focus**

Maintaining a skilled and strong field presence is critical to water resources management. The Field Services Division (FSD) is the largest division within the Water Resources Department. Daily workloads are guided by statutory and rule requirements, management direction, water conditions, calls for water (demand), and complaints (illegal use, well interference, and inadequate supply).

The last update to the Commission on the FSD was September 1, 2022. Staff are located in five regional offices, including Salem, and 16 satellite offices around the state. Currently, FSD has 86 state employees, that include region managers, watermasters, assistant watermasters, well inspectors, hydrologic technicians, and administrative support. Two of these state positions were

funded in 2022 by counties. The state staff are also supported by seven full-time county employees, including one administrative assistant and six assistant watermasters. In 2022, Grant County ceased funding an assistant watermaster, and in 2023, Umatilla County stopped funding one assistant watermaster. Additionally, two other counties reduced funding to administrative assistant positions in 2022-23.

During the December 2021 Special Session, Senate Bill 5561, added seven positions to the Division in the form of an Enforcement Section. Five positions have been filled, and are providing timely support for final orders, enforcement orders, headgate and measuring device orders, and assisting staff with coordinating administrative and criminal processes, largely focused on water management associated with the cannabis industry. SB 5561 also provided resources for 14 new assistant watermasters to focus on the cannabis industry.

Effective engagement with the public is a critical component of the Department's work, and field staff serve as the face of the agency in communities across Oregon. On any given day, staff may interface with water right holders, well owners, special districts, the public, local government officials and staff, Tribes, special interest groups, federal and state agencies, and elected officials. Outreach and education are particularly important in working with water users, who are better able to comply with Oregon's water laws when they are knowledgeable about their rights and responsibilities and know what to expect from staff. Trust in staffs' knowledge, approaches, and overall integrity is essential in responding to complaints about water uses and distributing water. Staff problem-solve, conduct research, mediate between parties, and share information in order to devise workable solutions, which sometimes may include voluntary reductions, rotations, and compliance monitoring.

### **B. Field Activity**

A key responsibility of watermaster staff is distributing water under the Prior Appropriation Doctrine, meaning the last person to obtain a water right on a stream is the first to be regulated during times of low streamflow. When a senior user places a call to receive water, a Watermaster validates the call and regulates junior uses to distribute water to the senior user. Field staff also monitor streams and rivers to determine if senior instream water rights are being met and to regulate junior rights accordingly. After regulating water rights, staff conduct field checks at points of diversion/appropriation, or at places of use, to check for compliance. If voluntary compliance is not achieved, formal phases of enforcement begin. In recent years, field staff have responded to a significant increase in complaints of illegal water use, mostly centered around the cannabis industry. Complaint response and watermaster-initiated investigations are significant workloads in some watermaster districts.

In addition to water distribution and regulation, field staff have many other responsibilities. Field staff work with other agency sections protecting public safety and water resources by inspecting the construction of wells and the condition of dams. Watermasters provide input on water right transactions, incorporating field insights, data, and experience into the Department's processes. Staff help water right holders understand the terms and conditions of their water rights, and

invest time in building relationships, technically advising, and assisting water right holders and entities seeking to restore streamflows.

Field staff operate and maintain surface water gaging stations, establish measurement sites at strategic ungaged locations, measure stream discharge and groundwater levels, participate in basin studies and place-based planning, and anticipate future water supply and management challenges to ensure readiness for changing conditions.

#### **IV. Discussion**

The Field Activity Database (FAD) enables the Department to track and report on key water management and distribution actions over time. The FAD was brought online in 2018 to replace the 20-year-old Surface Water Summary database. The FAD continues to undergo improvement as information technology resources are available.

##### **A. Regulatory Actions**

Field staff are the sole providers of water regulation and distribution in Oregon. Regulatory actions are actions by staff that cause a change in water use behavior. In 2022, staff reported a total of 8,239 regulatory actions. There were 6,313 regulatory actions in response to senior water right calls for water or to address an illegal use. Additionally, 1,926 regulatory actions were conducted to regulate for, or monitor, instream water rights, benefitting ecological needs of fish and wildlife, and providing recreation opportunities. In 2022, staff regulated for or monitored 429 instream water rights.

As part of the regulatory actions, 153 notices of violation (NOV) were issued in 2022, significantly greater than the 40 NOVs issued in 2021. The increase reflected the hemp and cannabis industry growth, both regulated and unregulated, and the added assistant watermaster and Enforcement Section staff capacity to actively address sites for water law compliance.

Field staff received and responded to 508 complaints and conducted 894 watermaster-initiated investigations. Staff also conducted 30,178 compliance checks to determine if water right holders followed the law or a regulatory action.

##### **B. Well Inspections**

Field staff inspect water and monitoring wells across Oregon. There are currently seven well inspectors at the Department, two in Salem and Bend, and one in each of the remaining region offices of Baker City, Pendleton, and Medford. Properly constructed wells are important to maintain the integrity and quality of groundwater resources. In 2022, the Department received well log reports for 540 monitoring wells, 4,000 water supply wells, and 4,598 geotechnical holes. The Department also received 3,532 start cards for new wells: 381 monitoring wells, and 3,151 water supply wells.

The Department's goal has been to inspect no less than 25 percent of all newly constructed wells. In 2022, staff conducted a total of 1,566 inspections: 39 percent of new water wells were inspected, and 19 percent of new monitoring wells were inspected. Six percent of the newly constructed wells were found to have a construction deficiency.

### **C. Dam Inspections**

Dam Safety Program staff and FSD staff are responsible for inspecting the 944 statutory dams in the state. Statutory dams are non-federal structures that are ten feet in height and store more than 9.2-acre feet of water. Dam Safety Program staff inspect high hazard dams and FSD staff inspect significant and low hazard dams. In 2022, 72 dams with a high hazard rating, 48 dams with a significant hazard rating, and 176 dams with a low hazard rating were inspected by Field and Dam Safety staff.

### **V. Conclusion**

FSD staff responsibilities are evolving to meet changing environments, advancing technology, and address emerging industry issues. FSD uses the Field Activity Database, staff mentoring and training, and evaluation of new technology and data tools to review annual outcomes and adapt to carry out the Department's mission. The likelihood of greater water scarcity in the future will increase the need for more efficient and comprehensive water management in basins across Oregon.

Ivan Gall  
971-283-6010