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**INTERNAL MANAGEMENT DIRECTIVES FOR
ESTABLISHING ENFORCEMENT PRIORITIES*****PROBLEM STATEMENT***

The State of Oregon does not condone the illegal use of water. It is a priority of the Oregon Water Resources Department to reduce or eliminate illegal water use in Oregon through appropriate prevention and enforcement efforts.

Illegal water use may be any one or more of the following:

- Use of water without benefit of a water right or other legal water use authorization.
- Use of water in excess of or contrary to the terms and conditions of a water right.
- Continued use of water after said use has been denied by the proper officer of the Water Resources Department.

Effective implementation of water policy in Oregon continues to be hampered because of an inadequate number of field enforcement workers in the Water Resources Department. Despite increased statewide concern about water and the extensive new workloads imposed by the Legislature since 1983, the number of watermasters and assistants available to perform the work is smaller than in 1983.

Several solutions have been proposed to address the management problems created by the lack of sufficient staff and budget to fully address violations of water law and provide for effective, lawful distribution of water. Those proposals include: streamlining and clarifying existing processes; providing and using modern technology; increasing the span of management control (fewer managers, more workers); placing managers closer to the field workers; setting priorities; and, increasing funding. Progress has been made in several of these areas. This paper focuses on priority setting.

The following strategies and procedures are intended to assist Department staff in setting priorities for enforcement action.

PROGRAM GOALS

The Department embraces the following goals:

- Assure that Oregon's water resources are not used illegally.
- Assure that water is distributed to water right holders in accordance with Oregon law.

PROGRAM STRATEGIES

The following strategies are recognized as ways to prevent water law violations before they occur, thereby avoiding the necessity for initiating formal enforcement actions.

1. Improve and increase public education/information efforts through the development of such media as: public speaking; articles in relevant publications, journals and newsletters; public education programs of other agencies and groups, etc.
2. Better manage and reduce the workload of the field enforcement staff through the use of:
 - A. Voluntary reductions of water use to quantities less than authorized and rotation agreements among users;
 - B. "Seasonal" letters from local watermaster or other regional staff advising users of water supply forecasts, water right conditions and potential need for water use restrictions;
 - C. Other means to provide advance information and guidance to water users.
3. Encourage voluntary compliance whenever possible as a less costly and more timely alternative to formal enforcement proceedings.
4. Encourage the use of Department-trained and supervised public volunteers, staff of irrigation districts and other government agencies for appropriate purposes.
5. Use other Water Resources Department staff, under the guidance of the watermaster, to assist with emergency enforcement.
6. Consider issuance of press releases describing the final results of formal enforcement actions as a means of encouraging voluntary compliance by others.

2005 Well Construction and Inspection Information

ATTACHMENT 5

Number of Start Cards Received: 8513
 Water Supply Wells: 6745
 Monitoring Wells: 1768



Number of Well Reports Received: 17955
 Water Supply Wells: 6549
 Monitoring Wells: 2023
 Geotechnical Holes: 9383

<u>Wells Constructed Req. Fees (New, Deepening, Conversion):</u>	6176	<u>New</u>	<u>Deep.</u>	<u>Conv.</u>
Water Supply Wells Requiring Fee:	5122	4880	241	1
Monitoring Wells Requiring Fee:	1054	1054	0	0

New Wells by Type:

Domestic: 4031	Industrial: 13	Multiple Type: 28
Monitoring: 1054	Injection: 3	Dewatering & Other Type: 584
Irrigation: 132	Thermal: 5	Geotechnical: 8752
Community: 35	Livestock: 49	

Water Supply and Monitoring Wells Req. Fees (New, Deepening, Conversion) by County:

Baker	79	Harney	55	Morrow	30
Benton	128	Hood	22	Mult	465
Clac	355	Jackson	320	Polk	77
Clat	68	Jefferson	37	Sherman	4
Colu	173	Josephine	415	Tillamook	46
Coos	160	Klamath	287	Umatilla	159
Crook	263	Lake	89	Union	80
Curry	75	Lane	674	Wallowa	38
Desc	463	Lincoln	92	Wasco	58
Doug	193	Linn	233	Wash	339
Gilliam	13	Malheur	92	Wheeler	10
Grant	35	Marion	351	Yamhill	198

WELL INSPECTIONS:

Number of Well Inspections (All Visits): 2763
 Number of Wells Inspected (First Visit): 2198
 Number of "New" Wells Inspected (First Visit): 1927
 Water Supply Wells: 1514 (31%)
 Monitoring Wells: 411 (39%)
 Geotechnical: 2
 Percentage of "New" Wells Inspected (Combined): 32%
 Number of "New" Wells With Deficiencies (First Visit): 86 (1%)
 Inspections by Region: Eastern: 351 Southcentral: 211
 Northcentral: 266 Southwest: 276
 Northwest: 1659

EXAMPLE OF WELL ENFORCEMENT PROCESS (690-225)

Table 225-2

INCREASING SEVERITY
OF ENFORCEMENT

POTENTIAL VIOLATIONS BROUGHT
TO DEPARTMENT'S ATTENTION

INVESTIGATION OF ALLEGED VIOLATIONS

VERBAL OR TELEPHONE REQUEST FOR
COMPLIANCE WITH TIME FRAME

LETTERS OR NOTICE OF VIOLATION
WITH TIME FRAMES AND CONSEQUENCES

NOTICE OF INTENT TO ENFORCE
WITH HEARING OPPORTUNITY

HEARING (IF REQUESTED)

ENFORCEMENT ORDER ISSUED

MONITOR PROGRESS
UNDER ENFORCEMENT ORDER

(FALL BACK IF
SUBSTANTIAL
PROGRESS OR
FULL COMPLIANCE
ACHIEVED)

ENFORCEMENT ACTIONS
EFFORT OR LEVEL

(ESCALATE IF NO
PROGRESS ACHIEVED
OR MORE VIOLATIONS
OCCUR)

It is desirable to achieve compliance at the lowest possible level of enforcement. Escalation of enforcement can be expected if compliance does not result at the next lower level. Reduction of enforcement effort can be expected if substantial progress towards compliance is achieved.