



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

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### MEMORANDUM

**TO:** Water Resources Commission

**FROM:** Douglas Woodcock, Field Services Division Administrator  
Juno Pandian, Well Construction & Compliance Section Manager

**SUBJECT:** Agenda Item C, August 2, 2012  
Water Resources Commission Meeting

### Informational Report on 2011 Field Regulation and Enforcement Activities

#### I. Issue Statement

This is an informational report by staff to the Water Resources Commission on Department field activities. This report provides information on field regulation and enforcement activities for 2011. *This is an informational report only, no Commission action is required.*

#### II. Background

##### A. Field and Enforcement Structure and Duties

Watermasters have the responsibility for ensuring the distribution of water according to the system of prior appropriation. The Department's 20 watermasters are housed in five regional offices and in 15 satellite offices located throughout the state. Attachment 1 is a list of Department watermasters and their locations. In addition to watermasters, in 2011 there were four state funded assistant watermasters and 17 locally funded part-time and full-time assistant watermasters located in field offices throughout the state. The locally funded assistants are typically compensated through county budgets, grants, or contracts.

In addition to watermasters and assistants, regional offices house staff such as well inspectors, water right and transfer specialists, hydrographers, hydrologists, and hydrogeologists. Day-to-day actions are carried out by field staff whose activities include:

- Surface and ground water regulation
- Installation of surface water measuring devices
- Customer service and public outreach
- Stream gaging and measurements
- Implementation of Oregon Plan measures
- Investigation and referral of formal enforcement activities
- Preparation of hydrographic records
- Dam safety inspections

- Well construction compliance and enforcement activities
- Final proof surveys, mapping and proposed certificate preparation
- Field assistance to other Department divisions
- Water right transfer application processing

These day-to-day field activities involve working with water users to ensure compliance with the terms and conditions of their water rights, and to ensure water is being used as efficiently and effectively as situations allow. While many of these activities fall under the definition of enforcement, they typically fall short of formal remedies such as civil penalties.

The Well Construction and Compliance Section Manager is responsible for enforcement policy development, carrying out formal enforcement actions, negotiating resolutions, and maintaining statewide program consistency. When voluntary compliance in the field fails, regulatory actions are subsequently referred to the Well Construction and Compliance Section Manager for formal enforcement action. Formal enforcement is initiated by the issuance of a proposed order and may include suspension of a well constructor's license or assessment of civil penalties. Generally, most formal enforcement actions are settled before the case is referred to the Office of Administrative Hearings.

Staff in the Well Construction and Compliance Section include a Well Construction Program Coordinator who oversees the well inspection program, including maintaining continuity among the regional well inspectors, and interpretation of the administrative rules governing well construction. The program also includes one Well Licensing Program Specialist who oversees the Well Constructor Licensing Program and the Continuing Education Program for well constructors; a Well Log Review Support Position; a Well Identification Label Program and Start Card Support Position; and an Exempt Use Well Program Coordinator.

#### *B. Enforcement Priorities*

Watermasters and field staff often have more work than they can accomplish. To address this problem, the Department developed "Internal Management Directives for Establishing Enforcement Priorities" to assist staff in setting priorities for enforcement actions. The directive includes some of the factors field staff use when they prioritize enforcement activities. The directive has been used for several years and is an effective tool for prioritizing field work. The Oregon Plan also requires staff to prioritize watersheds for scheduling work activities.

The goal of field staff is to engage in pro-active water management rather than relying solely on a complaint-driven process. The directive highlights the effectiveness of education in preventing water law violations before they occur. Water users are more likely to voluntarily comply when they are knowledgeable about their rights and responsibilities, and when users and field staff know what to expect from each other. Time not spent responding to complaints, known violations, and other high priority assignments can be used for public education activities.

Another priority for watermasters and assistant watermasters is installation of measuring devices on surface water significant points of diversion in high priority stream basins. A significant point of diversion diverts greater than five cubic feet per second (cfs), or greater than 10 percent

of the lowest monthly 50 percent exceedance flow as defined in the water availability model (essentially, a rate that would be considered large relative to the low flow of the stream) and greater than 0.25 cfs, or had a condition on the water right requiring installation of a measuring device. Attachment 2 provides a summary of significant point of diversion work completed in the high priority basins through the end of calendar year 2011.

Well inspections and well construction enforcement are also a priority for watermasters, although this work is typically led by regional well inspectors who are funded through Start Card fees. The decline in Start Card fees has impaired the Department's ability to fill well inspector positions as they become vacant. The watermaster's efforts are helping to meet the Department's goal of inspecting a minimum of 25 percent of all new wells drilled.

### *C. Surface Water Regulation*

Regulation, or distribution of surface water, is the initial phase of enforcement and can be triggered in a variety of ways. The Department has developed "General Guidance to Address a Call for Surface Water" which field staff use for guidance. Watermasters regularly monitor streams within their districts with instream water rights or minimum streamflows. If streamflow is not adequate to satisfy the instream water right, or if other entities submit complaints to the watermaster, the watermaster begins an investigation and takes appropriate actions such as curtailing or shutting off the diversion of junior users. Only in unusual cases, when voluntary compliance with the watermaster's request is not achieved, do formal phases of enforcement begin.

Water is distributed according to priority date, regardless of the type of beneficial uses involved. The oldest rights get the water first unless the right is specifically subordinated to junior users, as in the case of some rights to use water for hydroelectric power. The type of use becomes important only when conflicting uses have the same priority date. In this case, a domestic use would have preference to all others, and an agricultural use would have preference to a manufacturing use (ORS 540.140).

Watermasters do not begin regulation until the amount of streamflow has been measured and legal rights of the users are known. On stream systems where annual regulation occurs, watermasters prepare distribution maps showing the location of the rights, priority date, and other necessary information. This may involve several hours or days of effort, depending on the number of water rights in the stream basin. In some districts the watermaster has a database of water right information and is able to generate "distribution letters" requesting that junior users curtail their diversions.

Unauthorized uses of water discovered during surface water regulation are addressed first. In addition to uses without a water right, illegal uses include exceeding the limit of a right or violating a condition of a right, such as an unauthorized point of diversion or excessive diversion rate. If eliminating illegal use does not provide the water to satisfy senior water rights, the watermaster will require junior right holders to reduce or discontinue their use until this goal is met. If no junior rights exist, or if these actions do not provide the necessary additional water, the watermaster will advise the affected senior user of the situation.

During regulation watermasters often negotiate voluntary reductions, rotations, or compliance schedules with water users. Senior right holders may volunteer to use less than their entitlement so that junior users are not completely shut off. In a rotation, groups of users agree to pool their rights so each participant may receive the amount of water "...to which they are collectively entitled" (OAR 690-250-0080). The available surface water is shifted to each user in the rotation in time proportional to each user's fraction of the collective water rights.

The most critical element in ensuring regulatory success is the trust users have in the watermaster's knowledge, consistency and integrity. When a high level of trust is attained, the amount of time spent by the watermaster on a particular stream is minimized, and voluntary compliance tends to be the norm. Where the watermaster is involved annually in regulating a particular stream system, both the watermaster and the users are well aware of existing water rights and generally know what to expect from each other.

#### *D. Regulation of Well Construction*

Regulation of well construction may be initiated in several ways. Generally, the process begins with receipt of a "Notice of Beginning of Well Construction" also known as a "Start Card." After the start card is received by the Department, the well inspector or watermaster may make a site visit. Well inspections can also be initiated by complaints or inquiries from the public, or through an investigation by the well inspector or watermaster. Well inspectors work closely with drillers to informally resolve problems to protect the groundwater. The Department's goal is to inspect a minimum of 25 percent of all new wells constructed.

### **III. Discussion**

#### *A. 2011 Surface Water Regulation*

In 2011, watermasters and their assistants regulated 361 stream systems, down from 398 in 2010. Multiple regulations may occur on any one stream. Regulation on the 361 streams was prompted by the watermaster's own investigation in 323 cases and by complaints in 174 cases. Actions were taken to protect instream rights in 249 cases, to protect senior rights in 151 cases, and to stop unauthorized use in 97 cases. Attachment 3 provides a summary of field staff actions.

The Department's definition of a regulatory action is "any action that causes a change in use or maintenance or a field inspection that confirms that no change is needed to comply with the water right, statute or order of the Department." Watermasters reported a total of 8,137 regulatory actions in 2011, compared to 10,645 in 2010. Of these 8,137 regulatory actions, 1,599 involved written notices, compared to 2,641 written notices in 2010. The efforts range from one action per stream to a high of 955 actions on the Umatilla River, tributary to the Columbia River. There is a large variation in total regulatory actions among the regions. Differences can be attributed to the number of irrigation districts compared to the number of individual users; the number of water management schemes such as rotation agreements, exchanges, and stored water delivery; the length of regulation season; water availability; and number of points of diversion. Additionally, there is annual variation in the regulatory actions performed each year that are influenced by seasonal weather and staff resources. Spring of 2011 was wet and was followed by a relatively cool irrigation season, resulting in more water and

somewhat less demand. This combination was the reason regulatory actions for 2011 were down relative to previous years.

In 2011, statewide, compliance with water rights and regulations was approximately 95 percent, compared to 94 percent in 2010. Attachment 4 provides a regional and watermaster district breakdown of compliance rates for 2011. The Well Construction and Compliance Section Manager continues to work with field staff to improve compliance reporting and ensure consistency and accuracy throughout the state.

In 2011, statewide, the earliest priority date regulated was 1854 on Neil Creek, tributary to Bear Creek and McDonald Creek tributary to Little Applegate River, both in the Rogue Basin, Southwest Region. The category of earliest priority regulated reflects, for each river system, the earliest water right priority date that was regulated by the watermaster to a diversion rate less than the maximum legal limit.

Staff is working to expand streamflow monitoring and ensure that distribution and regulation of water needed to protect instream water rights is performed expeditiously. In 2011 staff worked with water users to have measuring devices installed on 74 significant points of diversion in high priority watersheds around the state.

The instream leasing, transfer, and allocation of conserved water programs are yielding increasing quantities of water that are protected instream. The Department continues to work directly with water right holders, as well as with the Deschutes River Conservancy, Klamath Basin Rangeland Trust, Fresh Water Trust, and other organizations to promote voluntary streamflow restoration. In 2011, 1,681 cubic foot per second of water (excluding supplemental water rights) was dedicated instream. These flows are critical to fish recovery efforts; however, establishment of these rights does represent an increase in the regulatory workload of watermasters and field staff.

#### *B. 2011 Well Program Activity*

Well reports, or “logs,” are a physical description of well construction, alteration, abandonment, conversion, or deepening. In 2011 the Department received 3,935 water supply and monitoring well reports. Of these, 1,225 were monitoring wells and 2,710 were water supply wells. The Department also received 7,617 geotechnical hole reports. A geotechnical hole is a cased or uncased, permanent or temporary (less than 72 hours) “hole” constructed for the purpose of evaluating subsurface data or information.

In 2011, 2,583 start cards were received for new wells. Of that number, 665 were monitoring wells and 1,918 were water supply wells. The regional well inspectors and field staff performed a total of 1,016 well inspections. Of that number, 730 inspections were conducted on new construction, representing an inspection rate of 28 percent of all new wells. Of the new wells inspected, 29 percent were water supply wells and 26 percent were monitoring wells. About 17 percent of the new wells inspected were deficient, predominantly due to documentation errors. Attachment 5 summarizes the Well Construction Program Data for 2011.

*C. Formal Enforcement Activity*

Many of the Department's regulatory actions are resolved upon notice to the responsible party. If compliance is not achieved at this level the watermaster may issue a Notice of Violation. This written notice specifies the nature of the violation, time frames within which compliance is expected, and the consequences for failure to comply voluntarily.

If compliance is not achieved following the Notice of Violation, the matter is referred through the Region Manager to the Well Construction and Compliance Section Manager for a formal enforcement action. If the Department determines there is sufficient evidence to pursue the matter, a proposed order is issued, which may include assessment of civil penalties. The violator has a specified period to request a contested case hearing. If no hearing is requested, a final order is issued and enforced.

At any point in the process, the responsible party may choose to comply. Of the 8,137 regulatory actions taken in 2011, it is significant that only four Notices of Violation (NOV) were issued by field staff, indicating that a very high degree of compliance is achieved voluntarily. In addition to the four NOV's sent by field staff in 2011, the Well Construction and Compliance Section Manager issued seven Final Orders related to well constructors, resulting in civil penalties in the amount of \$18,688. Attachment 6 summarizes formal enforcements for 2011.

Following issuance of a final order, the Well Construction and Compliance Section Manager issues a press release to the media in the local area. Staff believe this is an effective deterrent to repeated violations and increases public awareness of our rules and activities.

Staff believe it is critical for the Department to maintain a firm, consistent, and fair posture on water law and well construction violations. This minimizes the number of formal enforcements and allows staff to be as efficient as possible in enforcing the water laws in the field.

**IV. Recommendation**

This report is presented to the Commission as an informational item. No Commission action is necessary.

Attachments:

1. List of Watermasters by District
2. Significant Point of Diversion Summary Table
3. 2011 Surface Water Summary Totals and by Region
4. 2011 Compliance Rate Summary by Watermaster District and Region
5. 2011 Well Construction and Inspection Summary
6. 2011 Formal Enforcements

**Watermaster List**

Attachment 1

1	Clatsop/Lincoln/Tillamook/ Western Columbia (Nehalem)	Greg Beaman, WM 503 842-2413 x 119	Tillamook
2	Lane/Linn	Michael Mattick, WM 541 682-3620	Springfield
3	Hood River/Wasco/Sherman	Robert Wood, WM 541 506-2650	The Dalles
4	Wheeler/Grant/John Day R. - Upstream	Eric Julsrud, WM 541 575-0119	Canyon City
5	Umatilla/Morrow/Umatilla Basin except Willow Cr Sub-Basin	Tony Justus, WM & Asst RM Pendleton 541 278-5456 x 290	
6	Wallowa/Union	Shad Hattan, WM 541 963-1031	La Grande
8	Baker	Rick Lusk, WM & Asst RM 541 523-8224 x 31	Baker City
9	Malheur	Ron Jacobs, WM 541 473-5130	Vale
10	Harney	Tony Rutherford, WM 541 573-2591	Burns
11	Jefferson/Crook/Deschutes	Jeremy Giffin, WM 541 388-6669	Bend
12	Lake	Brian Mayer, WM 541 947-6038	Lakeview
13	Jackson	Larry Menteer, WM 541 774-6880	Medford
14	Josephine	Katherine Smith, WM 541 479-2401	Grants Pass
15	Douglas/Lane	David Williams, WM 541 440-4255	Roseburg
16	Marion/Polk/Benton/Clackamas/ Yamhill/Lincoln	Mike McCord, WM 503 986-0889	Salem

17	Klamath	Scott White, WM 541 883-4182 x 223	Klamath Falls
18	Washington/Eastern Columbia	Darrell Hedin, WM 503 846-7780	Hillsboro
19	Curry/Coos	Mitch Lewis, WM 541 396-1905	Coquille
20	Multnomah/Clackamas R & Sandy R Drainages in Clackamas Co.	Jon Unger, WM 503 722-1410	Oregon City
21	Lower John Day R 183.5 to Columbia R/Gilliam/Morrow/ Sherman	Ken Thiemann, WM 541 384-4207	Condon

Revised 04/01/2012



## Summary of High Priority Significant Point of Diversion Status By Watermaster District (2011 Calendar year)

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**WM District 1 ( Greg Beaman ) - ( 107 High Priority Significant PODs in this District)**

**Region Manager: Ferber**

Diversions with Measurement installed: 57 ( 0 were installed in 2011)  
Diversions in progress getting measurement: 11  
Diversions without measurement installed: 14  
Abandoned Diversions: 25 ( 3 Abandoned currently leased or transferred instream)

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**WM District 2 ( Mike Mattick ) - ( 41 High Priority Significant PODs in this District)**

**Region Manager: Ferber**

Diversions with Measurement installed: 15 ( 2 were installed in 2011)  
Diversions in progress getting measurement: 13  
Diversions without measurement installed: 6  
Abandoned Diversions: 7 ( 0 Abandoned currently leased or transferred instream)

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**WM District 3 ( Robert Wood ) - ( 69 High Priority Significant PODs in this District)**

**Region Manager: Ladd**

Diversions with Measurement installed: 36 ( 12 were installed in 2011)  
Diversions in progress getting measurement: 0  
Diversions without measurement installed: 0  
Abandoned Diversions: 33 ( 12 Abandoned currently leased or transferred instream)

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**WM District 4 ( Eric Julsrud ) - ( 50 High Priority Significant PODs in this District)**

**Region Manager: Ladd**

Diversions with Measurement installed: 42 ( 3 were installed in 2011)  
Diversions in progress getting measurement: 5  
Diversions without measurement installed: 0  
Abandoned Diversions: 3 ( 0 Abandoned currently leased or transferred instream)

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**WM District 5 ( Tony Justus ) - ( 65 High Priority Significant PODs in this District)**

**Region Manager: Ladd**

Diversions with Measurement installed: 42 ( 1 were installed in 2011)  
Diversions in progress getting measurement: 1  
Diversions without measurement installed: 1  
Abandoned Diversions: 21 ( 2 Abandoned currently leased or transferred instream)

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**WM District 6 ( Shad Hattan ) - ( 118 High Priority Significant PODs in this District)**

**Region Manager: Gall**

Diversions with Measurement installed: 17 ( 2 were installed in 2011)  
Diversions in progress getting measurement: 6  
Diversions without measurement installed: 72  
Abandoned Diversions: 23 ( 0 Abandoned currently leased or transferred instream)

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**WM District 8 ( Rick Lusk ) - ( 36 High Priority Significant PODs in this District)**

**Region Manager: Gall**

Diversions with Measurement installed: 32 ( 10 were installed in 2011)  
Diversions in progress getting measurement: 0  
Diversions without measurement installed: 0  
Abandoned Diversions: 4 ( 0 Abandoned currently leased or transferred instream)

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**WM District 9 ( Ron Jacobs ) - ( 32 High Priority Significant PODs in this District)**

**Region Manager: Gall**

Diversions with Measurement installed: 12 ( 4 were installed in 2011)  
Diversions in progress getting measurement: 12  
Diversions without measurement installed: 5  
Abandoned Diversions: 3 ( 0 Abandoned currently leased or transferred instream)

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**WM District 10 ( Tony Rutherford ) - ( 120 High Priority Significant PODs in this District)****Region Manager: Gall**

Diversions with Measurement installed: 24 ( 8 were installed in 2011)  
Diversions in progress getting measurement: 3  
Diversions without measurement installed: 76  
Abandoned Diversions: 17 ( 0 Abandoned currently leased or transferred instream)

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**WM District 11 ( Jeremy Giffin ) - ( 190 High Priority Significant PODs in this District)****Region Manager: Gorman**

Diversions with Measurement installed: 66 ( 9 were installed in 2011)  
Diversions in progress getting measurement: 17  
Diversions without measurement installed: 67  
Abandoned Diversions: 40 ( 3 Abandoned currently leased or transferred instream)

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**WM District 12 ( Brian Mayer ) - ( 201 High Priority Significant PODs in this District)****Region Manager: Gorman**

Diversions with Measurement installed: 16 ( 1 were installed in 2011)  
Diversions in progress getting measurement: 23  
Diversions without measurement installed: 160  
Abandoned Diversions: 2 ( 0 Abandoned currently leased or transferred instream)

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**WM District 13 ( Larry Menteer ) - ( 280 High Priority Significant PODs in this District)****Region Manager: Ferber**

Diversions with Measurement installed: 58 ( 3 were installed in 2011)  
Diversions in progress getting measurement: 14  
Diversions without measurement installed: 83  
Abandoned Diversions: 125 ( 0 Abandoned currently leased or transferred instream)

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**WM District 14 ( Kathy Smith ) - ( 316 High Priority Significant PODs in this District)**

**Region Manager: Ferber**

Diversions with Measurement installed: 59 ( 12 were installed in 2011)  
Diversions in progress getting measurement: 7  
Diversions without measurement installed: 128  
Abandoned Diversions: 122 ( 3 Abandoned currently leased or transferred instream)

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**WM District 15 ( David Williams ) - ( 236 High Priority Significant PODs in this District)**

**Region Manager: Ferber**

Diversions with Measurement installed: 47 ( 1 were installed in 2011)  
Diversions in progress getting measurement: 21  
Diversions without measurement installed: 120  
Abandoned Diversions: 48 ( 1 Abandoned currently leased or transferred instream)

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**WM District 16 ( Mike McCord ) - ( 76 High Priority Significant PODs in this District)**

**Region Manager: Ferber**

Diversions with Measurement installed: 36 ( 0 were installed in 2011)  
Diversions in progress getting measurement: 10  
Diversions without measurement installed: 2  
Abandoned Diversions: 28 ( 3 Abandoned currently leased or transferred instream)

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**WM District 17 ( Scott White ) - ( 25 High Priority Significant PODs in this District)**

**Region Manager: Gorman**

Diversions with Measurement installed: 2 ( 0 were installed in 2011)  
Diversions in progress getting measurement: 2  
Diversions without measurement installed: 19  
Abandoned Diversions: 2 ( 0 Abandoned currently leased or transferred instream)

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**WM District 18 ( ) - ( 21 High Priority Significant PODs in this District)**

**Region Manager: Ferber**

Diversions with Measurement installed: 15 ( 0 were installed in 2011)  
Diversions in progress getting measurement: 1  
Diversions without measurement installed: 0  
Abandoned Diversions: 5 ( 0 Abandoned currently leased or transferred instream)

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**WM District 19 ( Mitch Lewis ) - ( 332 High Priority Significant PODs in this District)**

**Region Manager: Ferber**

Diversions with Measurement installed: 65 ( 0 were installed in 2011)  
Diversions in progress getting measurement: 22  
Diversions without measurement installed: 192  
Abandoned Diversions: 53 ( 0 Abandoned currently leased or transferred instream)

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**WM District 20 ( Jon Unger ) - ( 54 High Priority Significant PODs in this District)**

**Region Manager: Ferber**

Diversions with Measurement installed: 31 ( 6 were installed in 2011)  
Diversions in progress getting measurement: 0  
Diversions without measurement installed: 2  
Abandoned Diversions: 21 ( 2 Abandoned currently leased or transferred instream)

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**WM District 21 ( Ken Theimann ) - ( 16 High Priority Significant PODs in this District)**

**Region Manager: Ladd**

Diversions with Measurement installed: 2 ( 0 were installed in 2011)  
Diversions in progress getting measurement: 0  
Diversions without measurement installed: 0  
Abandoned Diversions: 14 ( 7 Abandoned currently leased or transferred instream)

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Total Diversions With Measurement: 674 (74 Measuring devices installed in 2011 **Statewide**)  
Total Diversions in progress: 168  
Total Diversions Needing Measurement: 947  
Diversions Abandoned: 596 (36 Total Abandoned currently leased or transferred instream)  
**Total High Priority SPODs: 2385**

77 Measuring devices were installed in 2010

74 Measuring devices were installed in 2011

**2011 SURFACE WATER SUMMARY REPORT TOTALS STATEWIDE**

Complaints	174
Watermaster Investigation	323
Streams Regulated	361
Regulatory Actions	8,137
Written Regulatory Actions	1,599
Other Than Written Regulatory Actions	6,538

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**REASONS FOR REGULATORY ACTION**

Illegal Use	97
Protect Instream Rights	249
Protect Senior Out-of-Stream Rights	151
Protect Instream Rights & Senior Out-of-Stream Rights	29
Protect Senior Out-of-Stream Rights & Illegal Use	12
Protect Senior Out-of-Stream & Instream Rights & Illegal Use	8
Protect Instream Rights & Illegal Use	22

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**ACTIONS TAKEN**

Diversion Reduced/Shut Off	190
No Action	146
Rotation Established	6
Notice of Violation	1
Headgate	2
Diversion Reduced/Shut Off & No Action	50
Diversion Reduced/Shut Off & Headgate Notice	2
Diversion Reduced/Shut Off & Rotation Established	3
No Action & Rotation Established	1
Diversion Reduced/Shut Off; No Action & Headgate	3

## 2011 SURFACE WATER SUMMARY REPORT

### E REGION

STREAMS REGULATED	REGULATORY ACTIONS	# WRITTEN NOTICES	NOT IN COMPLIANCE	INVESTIGATION PROMPTED BY	REASON FOR PURSUING REGULATION
66	1254	2	12	38 COMPLAINT 35 WM INVESTIGATION	5 Illegal Use 14 Protect Instream Rights 54 Protect Senior Out-Of-Stream Rights <hr/> 73 TOTAL

### NC REGION

STREAMS REGULATED	REGULATORY ACTIONS	# WRITTEN NOTICES	NOT IN COMPLIANCE	INVESTIGATION PROMPTED BY	REASON FOR PURSUING REGULATION
23	3388	1065	11	8 COMPLAINT 27 WM INVESTIGATION	4 Illegal Use 12 Protect Instream Rights 19 Protect Senior Out-Of-Stream Rights <hr/> 35 TOTAL

### NW REGION

STREAMS REGULATED	REGULATORY ACTIONS	# WRITTEN NOTICES	NOT IN COMPLIANCE	INVESTIGATION PROMPTED BY	REASON FOR PURSUING REGULATION
157	987	353	31	32 COMPLAINT 154 WM INVESTIGATION	35 Illegal Use 137 Protect Instream Rights 14 Protect Senior Out-Of-Stream Rights <hr/> 186 TOTAL



**SC REGION**

<b>STREAMS REGULATED</b>	<b>REGULATORY ACTIONS</b>	<b># WRITTEN NOTICES</b>	<b>NOT IN COMPLIANCE</b>	<b>INVESTIGATION PROMPTED BY</b>	<b>REASON FOR PURSUING REGULATION</b>
48	2065	81	291	60 COMPLAINT 49 WM INVESTIGATION	17 Illegal Use 48 Protect Instream Rights 44 Protect Senior Out-Of-Stream Rights <hr/> 109 TOTAL

**SW REGION**

<b>STREAMS REGULATED</b>	<b>REGULATORY ACTIONS</b>	<b># WRITTEN NOTICES</b>	<b>NOT IN COMPLIANCE</b>	<b>INVESTIGATION PROMPTED BY</b>	<b>REASON FOR PURSUING REGULATION</b>
67	443	98	88	36 COMPLAINT 58 WM INVESTIGATION	36 Illegal Use 38 Protect Instream Rights 20 Protect Senior Out-Of-Stream Rights <hr/> 94 TOTAL

**2011 SURFACE WATER SUMMARY  
PERCENT IN COMPLIANCE BY DISTRICT**

<u>District</u>	<u>Year</u>	<u>Percentage</u>	<u>Year</u>	<u>Percentage</u>	<u>Year</u>	<u>Percentage</u>
1	2009	92.0%	2010	95.0%	2011	97.3%
2	2009	94.7%	2010	84.5%	2011	87.9%
3	2009	100.0%	2010	99.7%	2011	100.0%
4	2009	92.0%	2010	93.3%	2011	97.7%
5	2009	99.4%	2010	99.2%	2011	99.7%
6	2009	97.7%	2010	99.2%	2011	94.4%
8	2009	100.0%	2010	100.0%	2011	100.0%
9	2009	77.3%	2010	90.4%	2011	93.3%
10	2009	92.6%	2010	97.2%	2011	100.0%
11	2009	77.4%	2010	83.6%	2011	85.8%
12	2009	98.1%	2010	100.0%	2011	100.0%
13	2009	75.8%	2010	89.7%	2011	78.4%
14	2009	84.9%	2010	67.2%	2011	51.0%
15	2009	99.6%	2010	99.2%	2011	100.0%
16	2009	95.2%	2010	89.6%	2011	97.6%
17	2009	96.1%	2010	94.7%	2011	88.9%
18	2009	99.4%	2010	100.0%	2011	100.0%
19	2009	58.3%	2010	66.7%	2011	95.2%
20	2009	95.0%	2010	94.8%	2011	100.0%
21	2009	99.4%	2010	99.3%	2011	100.0%

**PERCENT IN COMPLIANCE BY REGION**

<u>Region</u>	<u>Year</u>	<u>Percentage</u>	<u>Year</u>	<u>Percentage</u>	<u>Year</u>	<u>Percentage</u>
North West	2009	94.7%	2010	93.8%	2011	96.9%
South West	2009	93.2%	2010	93.6%	2011	80.1%
South Central	2009	78.4%	2010	84.1%	2011	85.9%
North Central	2009	99.0%	2010	99.0%	2011	99.7%
East	2009	97.8%	2010	99.1%	2011	99.0%

# ANNUAL WELL CONSTRUCTION PROGRAM DATA

January 2011 thru December 2011

Start Cards Received - "New"		
Water Supply	1918	4% Decrease from 2010
Monitoring	665	13% Increase from 2010
Total:	2583	

Start Cards Received - All	
Water	2807
Monitoring	1261
Total:	4068

Wells Inspected (First Visit)		
All Wells Inspected	790	19%
"New" Water Wells	557	29%
"New" Monitor Wells	173	26%
All "New Wells" Inspected	730	28%
"New" Wells-Deficiencies	123	17%

Wells Inspected by Region (All Visits)	
Eastern	286
North Central	80
Northwest	351
South Central	63
Southwest	236
Total:	1016

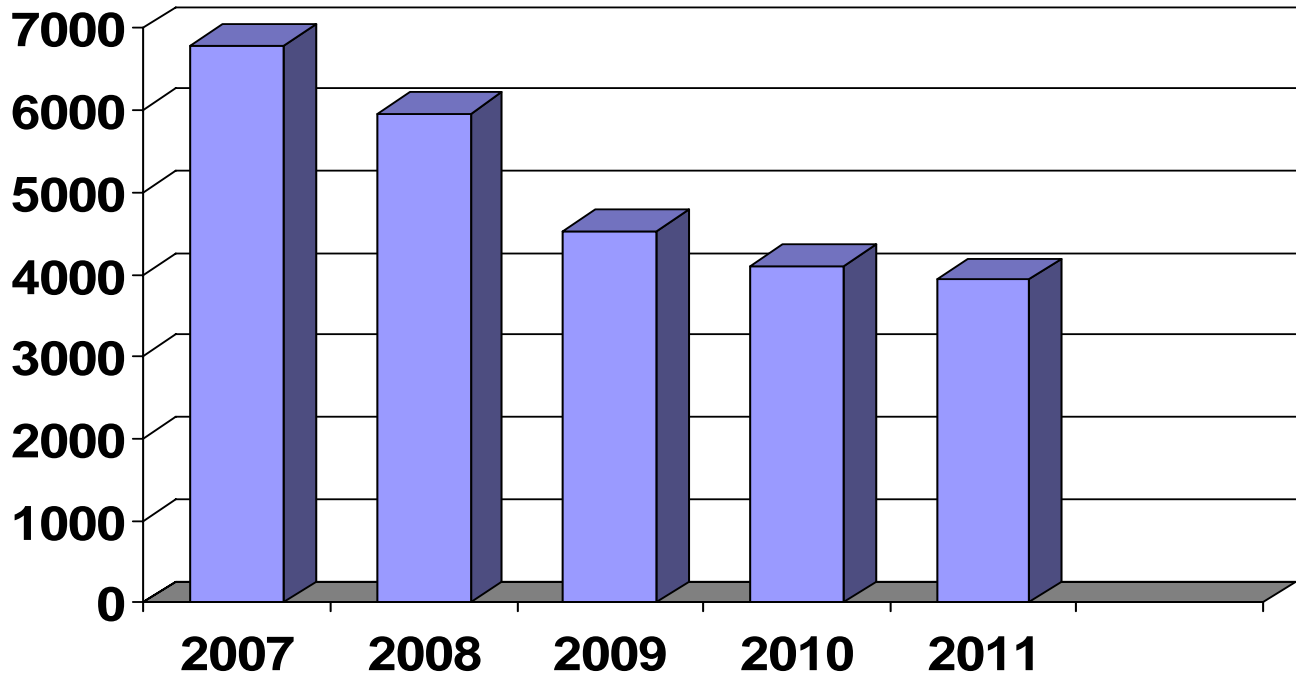
Well Reports Received	
Water Supply	2710
Monitoring	1225
Geotechnical	7617
Total:	11552

Well Reports Received - Type of Work	
New	2359
Deepening	107
Conversion	1
Abandonment	1098
Repair/Alteration	192
Multiple Type	87
Other/Unknown	91
Total:	3935

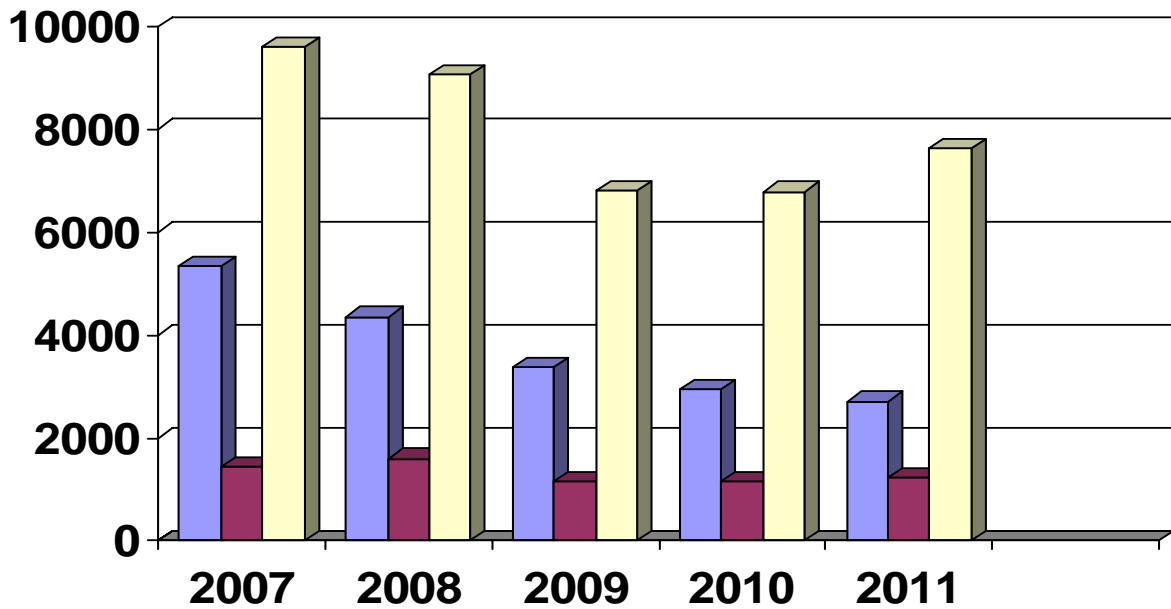
Well Reports Received - by Use					
Domestic	1681	Industrial	26	Multiple Uses	39
Monitoring	1225	Injection	5	Dewatering	602
Irrigation	116	Thermal	0	Other Uses	43
Community	40	Livestock	37	Unknown	121

Well Reports Received - by County					
Baker	36	Harney	66	Morrow	34
Benton	91	Hood	7	Multnomah	789
Clackamas	345	Jackson	147	Polk	57
Clatsop	37	Jefferson	18	Sherman	7
Columbia	166	Josephine	108	Tillamook	12
Coos	63	Klamath	147	Umatilla	120
Crook	36	Lake	28	Union	44
Curry	41	Lane	239	Wallowa	21
Deschutes	148	Lincoln	39	Wasco	21
Douglas	89	Linn	260	Washington	221
Gilliam	4	Malheur	61	Wheeler	8
Grant	30	Marion	271	Yamhill	124

**Total Well Reports Received (M & W)**



**All Water All Monitor All Geotechnical**



## 2011 FORMAL ENFORCEMENTS

Violation	Outcome
Storing water without a water right permit	Settled – No Action
Reporting violations	\$1,150 civil penalty license suspension
Reporting and construction violations	\$1,587.50 civil penalty probation for 2 years
Reporting and construction violations	\$3,950 civil penalty license suspension
Reporting violations	Settled – No Action
Contracting without a Well Constructor's License and bond	\$2,000 civil penalty
Contracting without a Well Constructor's License and bond	\$10,000 civil penalty