



# Oregon

Kate Brown, Governor

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## MEMORANDUM

**TO:** Water Resources Commission

**FROM:** Dwight French, Administrator, Water Right Services Division <sup>DWF</sup>  
Brenda Bateman, Administrator, Technical Services Division <sup>BB</sup>

**SUBJECT:** Agenda Item N, January, 27, 2017  
Water Resources Commission Meeting

### Process Improvement Update

#### I. Introduction

Staff will update the Commission on the Department's recent process improvement activities. This is the fifth process improvement update provided to the Commission since 2010.

#### II. Discussion

This staff report describes several process improvement efforts undertaken since the last report in June of 2015.

##### *A. Assessing Key Water Right Workloads and developing solutions*

The Department is working on updating the document generator that is used to create Initial Reviews, Proposed Final Orders, Final Orders and Permits for groundwater applications. Approximately 100-150 of each of these documents are issued each year. The Information Technology Section is assisting the Water Rights Division to help create this document in MSWord instead of WordPerfect. The new version, anticipated to be up and running in 2017, will generate time savings each time a groundwater application is processed. The current document generator uses software that is no longer supported, and produces documents that need significant additional editing that could be eliminated or minimized by the use of new technology. We roughly estimate that the new document generator will save between 1 and 2 hours of time per application. Since we process about 200 applications per year, the time savings will be substantial.

##### *B. Water Right Process Review*

Beginning in September of 2015, staff gathered a group of prominent water law attorneys to explore what could be improved to make the water rights process run more efficiently.

The group suggested the Department adjust the OAR Chapter 690, Division 310 rules – which govern how new water right applications are processed – to allow for settlement discussions to take place after a protest is filed. A strict reading of our rules does not contemplate the

opportunity to settle protests even though we settle the majority of protests without costly and time consuming contested case hearings. Updating the rules will provide clarity to the public that settlements can occur after a protest is filed.

Staff are drafting rules that will be shared with the group of attorneys that made the recommendation, and will then undertake the normal rulemaking process. Consideration of adoption of these rules could come before the Commission in late 2017.

### *C. Internal Management Directives and Rulemaking*

Two years ago the Water Right Services Division began a project to review our Internal Management Directives (IMDs) related to water right processing with goals of: (1) better organizing current IMDs; (2) making current IMDs more accessible to the public; and (3) determining which IMDs, if any, would be more appropriately included in agency rules.

IMDs are intended as internal guidance to establish protocols and clear expectations on how staff are to carry out specific functions. Under ORS 180.310(9), a rule is defined as “any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of the agency”. IMDs must be consistent with statutes and rules, and cannot modify or add new processes or standards. The development of an IMD does not need a public process, as is required for rulemaking.

Many IMDs that do not need to be represented in rule need to be posted on a website so the public has an opportunity to understand how reviews of water right applications are conducted. For example, an IMD needs to be posted on our website if it explains or interprets an existing rule or provides examples of how a rule is to be applied. Approximately 50 IMDs will be posted on our website as a result of this process.

Other IMDs do not need to be represented in rule or posted online, such as IMDs that provide direction to staff regarding how files are to be prioritized for processing or routed from one person to another.

Staff are reviewing six IMDs that may need to be adopted into rule. Consideration of adoption of these rules could come before the Commission in late 2017.

### *D. Groundwater Data Migration*

The Department’s Information Services and Groundwater Staff are working to redesign and integrate groundwater-related data into a centralized database system. This effort will allow internal staff and the general public to better access groundwater-related data through web-based tools and web services, beginning in 2017. Groundwater section staff will be better able to maintain and link groundwater data to centralized data sets such as water rights, well logs, etc. Being able to access data more easily and in one place will allow us to make decisions more

efficiently, such as conducting permit reviews. This effort will also facilitate information exchange with federal partners such as the United States Geological Survey.

*E. Credit Cards Payments*

The Department's Information Services Section, Well Construction and Compliance Section, Dam Safety Section, and Fiscal Services Division are working to provide increased customer service by allowing online credit card payments for Exempt Use Well Fees, Geotechnical Hole Fees, and Dam Safety Fees. This will make payment easier for customers and reduce the amount of bills going to collections, beginning in January 2017. This increased level of customer service does come at the cost of higher credit card fees and increased Fiscal staff time required to balance the credit card transactions.

*F. Well Construction and Compliance*

In order for the Department to gather accurate groundwater level data, measuring tubes are required to be installed in wells in certain parts of the state during pump installation, repair, or replacement. To bring this requirement to the attention of landowners, the Department is now sending letters to new well owners in those areas where measuring tubes are required (e.g. Mosier, Eola Hills, Pete's Mountain). The letters are sent when the Department receives a Start Card for a well in locations with these requirements. The goal of the letters is to make compliance as easy as possible, by notifying landowners early in the process so that they are aware of the requirements and can work with their installation professionals to comply.

The Department is also working with the Oregon Parks and Recreation Department to develop a procedure to safely decommission dug wells, while also being mindful of the potential archeological values of the wells. The agencies have met and agreed to work together to address the public safety concerns and archeological preservation requirements, while minimizing the burden on the well owner.

**III. Summary**

The Department has used a variety of tools to generate efficiencies in its programs and is committed to continued process improvement efforts. The Secretary of State's 2016 audit also highlighted areas where there are potential opportunities for improvements; the Department will continue to evaluate the report and identify options for implementing its recommendations. Another update to the Commission is planned for 2018.

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