



# Oregon

Kate Brown, Governor

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## MEMORANDUM

**TO:** Water Resources Commission

**FROM:** Ivan Gall, Field Services Division Administrator *for [signature]*

**SUBJECT:** Agenda Item I, September 6, 2019  
Water Resources Commission Meeting

### Field Services Division Activity – 2018 Report

#### I. Issue Statement

The Field Services Division implements the Department's policies through enforcement of state water law. During this informational agenda item, staff will provide an overview of activities undertaken by the Field Services Division.

#### II. 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, encompassing 64 multi-disciplined employees (e.g. watermasters, assistant watermasters, well inspectors, hydrologic technicians, transfer specialists, hydrologists, and administrative support). Daily workloads are guided by statutory and rule requirements, management direction, water conditions, calls for water, and complaints. Staff are located across five Regional Offices (including Salem) and 16 satellite offices around the state.

Engaging with and delivering services to the public is a critical component of the Department's work and field staff serve as the face of the agency in communities large and small 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 is particularly important in working with water users, who tend to voluntarily comply with Oregon's water laws when they are knowledgeable about their rights and responsibilities, and know what to expect from staff. Trust in field staffs' knowledge, approaches, and overall integrity is essential in responding to complaints about water uses and distributing water. Staff problem-solve, research, mediate between parties, and share information in order to devise workable solutions, which sometimes may include voluntary reductions, rotations, and compliance monitoring.

*B. A Day in the Field*

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. In addition to responding to calls for water from senior water right holders, field staff also monitor streams to determine if senior instream water rights are being met and to regulate junior rights accordingly. When a senior user places a call to receive water, a watermaster validates the call and will regulate junior uses to distribute water to the senior user. Should there be sufficient water, the water right holder with the next oldest priority date may exercise their right, and so on down the line until there is no longer sufficient supply. After regulating water rights, staff conduct field checks at individual points of diversion or appropriation to check for compliance. Only in unusual cases, when voluntary compliance with the watermaster's request is not achieved, do formal phases of enforcement begin.

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 also 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. Field staff operate and maintain surface water gaging stations, establish measurement sites at strategic un-gaged locations, measure streamflows 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.

### **III. Discussion**

The Field Activity Database (FAD) enables the Department to track and report on key actions over time. The FAD was brought online in 2018 to replace the 20-year old Surface Water Summary database, and is continuing to undergo improvement, enabling staff to refine data collection on water management and distribution activities. Staff enter the following types of data: surface water use and groundwater use investigations, monitoring and regulation for instream water rights, monitoring and regulation based on senior calls for water, and field checks to ensure that users are in compliance with both the terms and conditions of their right, or are complying with staffs' regulatory actions. An overview of the data tracked is provided below.

*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 2018, staff reported a total of 7,541 regulatory actions. Of these, only 10 Notices of Violation were issued, indicating that a high degree of compliance with watermaster regulation efforts continues to be achieved voluntarily.
- Of the total regulatory actions, 4,541 of the regulatory actions were a result of a senior water right not being satisfied or an illegal use. These actions were undertaken for 158 streams; however, it is important to note that in many cases this also required regulation of junior water rights on additional tributary streams (not accounted for

above) since regulation is done basin wide and not typically on an individual stream basis.

- In addition, 3,000 of the total regulatory actions were conducted to regulate for, or monitor, 205 instream water rights, which provide ecological benefits to fish, wildlife, and recreational.
- Staff also reported 32,485 compliance checks to determine if water right holders were in compliance with the law or a regulatory action.

*Well Inspections –*

- Field staff inspect water and monitoring wells. Properly constructed wells are important to maintain the integrity and quality of groundwater resources.
- The Department's goal has been to inspect no less than 25 percent of all newly constructed wells. In 2018, the Department received well log reports for 782 monitoring wells, 3,704 water supply wells, and 6,170 geotechnical holes. Of those received, the Department received 3,242 start cards for new wells (404 monitoring wells and 2,838 water supply wells).
- Staff conducted a total of 947 inspections: 29 percent of new water wells were inspected, and 28 percent of new monitoring wells were inspected. Twelve percent of the inspected wells were found to have a construction deficiency.

*Dam Inspections –*

- Dam Safety Program staff and FSD staff are responsible for inspecting the 952 statutory dams in the state. Statutory dams are those that are 10 feet in height and store more than 9.2 acre feet of water. Generally speaking, Dam Safety Program staff inspect high hazard dams and FSD staff inspect significant and low hazard dams.
- In 2018, Dam Safety staff inspected 107 dams rated high or significant hazard. They were accompanied by FSD staff during 33 of these inspections, providing an excellent opportunity for FSD staff training.
- Field staff conducted 111 inspections of significant and low hazard dams in 2018.

**IV. Conclusion**

Historic watermaster and other FSD staff responsibilities are evolving to meet a changing environment, advancing technology, and address emerging industry issues. Use of the Field Activity Database, staff mentoring and training, evaluation of new technology and data tools, and review of annual outcomes, enables FSD to provide a responsive and adaptable field presence and continue to advance the Department's water resource management mission.

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