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Water Resources Department Administrative Overview

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Introduction

The main responsibility of the Water Resources Department is to monitor and regulate the state's water resources. The Department sets policies for the use and control of the state's surface and ground water; regulates the use of public water, including the generation of hydroelectric power; establishes water rights for recreation; protects fish and wildlife; and reduces pollution.

The Department and its director administer policies and programs established by the Water Resources Commission, which operates under the authority of ORS 536.220–536.540. The governor appoints the seven–member commission and the Department director. The Department is headquartered in Salem with field offices located throughout the state and staffed by watermasters who carry out Department responsibilities.

In addition to administering water laws, the Department is responsible for issuing hydroelectric licenses, determining and regulating critical groundwater areas, enforcing water well standards, issuing licenses for well contractors and drilling machine operators, and approving plans for reclamation works. Other duties of the Water Resources Department include cooperative work with government agencies relating to stream gaging, topographic mapping, snow surveys, investigation of ground and surface water resources, and nuclear power regulatory activities.

History

The State of Oregon has been involved in developing and managing the state's water resources since the nineteenth century, although the Water Resources Department, in its present form, was not created until 1975. Before 1975, a variety of offices, boards, and commissions managed water resources.

Government attempts to control the appropriation and distribution of water in Oregon in the late nineteenth and early twentieth centuries proved to be unsatisfactory. The state was unsuccessful in carrying out the provisions of the Carey Act, which the U.S. Congress passed in 1894 to grant arid federal land in western states to settlers.

The need for water laws and an office to oversee the state's water resources culminated in the creation of the office of State Engineer in 1905 and, in 1909, the passage of the Water Code. The act also delegated to the State Engineer the responsibility of regulating and developing the state's water resources.

To trace the evolution of the state's involvement in water resource management, it is necessary to focus on three areas: reclamation and irrigation, hydroelectric power, and administration.

Reclamation and Irrigation: Responsibility for irrigation and reclamation projects was transferred from the State Land Board to the State Engineer, and finally, in 1909, to the Desert Land Board. The Desert Land Board was created to oversee reclamation in accordance with the Carey Act, the provisions of which were accepted by Oregon in 1901. Under the Carey Act, a settler who wished to apply for land contracted with an irrigation company to provide water. Upon proof that the land was being settled, cultivated, and irrigated, the settler could receive title to the land. At first the Desert Land Board worked to assist in financing and completing early reclamation projects that had faced difficulties or failed. The board also entered into new contracts for reclamation projects.

The Irrigation and Drainage Securities Commission was created in 1917 to oversee contracts executed by irrigation and drainage districts. In 1927, the functions of the Desert Land Board and the Irrigation and Drainage Securities Commission merged to form the State Reclamation Commission, which was authorized to investigate and make recommendations concerning irrigation and drainage districts. The Reclamation Commission was abolished, in 1955, and its functions were transferred to the State Water Resources Board.

Hydroelectric Power: With the adoption of the Oregon Water Code in 1909, all water in the state of Oregon was declared to belong to the public. The Ground Water Appropriation Act of 1955 outlined laws for appropriating water. Originally, fees for the development of power were paid to the State Water Board; in 1911 the fees began to be paid to the State Engineer.

In the 1920's and 1930's the Legislative Assembly continued to pass laws for water use, control, and withdrawals of water for special purposes such as municipal, recreation, aesthetics, pollution control, and hydroelectric power. In 1931, the Hydroelectric Commission was created to license power projects and to investigate water resources for conservation and development. In 1961, these functions were transferred to the State Engineer.

Administration: In addition to its main functions of administering reclamation and hydroelectric programs, the State Engineer had duties relating to conservation, flood control, and irrigation. The Willamette River Basin Commission, created in 1939, studied and managed navigation, irrigation, and flood control in the Willamette River basin. The State Irrigation Board created water conservation districts in 1947. In 1951, the Upper Columbia River Basin Commission was established to supervise public improvement projects.

The State Engineer and the commissions were not the only agencies responsible for water resources. In addition, there were irrigation, drainage, and flood control districts, reclamation projects, Sanitary Authority, and Fish and Game Commissions. In 1955, following a major review of water legislation and policy, the Legislative Assembly passed the Water Appropriation Act and created the State Water Resources Board. The Willamette River Basin Commission, Upper Columbia River Basin Commission, Irrigation Board, and Reclamation Commission were abolished and their duties transferred to the State Water Resources Board, which was given the task of formulating programs for the use and control of the state's water.

Further restructuring occurred in 1975 and 1985. In 1975, the State Water Resources Board and the State Engineer's Office were merged to form the Water Resources Department. In 1985, the

Water Resources Department was restructured and the Water Resources Commission was created to oversee all activities of the Department.

In 1987 the Legislature amended ORS 541.700 – 541.855 to expand the authority of the program to make loans for fish protection and watershed enhancement. In May 1988 the Oregon State Constitution was amended in order to make the effective change.

As Water Resources Department entered into the 21st century, a growing population and a growing economy placed more demands on Oregon's water supply. WRD developed and implemented new strategies to ensure that Oregon's most precious natural resource would be sustainable well into the future while still addressing current needs.

Current Organization

Water Resources Department is currently organized into the following divisions: Director's Office, Administrative Services, Field Services, Technical Services, and Water Rights and Adjudications.

The Director's Office tracks and responds to correspondence from the Governor and the Attorney General, serves as the liaison between the Department and the Water Resources Commission, represents Oregon as a member of the Western States Water Council, conducts hearings, works closely with the Legislature on water resource legislation, and oversees special projects.

Director is responsible for making plans and establishing policies and overseeing programs in order to carry out the overall responsibilities of the Department.

Deputy Director is responsible for assisting the Director in carrying out the Department's mission by enforcing policy, overseeing personnel, and budget preparation.

Administrative Rules Coordination prepares rules for filing with the Secretary of State's Administrative Rules Section.

Indian Water Right Negotiations This program conducts negotiations with any federally recognized Indian tribes claiming a federal reserved water right in Oregon to define the scope and attributes of rights claimed by such tribes.

Legislative Coordination drafts, submits, and tracks legislation for the agency and informs the Director about legislative progress.

Administrative Services this division provides business and administrative services to the agency in support of the agency's mission. Division responsibilities include budget preparation and execution, administration of human resource services, accounting and internal control, payroll and benefits, contracting, facilities management, risk management, training, receptionist and mail-room support services, and transportation and telecommunication coordination.

Fiscal Services this program is responsible for accounting, monitoring internal controls related to the safekeeping of assets, and developing of the Statewide Financial Report (SFR) that is

combined with other agencies by DAS to complete the Comprehensive Annual Financial Report (CAFR). Other responsibilities of the section include the coordination of payroll and benefits administration, contract administration, and budget tracking.

Human Resources This program conducts activities which include recruitment and selection, new employee orientation, position classification and compensation, and records maintenance.

Support Services This program's duties include mail processing, production copying, reception services, and inventory control.

Water Development Loans this program reviews loan applications and funds loans. The program was enacted by the Legislature to finance irrigation, drainage projects, fish protection, and watershed enhancement.

Field Services is responsible for enforcing the state's water laws and implementing the Water Resources Commission policies in the field. The program conducts field investigations of water use violations, undertakes hydrologic studies, and performs fieldwork as per HB 2111/2191.

Allocation of Conserved Water promotes efficiency and conservation of water resources by permitting efficient water users to use conserved water to meet new needs.

In-Stream Water Right Leasing administers temporary in-stream water rights held in trust to maintain water in-stream for public use.

Regions and Watermasters The Regional Offices are made up of 20 watermaster districts divided into five regions and are designed to provide more efficient use of field support. Region managers, watermasters, field technicians, and locally funded assistants carry out the field activities of the Department.

Reservations and Planning this program helps with the Administrative Rules Coordination program to develop administrative rules for reserving water in Oregon streams for future economic development. Reservations and Planning is also responsible for coordinating with the Water Right Certification program for converting minimum streamflows to permanent in-stream water rights and for making amendments to Basin plans.

Transfers this program is responsible for receiving and processing water right transfer and water right permit amendment applications

Water Management and Conservation this program serves as an initial link between the headquarters office and the regions/field offices, working closely with municipal water suppliers and irrigation districts to assist in the development of water management and conservation plans.

Technical Services is the division responsible for gathering data on ground water levels, regulation of water availability, oversight of dam safety, and well construction.

Dam Safety oversees the safety of existing dams and proposed dam sites by requiring each dam to establish and implement a dam safety plans.

Enforcement is responsible for ensuring compliance with Department laws and regulations regarding water use. Enforcement is also responsible for the oversight of the Well Construction and Well Driller's Licensing and Well Identification programs.

Groundwater Hydrology is responsible for developing and analyzing information on ground water resources of the state. This information helps in the formation of plans designed to manage water resources for the best mix of uses in a sustainable manner. Groundwater Hydrology is comprised of the Aquifer Storage and Recovery, Critical Groundwater, Groundwater Resource Assessment, and Local Groundwater Problem Resolution programs.

Hydrographics Measurement and Reporting prepares streamflow, reservoir, and precipitation data for publication and public distribution. Hydrographics Measurements and Reporting is also responsible for collecting reports required from selected water right holders and providing cancellation support to field offices in cases where water use has been forfeited. The Hydrographic Analysis, Pump Test Coordination, Surface Water Availability, Water Use and Reporting programs.

Information Services this program is responsible for providing the agency and the public access to information necessary for sound water management decisions. The program has three major functions: Water Rights Specialty Program, Geographic Information Program, and Technical Support.

Instream Water Availability monitors data from a given water source to determine if adequate amounts exist for the granting of water rights.

Water Rights and Adjudications is responsible for the processing of water rights and hydroelectric applications and licenses, the initiation of water rights, and the adjudication of existing water rights.

Adjudications This program is responsible for the adjudication of pre-1909 and federal and tribal reserved water rights.

Hydroelectric Licensing is responsible for Oregon's hydroelectric water right and licensing program and processes all applications related to development, modification, or assignment of new and existing hydroelectric projects.

Water Rights Applications This program is responsible for reviewing new water rights applications, preparing orders, issuing and maintaining water right permits.

Water Rights Certification maintains the water rights for the agency.

Water Rights Examiners Certification This program is responsible for certifying water rights examiners. The Department administers tests for certification.

Primary Agency Statutes and Administrative Rule Chapters

ORS 536
ORS 537
ORS 539

ORS 540
ORS 541
OAR 690
OAR 695

Chronology

- 1894** U.S. Congress passed Carey Act.
- 1899** State Land Board created.
- 1901** Oregon accepted provisions of Carey Act
- 1905** Office of State Engineer created.
- 1907** Administrative of reclamation of desert land moved from the State Land Board to the State Engineer.
- 1909** All water within the state of Oregon declared to belong to the public. Water Code passed. Desert Land Board created to administer reclamation laws. Board of Control created. Office of State Water Superintendent (two positions) created for two water districts.
- 1913** Board of Control name changed to State Water Board.
- 1917** Irrigation and Drainage Securities Commission created. Irrigation drainage districts organized.
- 1923** State Water Board and Office of State Water Superintendent abolished; duties transferred to State Engineer.
- 1927** State Reclamation Commission created to oversee irrigation and drainage districts. Desert Land Board and Irrigation Drainage Securities Commission abolished; duties transferred to Reclamation Commission.
- 1931** Hydroelectric Commission created to manage power plants.
- 1935** Willamette Basin Committee formed to study navigation, irrigation, and flood control in the Willamette River Basin in accordance with.
- 1939** Willamette River Basin Commission established giving legal status and funding to previously established Willamette Basin Committee.
- 1947** State Irrigation Board established to create water conservation districts. Membership of board is same as Hydroelectric Commission.
- 1951** Upper Columbia River Basin Commission established.

- 1955** Ground Water Appropriations Act passed.
- Water Resources Board created. Irrigation Board, Reclamation Commission, Willamette River Basin Commission, and Upper Columbia River Basin Commission abolished.
- 1961** Hydroelectric Commission duties transferred to State Engineer.
- 1975** Water Resources Department created. Water Resources Board and Office of State Engineer abolished. Duties transferred to newly created Director's Office. Water Policy Review Board created office of Director. Water Policy Review Board created to supervise Water Resources Department.
- 1985** Water Policy Review Board abolished. Water Resources Commission created.
- 1987** Governor's Watershed Enhancement Board created to promote the enhancement of Oregon's watersheds.
- 1993** Watershed Management program established to coordinate activities of other state, interstate and federal agencies, local governments, local watershed councils, nonprofit organizations, and volunteer groups.
- 1997** The Water Resources Department joins with other agencies to cooperate in the Oregon Plan for Salmon and Watersheds.
- 1999** Oregon Watershed Enhancement Board created as a separate entity, taking over the duties from the former Water Resources Department's Governor's Watershed Enhancement Board.
- 2000** Oregon Progress Board publishes *State of the Environment Report*, citing Oregon's diminishing water supply as one of the state's major environmental challenges.
- 2001** Water Resources Department develops strategies that promote good stewardship of Oregon's water supply.

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Organizational Chart

