

STATE OF SOUTH DAKOTA CLASS SPECIFICATION

Class Title: Water Rights Permitting Administrator

Class Code: 40874
Pay Grade: GK

A. Purpose:

Performs administrative duties in the Water Rights Program including oversight of water rights permitting, law and rule development, preparatory budget work, database development, and management of water rights records.

B. Distinguishing Feature:

The Water Rights Permitting Administrator specializes in the interpretation and application of water rights law.

C. Functions:

(These are examples only; any one position may not include all of the listed examples nor do the listed examples include all functions which may be found in positions of this class.)

1. Manages the water rights permitting, reporting, and records systems by creating and maintaining the infrastructure for daily water rights activities.
 - a. Provides direction to staff who process permit applications, permit inspections, and annual water use reporting.
 - b. Interprets laws and rules pertaining to water rights activities based on knowledge of the law and prior decisions.
 - c. Reviews staff reports recommending cancellation of water permits and rights to ensure legal requirements have been met and signs the legal notices of cancellation on behalf of the chief engineer.
 - d. Approves of database interfaces and imaging to track and preserve information and make it readily accessible for use by the department and the public.
 - e. Assists in budget preparation by compiling performance indicators and estimating future revenue provided by water rights fees.
 - f. Prepares contracts for services as needed.

2. Inspects water rights permits for the purpose of issuing water licenses which is the final step in obtaining water rights.
 - a. Prepares a list of permits ready for inspection by staff.
 - b. Reviews permit files to ensure issued permits, public notices, maps, and supporting information are consistent with each other.
 - c. Reviews permits and permit qualifications to see if any special requirements need to have been met as part of development of the permits.
 - d. For irrigation permits reviews the history of water use based on irrigation questionnaires to determine whether systems are developed and whether any long periods of nonuse may affect validity of the permits.
 - e. Conducts on-site field inspections, documents equipment in use, and takes GPS locations of pumping points.
 - f. Writes inspection reports of findings and prepares as-built maps of the projects.
 - g. Assists permit holders with any follow up required to correct errors found during inspections.

3. Drafts laws and rules relating primarily to general water rights administration.

- a. Determines the need for amended or new laws and rules through personal observation, through consultation with staff, or as directed by supervisors.
 - b. Completes drafts of proposed laws and rules and circulates for staff review and comments.
 - c. Organizes public outreach for informational and support purposes.
 - d. Finalizes proposed laws for department counsel to enter into the bill tracking system.
 - e. Presents laws and rules to the Water Management Board at a public hearing.
 - f. Presents laws to the legislative Interim Rules Review Committee.
 - g. Completes all the paper work for laws and rules to become effective.
 - h. Provides public education and information regarding adopted laws and rules.
4. Represents the department and the program to various state, federal, and private entities and the general public through the program's web site and by explaining water rights law and activities of the program.
 5. Performs other work as assigned.

D. Reporting Relationships:

Reports to an Engineer Manager III. Does not supervise but provides work direction and technical expertise to other professional staff.

E. Challenges and Problems:

Challenged to interpret and apply water rights laws to projects encompassing multiple water permits and rights along water ways with changing flow conditions. This is challenging because it involves recommending amendments to permit qualifications which affect shut-off dates and permits and rights when warranted due to low flow conditions. Challenged also to develop laws and rules that are clear and concise while accomplishing the intended purpose; and to avoid unintended consequences and omissions that hinder interpretation.

Problems encountered include correcting problems found during inspections which is difficult because more than one course of action is possible in correcting a problem and conflicting information in the permit file may complicate matters, e.g, legal descriptions that do not match; keeping abreast of technical developments and applying new technology to daily tasks; preparing presentations that are both informative and interesting while conveying the message desired by the target audience and the department.

F. Decision-making Authority:

Decisions include whether or not legal requirements have been met before cancelling water rights; providing direction to staff in situations where the courses of action are not clear; whether the findings of an on-site inspection warrant issuance of a water license for the project as constructed or whether corrective action is needed; the content of drafted laws and rules and contacts for public outreach; and the content of presentations based on audiences.

Decisions referred include water rights issues that are exceptional or depart from past practice; confirmation of one option over another where there may be more than one way to correct a problem; approval of final draft language in laws and rules.

G. Contact with Others:

Daily contact with staff regarding water rights permitting and licensing; and routine contact with staff, legal counsel, other state and federal agencies, and the public regarding development of

laws and rules; and with special and public interest groups regarding presentations about water rights, water rights law, permitting procedures, water use fees, etc.

H. Working Conditions:

Works in a typical office environment.

I. Knowledge, Skills and Abilities:

Knowledge of:

- state and federal laws and rules as they apply to water rights;
- department policies and procedures that implement water rights law;
- personnel management, team building, supervision;
- legal proceedings.

Ability to:

- monitor the work of professional staff who perform inspections;
- provide expertise in water rights law and serve as a technical expert to stakeholders and managers;
- serve as the go-to person for interpretation and application of water rights regulations, specifications, and permits;
- write complex permits or documents that require modeling;
- serve as a resource and participate in the development and modification of internal methods, tools, processes, and standards;
- determine implications of legislative and regulatory changes and take action to address them;
- collaborate with management to define technical needs;
- effectively communicate department policy to affected parties;
- resolve disputes;
- favorably present and promote department priorities, services, and actions.