

Enrolled
Senate Bill 788

Sponsored by Senator DINGFELDER, Representative SHIELDS; Senators MONROE, ROSENBAUM,
Representatives BAILEY, DEMBROW, WITT

CHAPTER

AN ACT

Relating to water; creating new provisions; amending ORS 536.050, 536.900, 537.150, 537.153, 537.545, 537.610, 537.620, 537.621, 537.785 and 540.045; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 537.545 is amended to read:

537.545. (1) No registration, certificate of registration, application for a permit, permit, certificate of completion or ground water right certificate under ORS 537.505 to 537.795 and 537.992 is required for the use of ground water for:

- (a) Stockwatering purposes;
 - (b) Watering any lawn or noncommercial garden not exceeding one-half acre in area;
 - (c) Watering the lawns, grounds and fields not exceeding 10 acres in area of schools located within a critical ground water area established pursuant to ORS 537.730 to 537.740;
 - (d) Single or group domestic purposes in an amount not exceeding 15,000 gallons a day;
 - (e) Down-hole heat exchange purposes;
 - (f) Any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day;
- or

(g) Land application, so long as the ground water:

(A) Has first been appropriated and used under a permit or certificate issued under ORS 537.625 or 537.630 for a water right issued for industrial purposes or a water right authorizing use of water for confined animal feeding purposes;

(B) Is reused for irrigation purposes and the period of irrigation is a period during which the reused water has never been discharged to the waters of the state; and

(C) Is applied pursuant to a permit issued by the Department of Environmental Quality or the State Department of Agriculture under either ORS 468B.050 to construct and operate a disposal system or ORS 468B.215 to operate a confined animal feeding operation.

(2) [The use of] A ground water [for a] use for a purpose that is exempt under subsection (1) of this section, to the extent that [it] the use is beneficial, constitutes a right to appropriate ground water equal to that established by a ground water right certificate issued under ORS 537.700.

(3) Except for the use of water under subsection (1)(g) of this section, the Water Resources Commission by rule may require any person or public agency using ground water for any such purpose to furnish information with regard to such ground water and the use thereof. For a use of water described in subsection (1)(g) of this section, the Department of Environmental Quality or the State Department of Agriculture shall provide to the Water Resources Department a copy of the permit issued under ORS 468B.050 or 468B.215 authorizing the land application of ground water for

reuse. The permit shall provide the information regarding the place of use of such water and the nature of the beneficial reuse.

[3] (4) If it is necessary for the Water Resources Department to regulate the use or distribution of ground water, including uses **for purposes that are exempt** under subsection (1) of this section, the department shall use as a priority date for the exempt uses the date indicated in the log for the well filed with the department under ORS 537.765 or other documentation provided by the well owner showing when water use began.

(5) The owner of land on which a well is drilled to allow ground water use for a purpose that is exempt under subsection (1) of this section shall provide the Water Resources Department with a map showing the exact location of the well on the tax lot. The landowner shall provide a map required by this subsection to the department no later than 30 days after the well is completed. The map must be prepared in accordance with standards established by the department.

(6) The owner of land on which a well described in subsection (5) of this section is located shall file the exempt ground water use with the Water Resources Department for recording. The filing must be accompanied by the fee described in subsection (7) of this section. The filing must be received by the department no later than 30 days after the well is completed.

(7) The Water Resources Department shall collect a fee of \$300 for recording an exempt ground water use under subsection (6) of this section. Moneys from fees collected under this subsection shall be deposited to the credit of the Water Resources Department Water Right Operating Fund. Notwithstanding ORS 536.009, moneys deposited to the fund under this subsection shall be used for the purposes of evaluating ground water supplies, conducting ground water studies, carrying out ground water monitoring, processing ground water data and the administration and enforcement of this subsection and subsections (3), (5), (6) and (8) of this section.

(8) The Water Resources Commission shall adopt rules to implement, administer and enforce subsections (5) to (7) of this section.