



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

MEMORANDUM

TO: Water Resources Commission

FROM: Phillip Ward, Director

SUBJECT: Agenda Item A, July 30, 2009
Water Resources Commission Conference Call

Request for Adoption of Temporary Rules to OAR Chapter 690, Division 180, Exempt Groundwater Use Recording Requirements

I. Issue Statement

The Commission is asked to adopt temporary rules contained in OAR Chapter 690, Division 180, Exempt Groundwater Use Recording Requirements. The proposed temporary rules provide landowners with the criteria to use when recording an exempt use with the Department, required under Senate Bill 788 (2009 Laws).

II. Background

Landowners that use water under a permit in Oregon pay a fee to record the water use. Historically, landowners that used groundwater for exempt uses had no recording requirement. The 2009 Legislature passed Senate Bill SB-788, legislation related in part to new exempt groundwater uses developed on or after July 1, 2009. This new law requires landowners of property on which a well is drilled for an exempt use purpose provide the Department with a map showing the exact location of the well on their property and pay a one-time recording fee of \$300. Landowners are to record exempt use within 30 days after the well is completed. The fee will be used to evaluate groundwater supplies, conduct groundwater studies, carry out groundwater monitoring, processing groundwater data, and administration and enforcement of the law.

III. Discussion

Senate Bill 788 contains an emergency clause, becoming effective on July 1, 2009. The legislation provides that the Commission adopt rules to implement the law. Landowners are currently precluded from recording their exempt groundwater use, since rules are not yet in place to implement the recording provision. These temporary rules provide standards for the recording, which includes submission of a map. If adopted, these Temporary Rules will be in effect until permanent rules can be adopted, or for 180 days whichever comes first.

Permanent rules will be developed through a rules advisory committee and public hearing(s). Following the public process, staff will submit proposed rules at a future Commission meeting for consideration.

IV. Summary

The proposed temporary rules in Attachment 1 provide the mechanism for landowners to record the exempt use with the Department, as required by Senate Bill 788.

V. Alternatives

The Commission may consider the following alternatives:

1. Adopt the temporary rules in attachment 1.
2. Adopt modified temporary rules.
3. Request the Department further evaluate the issue.

VI. Recommendation

The Director recommends the Commission adopt the temporary rules in Attachment 1 of the staff report.

Attachments:

1. Temporary Rules, Chapter 690, Division 180
2. Senate Bill 788

Juno Pandian
503-986-0852