



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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### MEMORANDUM

TO: Water Resources Commission

FROM: Jerry Rodgers, Administrator  
Technical Services Division

SUBJECT: Agenda Item F, November 30, 2007  
Water Resources Commission Meeting

#### **Update on Rulemaking on Special Area Well Construction Standards, OAR Chapter 690, Division 200**

#### **I. Issue Statement**

The Department is proposing to establish special area well construction standards for the Petes Mountain Area, in Clackamas County. The Department initiated rulemaking in an effort to ensure that accurate water level data can be obtained from wells in the area. This report is a progress update on the rulemaking process.

#### **II. Background**

The Department was contacted by members of the public expressing concerns about the ground water supply in the Petes Mountain Area. The Department has often been unable to obtain reliable data about the ground water resource in the area because of difficulty measuring water levels in wells. This is due to a combination of depth to water and pump installation practices that limit measurement probe access down wells. The Department initiated the rulemaking process to address this water level measurement issue.

The Department was also contacted by the Petes Mountain Water Company and by the Petes Mountain Homeowners Association. Both groups are concerned that the water table may be declining due to current demands and that declines may increase due to potential new development associated with Measure 37 claims. The Homeowners Association and Petes Mountain Water Company are aware that special area well construction standards may be established.

Under the Commission authority to adopt rules to ensure the safe development of the ground water resource (ORS 537.780), the Department is developing proposed rules establishing special area well construction standards.

The Department provided notice of the rulemaking and held a public hearing in Canby on July 23, 2007. On July 27, 2007, the Department also met with the Commission's Ground Water Advisory Committee (GWAC), which advises the Commission on rules for the development and protection of ground water (ORS 536.090).

The public comment period closed on August 1, 2007. The comments primarily focused on three main issues: 1) responsibility for installation of the measuring tube; 2) casing size in new construction; and 3) specifications for materials and sizing of the measuring tube. The Commission's Ground Water Advisory Committee recommended that the Department work with the Driller's Technical Committee to develop material specifications for the measuring tube to ensure that the installation of the measuring tube was feasible. On October 16, 2007, the Department met with the Driller's Technical Committee and developed recommended material specifications for the measuring tube.

The Department is in the process of redrafting the proposed special area well construction rules to incorporate the revised material specifications, address the casing size for new construction and identify who is responsible for the installation of the measuring tube. Since the proposed rules will be significantly changed from the earlier version, the Department will need to provide a new notice of the rulemaking and hold another public hearing in the Petes Mountain Area.

The Department anticipates notice to the Secretary of State and a hearing draft to be available for public comment by February, 2008 and holding a public hearing towards the end of February.

### **III. Summary**

This is an informational report and no Commission action is necessary. The Department is in the process of drafting proposed special well construction standards incorporating the material specifications for the measuring tube, addressing the casing size for new construction and who is responsible for the installation of the measuring tube into the hearing draft. The Department is expected to be coming back to the Commission at its May meeting with a set of proposed rules for Commission action.