

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on [November 19, 2009] by the Oregon Water Resources Commission.

Oregon Water Resources Department; Technical Services Division
Agency and Division

OAR Chapter 690, Division 190
Administrative Rules Chapter Number

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to become effective [Upon filing]. Rulemaking Notice was published in the [September, 2009] Oregon Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

Requirements for recording exempt groundwater use with the Oregon Water Resources Department.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT: 690-190-0005; 690-190-0010; 690-190-0100; 690-190-0200.

AMEND:

REPEAL:

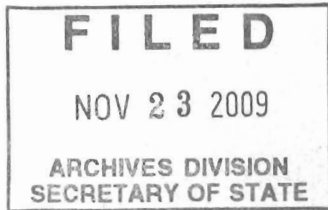
RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 536.027

Other Auth.: Chapter 819, 2009 Oregon Laws

Stats. Implemented: ORS



RULE SUMMARY

Senate Bill 788 (Chapter 819, 2009 Oregon Laws) amends ORS 537.545 and directs the Oregon Water Resources Commission to adopt rules to implement provisions of the bill that require owners of land on which an exempt groundwater use well is drilled to submit to the Oregon Water Resources Department a map showing the exact location of the well on the tax lot and a recording fee of \$300. These rules provide the guidance and standards necessary for landowners to comply with SB 788.

Authorized Signer

RUBEN E. OCHOA
Printed name

11/23/2009
Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.

ARC 930-2005

OREGON WATER RESOURCES DEPARTMENT

DIVISION 190

Exempt Groundwater Use Recording Requirements

690-190-0005

Purpose and Applicability

(1) These rules describe the requirements under which the Oregon Water Resources Department will administer and enforce the provisions of ORS 537.545 relating to the recording of exempt groundwater use. Moneys from fees collected and deposited to the credit of the Water Resources Department Water Right Operating Fund shall be used for the purpose of evaluating groundwater supplies, conducting groundwater studies, carrying out groundwater monitoring, processing groundwater data and the administration and enforcement of ORS 537.545 and these rules.

(2) These rules apply to:

(a) Any [*land*]owner of land on which a well is [*drilled*] completed after July 22, 2009 to allow groundwater use for purposes that are exempt under ORS 537.545.

(b) Each new well that is [*drilled*] completed or existing well that is converted to allow groundwater use for purposes that are exempt under ORS 537.545 [*on or after the effective date of these rules*]. This includes wells that are drilled to replace an existing well.

(3) These rules do not apply to:

(a) A well that is repaired, deepened, or altered.

(b) A water supply well that is permanently abandoned pursuant to OAR 690-220 within 30 days of well completion.

Stat. Auth.: ORS 536.027

Stats. Implemented: ORS 537.545

Hist.: WRD 11-2009, f & cert ef 11-23-2009;

690-190-0010

Definitions

(1) "Converting" [*a well means changing the use of an existing well or hole not previously used to withdraw water such that the well or hole can be used to seek or withdraw water*] has the same meaning as defined in ORS 537.515(3).

(2) "Department" means the Oregon Water Resources Department.

(3) "Director" means the Director of the Oregon Water Resources Department.

(4) "Recording" means the filing of a map locating any new or converted well that is [*drilled*] completed to allow groundwater use for purposes that are exempt under ORS 537.545, and the fee, in the amount established under ORS 537.545, for each new or converted well [*drilled*] that is completed [*in the amount established under ORS 537.545*].

(5) "Landowner" means the owner of land at the time a well(s) subject to these rules is completed.

(6) "Well Completion" means the end of construction date reported on the water supply well report.

(7) “Well Identification Number” means the stamped well number on the stainless steel label that is attached to the well.

Stat. Auth.: ORS 536.027

Stats. Implemented: ORS 537.545

Hist.: WRD 11-2009, f & cert ef 11-23-2009;

690-190-0100

Recording Requirements

The landowner shall submit the following to the Department no later than 30 days after well completion:

(1) **A tax lot map showing the location of the completed well, that includes:**

(a) **[Tax lot map with] A map reference number (Township, Range and Section) [or Department approved electronic mapping program].**

(b) Location of the **completed** well with distances (north/south [*or*] **and** east/west) indicated from an identified property **boundary, property corner** or survey corner [*on the tax lot map*]. Multiple wells may be shown on one tax lot map.

(c) Location of well(s) in relation to nearest driveway, access road and permanent structures.

(d) The direction of north marked on the map.

(e) **[Identify each well by] Well Identification Number for each completed well.**

(f) **Street address of the completed well [site] if available.**

(2) **A map submitted under a Department-approved electronic mapping program satisfies the requirements under section (1).**

[(2)] (3) A recording fee in the amount established under ORS 537.545 [A water supply well that is permanently abandoned pursuant to OAR 690-220 within 30 days of completion of the well is not subject to the recording requirements of these rules].

Stat. Auth.: ORS 536.027

Stats. Implemented: ORS 537.545

Hist.: WRD 11-2009, f & cert ef 11-23-2009;

690-190-0200

Compliance and Enforcement

(1) If the Department determines that a landowner has not met the requirements of these rules, the Department shall notify the landowner of the specific nature of the requirements that have not been met.

(2) The Department shall, within 60 days of receipt of the map and fee, notify the landowner of the recording requirements that have not been met.

[(2)] (3) Failure to meet the requirements of these rules may result in formal enforcement action(s). [These] This action(s) may include:

(a) Establishing a specified time for bringing the landowner into compliance,

(b) Assessment of a civil penalty following procedures outlined in OAR 690-260 rules. Violations under these rules are considered as Class III Minor violations, or

(c) Any other action authorized by law.

Stat. Auth.: ORS 536.027; ORS 536.900

Stats. Implemented: ORS 537.545

Hist.: WRD 11-2009, f & cert ef 11-23-2009;