

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 February 14, 2003 by the
Date prior to or same as filing date.

Water Resources Commission
Agency and Division

690
Administrative Rules Chapter Number

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to become effective March 14, 2003 Rulemaking Notice was published in the November, 2002 Oregon Bulletin.**
Date upon filing or later Month and Year

RULEMAKING ACTION
List each rule number separately, 000-000-0000.

ADOPT:

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

See Attached

AMEND:

e Attached

REPEAL:

Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

See Attached

Amend and Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

See Attached

Stat. Auth.: ORS 537.780, ORS 536.027

Other Authority:

Stats. Implemented: Sections 2 to 4, 6, 7 and 10 Chapter 496, Oregon Laws 2001 (ORS 537.765)

RULE SUMMARY

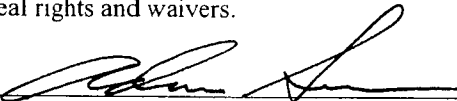
As part of the Ground Water Act of 1955, the Department is authorized to regulate and license well constructors. (ORS 537.747). Under previous law, after a license was issued, a well constructor could simply renew a license by paying a statutorily determined fee.

In 2001, the Legislative Assembly passed Senate Bill 579 (Chapter 496, Oregon Law 2001) establishing a well constructor continuing education program. The bill is codified in ORS 537.765. The goal of the continuing education program is to maintain a high level of competence in well constructors, which in turn helps to ensure wells are constructed in a manner that protects the ground water resource. Among other modifications, the 2001 legislation:

- established a Well Constructors Continuing Education Committee to make recommendations to the Water Resources Commission for the continuing education program;
- directed the Water Resources Commission to adopt rules necessary for the administration of a continuing education program for licensed well constructors; and
- required continuing education for renewal of well constructor's license on or after June 30, 2005.

The legislation establishing the well constructor continuing education program sunsets January 2, 2008.

The rules adopted by the Water Resources Commission implement the continuing education program established in Senate Bill 579 (Chapter 496, Oregon Laws 2001). Specifically, the rules added necessary definitions and clarify the continuing education requirements, and documentation; course approval and assignment of continuing education credits; course sponsor requirements; and appeal rights and waivers.



Authorized Signer

3/14/03
Date

*Copies include a photocopy of this certificate with paper copy of each rule listed in the Rulemaking Action.

**The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 p.m. on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 p.m. on the preceding workday.

Adopted

690-205-0035
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690-240-0055
690-240-0065

Renumber

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**OREGON ADMINISTRATIVE RULES
OREGON WATER RESOURCES DEPARTMENT
CHAPTER 690
DIVISION 205**

**WATER SUPPLY WELL
CONSTRUCTION STANDARDS; LICENSING**

690-205-0005

License or Permit Required to Construct Water Supply Wells

(1) Unless otherwise provided in these rules, any person who constructs, alters or abandons water supply wells for another person shall have a Water Supply Well Constructor license or work under the supervision of a licensed Water Supply Well Constructor.

(2) If a person advertises services and/or enters into contracts for the construction, alteration or abandonment of water supply wells for another person, that person shall furnish a \$4,000 Water Supply Well Constructor Bond or Irrevocable Letter of Credit to the Water Resources Commission and must be a licensed water supply well constructor. This bond or letter of credit is separate from the bond or letter of credit required for construction of monitoring wells.

(3) A property owner who constructs, alters, or abandons a water supply well on their own property shall have a Landowner Well Permit as described in OAR 690-205-[0050]0175 for each water supply well on which work is done.

Stat. Auth.: ORS 536.090 & ORS 537.505 -ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 13-1986, f. 10-7-86, ef. 11-1-86; WRD 7-1988, f. & cert. ef. 6-29-88; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 7-2001, f. & cert. ef. 11-15-01; WRD 2-2003, f. & cert. ef. 3-14-03

690-205-0010

Water Well Constructor License Examination

(1) The Water Resources Department administers the written examination required under ORS 537.747. Separate examinations are administered for each license type. The Department schedules the examination on the second Monday during the months of January, April, July and October. Only one examination may be taken during each testing period. Examinees must pay a \$20.00 exam fee. Special accommodations may be given to those individuals who cannot attend the regularly scheduled examination dates. Requests shall be considered on a case-by-case basis. The examination tests the applicant's knowledge of:

(a) Oregon laws and administrative rules on the use of ground water, water supply well constructor licensing requirements, the construction of water supply wells, and the preparing and filing of Start Cards and Water Supply Well Reports;

(b) Hydrogeology, the occurrence and movement of ground water, and the design, construction and development of water supply wells; and

(c) Types, uses, and maintenance of drilling tools and equipment, drilling problems and corrective procedures, repair of faulty water supply wells, sealing of water supply wells, and safety rules and practices.

(2) An applicant who fails to pass the examination may retake the examination after three months and the payment of another examination fee.

(3) Passing examination scores are valid for three years from the date of the examination.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 7-1988, f. & cert. ef. 6-29-88; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 7-2001, f. & cert. ef. 11-15-01

690-205-0020

Water Well Constructor License, Experience Requirements and Trainee Card

(1) License. To qualify for a Water Supply Well Constructor License, a person shall:

(a) Be at least 18 years old;

(b) Pass a written examination;

(c) Have a minimum of one year experience (52 weeks), during the previous 36 month period, in water supply well construction, conversion, alteration, or abandonment. This experience shall include the operation of well drilling machinery for water supply well construction, alteration, conversion, or abandonment on a minimum of fifteen water supply wells or a demonstration of equivalent experience in the operation of well drilling machinery. The following are acceptable as evidence of experience:

(A) Water supply well reports, or rough well logs with applicants' name entered, for each of the 15 wells. The name, address, and telephone number of the person responsible for the construction of each well shall be included on each report or log.

(B) Income tax returns showing source of drilling income for a period of time, or worker's compensation account information or the equivalent may be established to satisfy the 52 weeks of active construction requirement.

(C) Any other evidence the Director may deem suitable.

(D) A license held in another state shall not substitute for required evidence of experience.

(d) Pay a license fee.

(2) Trainee. If an applicant passes the written water supply well constructor examination, but cannot meet the experience requirement, the Commission may issue a trainee card. To qualify for a water supply well constructor trainee card, a person must:

(a) Be at least 18 years old;

(b) Pass a written examination; and

(c) Be supervised by a person who holds a Water Supply Well Constructor License.

(3) A trainee card is valid for three (3) years from the date the exam was passed.

(4) Supervision as it relates to any person who holds a Water Well Constructor Trainee

Card:

(a) A trainee may operate a cable tool drilling machine without a licensed water supply

well constructor physically present at the well site only if:

(A) The licensed constructor can reach the well site within two hours if so requested by an authorized representative of the Department; and

(B) The licensed constructor has signed the rough drilling log within eight working hours prior to the representative's visit.

(b) A licensed constructor must physically be on the site at all times when a cable tool drilling machine is:

(A) Drilling within a flowing artesian well;

(B) Setting or advancing casing;

(C) Setting liner;

(D) Perforating casing;

(E) Setting well screens;

(F) Placing packers;

(G) Placing casing seals;

(c) A trainee may operate a non-cable tool water supply well drilling machine without a licensed water supply well constructor physically present at the well site only during the following events:

(A) Air test or pump test of the well;

(B) Gravel packing operations;

(C) Developing a completed well;

(D) Removal of the drill stem from the well.

(d) Activities under subsection (4)(c)(A)-(D) of this rule shall proceed only if:

(A) The licensed constructor can reach the site within one hour if so requested by an authorized representative of the Department; and

(B) The licensed constructor has signed the rough drilling log within eight working hours prior to the representative's visit.

(e) An authorized representative of the Department in whose jurisdiction the water supply well is being constructed has the authority to:

(A) Grant an extension to the time limits stated above when a request, showing good cause, is received from the bonded constructor in advance for each particular well; and

(B) Place additional restrictions on the trainee, including requiring the constructor to be on the site at all times while the drilling machine is operating, when the authorized Department representative determines that either the drilling environment or the knowledge and/or experience of the trainee warrant closer supervision.

(f) For a trainee to operate a water supply well drilling machine without a licensed water supply well constructor present, the trainee's card must be endorsed with the name of the bonded water supply well constructor responsible for the construction of the water supply well.

(5) Other supervision requirements for persons not licensed or permitted to construct water supply wells, or who do not hold a water supply well trainee card:

(a) Persons who are in the act of constructing, altering, converting or abandoning water supply wells must be supervised by a licensed Water Supply Well Constructor who is physically present at the well site at all times during construction, alteration, conversion, or abandonment activity.

(b) The supervising Water Supply Well Constructor is responsible for all applicable statutes and rules in construction, alteration, conversion, or abandonment of the water supply well.

(6) Persons who satisfy all requirements of ORS 537.747(3) shall be issued a Water Supply Well Constructor's License. The responsibilities for issuing and securing a Water Supply Well Constructor License or trainee card are listed in subsections (a) and (b) of this section.

(a) The water supply well constructor license applicant is responsible for:

(A) Completing an application or renewal form for a new or renewed license or trainee card;

(B) Submitting the application or renewal form to the Water Resources Department along with the required fees;

(C) Carrying the license or trainee card whenever constructing, altering, converting, or abandoning any water supply well; and

(D) Providing the Water Resources Department, within 30 days, notification of any change of mailing address.

(E) Providing the Water Resources Department documentation satisfying the continuing education requirements set forth in OAR 690-205-0035 through OAR 690-205-0120.

(b) The Water Resources Department is responsible for:

(A) Designing and providing Water Supply Well Constructor license(s) and trainee cards;

(B) Designing and providing application forms and renewal forms for licenses and application forms for trainee cards;

(C) Processing applications and renewals for licenses and applications for trainee cards;

(D) Returning incomplete application and renewal forms to applicants for completion;

and

(E) Sending new and renewed licenses to applicants who have completed the application or renewal form and submitted the required fee. This does not preclude refusal to renew as outlined in OAR 690-205-0025(4).

(7) Bonded water supply well constructor. For a person to possess a bonded Water Supply Well Constructor's License, the person must provide to the Department a properly executed water supply well constructor's bond or irrevocable letter of credit. The Water Resources Department shall indicate on the constructor's license a bonded classification.

(8) Representatives of the Water Resources Department may ask anyone constructing, altering, or abandoning a water supply well to present their license or trainee card as proof of eligibility to construct, alter, convert, or abandon water supply wells in the State of Oregon. Licensed individuals shall display their license or trainee card and photo identification when they are requested to do so by Water Resources Department personnel.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 7-1988, f. & cert. ef. 6-29-88; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 7-2001, f. & cert. ef. 11-15-01; WRD 2-2003, f. & cert. ef. 3-14-03

690-205-0025

Term of Water Well Constructor License and License Fees

(1) The Department issues all water supply well constructor licenses. License fees are established by ORS 537.747. A penalty applies to late renewals.

(2) Fees for new licenses and renewal licenses are the same. The fee for a two year license is \$150. All licenses expire on June 30 of the second year.

(3) A \$100 penalty applies when a licensee renews a license after the expiration date. There is no charge for a Trainee Card.

(4) Water supply well constructors who have not made arrangements with the Water Resources Department to pay civil penalties which are assessed against them shall not be issued a license renewal or a new license until after arrangements for payment have been agreed to by the Department. Water supply well constructors who have made arrangements for payment of civil penalties and have failed to meet the terms of the agreement, except in certain cases of bankruptcy, may not have their license renewed or a new license issued until all outstanding civil penalties owed to the Department have been paid.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 3, f. & ef. 2-18-77; WRD 3-1983, f. & ef. 4-28-83; WRD 13-1986, f. 10-7-86, ef. 11-1-86, Renumbered from 690-010-0020; WRD 7-1988, f. & cert. ef. 6-29-88; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 7-2001, f. & cert. ef. 11-15-01

690-205-0035

Continuing Education Committee

A Continuing Education Program and Continuing Education Committee are established under chapter 496, Oregon Laws 2001 (ORS 537.765). The duties of the Well Constructors Continuing Education Committee are to review and approve continuing education courses and assign continuing education credits.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 2-2003, f. & cert. ef. 3-14-03

690-205-0045

Continuing Education Requirement

(1) As of June 30, 2005, each individual licensed under ORS 537.747 is required to obtain a minimum of 14 continuing education credits (CECs) during each licensing period regardless of the number of licenses or endorsements held. Continuing education credits may be obtained through clinics, schools, professional organizations, seminars, lectures or other continuing education courses that relate to the practice of well construction and are approved by the Continuing Education Committee.

(2) A minimum of two (2) CECs shall pertain to ground water and well construction statutes under ORS 537.505 to 537.795 and 537.992, and administrative rules under OAR

690-200 through OAR 690-240 during each licensing period.

(3) A maximum of eight (8) CECs may be obtained through approved safety/first aid/CPR/Hazardous Materials courses during each licensing period. Of the eight (8) CECs, a maximum of four (4) CECs may be obtained through Hazardous Materials training courses and a maximum of four (4) CECs may be obtained through safety/first aid/CPR courses.

(4) Exhibitions shall count as one (1) CEC per approved exhibition attended and shall not exceed two (2) CECs per licensing period.

(5) Licensees may count approved CECs accumulated after January 1, 2002, for their first license renewal that requires CECs.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 2-2003, f. & cert. ef. 3-14-03

690-205-0055

Documentation

(1) Each licensee is responsible for maintaining their own continuing education records. Except as provided in OAR 690-205-0110(2), each licensee shall provide the Department with evidence of compliance with the continuing education requirement on a form approved by the Continuing Education Committee prior to or at the time of license renewal.

(2) Licensees who do not provide documentation of completion of the continuing education requirement or receive a waiver shall not have their license(s), or appropriate endorsement(s), renewed until this requirement is satisfied.

(3) Licensees who provide documentation of completion of the continuing education requirement within the 12 months after their license or endorsement expires may either pay the \$100 late penalty fee or requalify for a new water supply well constructor license or endorsement in accordance with ORS 537.747(3). If a licensee fails to provide documentation of completion of the continuing education requirement within 12 months after expiration of their license or endorsement the person must comply with the requirements of ORS 537.747(3) for a new water supply well constructor license or endorsement.

(4) CECs acquired during a renewal period in excess of the minimum CECs required may not be applied to future licensing periods.

(5) When an individual obtains a new water supply well constructor license that expires within 14 months or less, the continuing education requirement shall be prorated such that only seven (7) CECs are required at the first renewal. Of the seven (7) required CECs:

(a) a maximum of two (2) CECs may be in Hazardous Materials training;

(b) a maximum of two (2) CECs may be in safety/first aid/CPR; and

(c) a minimum of one (1) CEC shall pertain to ground water and well construction statutes under ORS 537.505 to 537.795 and 537.992, and administrative rules under OAR 690-200 through OAR 690-240.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795
Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795
Hist.: WRD 2-2003, f. & cert. ef. 3-14-03

690-205-0075

Approved Course List/Course Approval and Assignment of CECs

(1) The Department shall maintain a Continuing Education Committee-approved list of courses. The list shall include, but not be limited to, the course title, class location and date, cost, (if applicable), and CECs assigned.

(2) The Continuing Education Committee shall evaluate all courses related to continuing education for well constructors and may assign CECs. The Continuing Education Committee shall notify the course sponsor in writing of the results of their evaluation of the course material. The following criteria may be utilized to evaluate and assign CECs:

- (a) course agenda and how well the subject relates to water well construction and other borings regulated by the Department;**
- (b) instructor qualifications;**
- (c) subject difficulty;**
- (d) student course evaluations, if applicable; and**
- (e) other information as appropriate.**

(3) A licensee who is also the instructor of an approved continuing education course shall be entitled to double CECs for that course. A licensee who is also the instructor of an approved course, shall receive CECs for the course once during a single renewal period, regardless of the number of times a course is presented.

(4) The following courses do not require pre-approval by the Continuing Education Committee:

- (a) First Aid and CPR, provided the instructor is certified by the American Red Cross, or has certification accepted by the American Red Cross;**
- (b) Occupational Safety and Health Administration (OSHA) approved Hazardous Materials Training; and**
- (c) OSHA approved courses pertaining to the well construction industry.**

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795
Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795
Hist.: WRD 2-2003, f. & cert. ef. 3-14-03

690-205-0085

Course Sponsor Requirements

(1) Course sponsors shall submit a completed application for approval to the Continuing Education Committee on a form(s) provided by the Department at least 45 days prior to the date the course is to be presented. Approved sponsors shall:

- (a) advertise the course to the satisfaction of the Continuing Education Committee;**

(b) provide the Department with a certified class roster within 30 days after completion of the course;

(c) provide documentation of completion to each qualifying attendee that shall include at a minimum: course title, course date(s), number of approved credits, and instructor and/or sponsor signature; and

(d) maintain the certified class roster for two years.

(2) All clinics, courses, classes, workshops, and seminars shall be open to anyone who wants to attend. This does not preclude a sponsor from imposing reasonable requirements for attendance such as fees, maximum occupancy limits, and requiring attendees to provide their own safety equipment.

(3) Course approval and assigned CECs shall be effective for two years as long as the course remains the same. The Continuing Education Committee shall be notified in writing by the course sponsor, 45 days in advance of each time an approved continuing education course is presented. Such notification shall include the course title, date, class location, cost (if applicable), number of credits assigned, and a statement that the program has not changed from the course previously approved by the Continuing Education Committee.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 2-2003, f. & cert. ef. 3-14-03

690-205-0095

Loss of Approval

(1) The Continuing Education Committee may withdraw or suspend approval of a course if it is determined that any of the following has occurred:

(a) The course content has changed without notice to the Continuing Education Committee;

(b) the course was not advertised to the satisfaction of the Continuing Education Committee;

(c) documentation of completion has been issued to an individual who did not attend or complete the course in accordance with the provisions under which the course was approved;

(d) documentation of completion was not given to all individuals who satisfactorily completed the course in accordance with the provisions under which the course was approved;

(e) a certified class roster was not maintained by the sponsor for two years;

(f) fraud or misrepresentation has occurred with the application for course approval, maintenance of records, teaching method, course content, or issuance of certificates for a course; or

(g) any other factor the Continuing Education Committee deems appropriate.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 2-2003, f. & cert. ef. 3-14-03

690-205-0110

Courses Taken Without Prior Approval

(1) Except as provided in OAR 690-240-0210(5), a licensee may request that the Continuing Education Committee assign CECs for courses taken without prior approval within the current licensing period.

(2) The licensee shall supply verification of attendance, a course outline, and a written explanation as to why prior approval was not obtained. This information must be received in the Salem office of the Department no later than May 15 of the year that their license or appropriate endorsement expires.

(3) Courses taken without prior approval shall be evaluated by the Continuing Education Committee on a case-by-case basis using the criteria outlined in OAR 690-205-0075(2). This shall not apply to courses that do not require pre-approval under OAR 690-205-0075(4).

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 2-2003, f. & cert. ef. 3-14-03

690-205-0120

Waivers

(1) The Director may waive the continuing education requirements for a licensed water supply well constructor upon written request demonstrating inability to attend continuing education courses because of health, military duty or other circumstances beyond the control of the constructor.

(2) Licensees who are denied a waiver may appeal to the Commission by filing a written exception with the Department within 60 days of service of the Director's order.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 2-2003, f. & cert. ef. 3-14-03

[690-205-0030] 690-205-0145

Contracting for Services

Only Oregon licensed and bonded water supply well constructors may advertise services or enter into a contract, either written or oral, to construct, alter, convert, or abandon a water supply well. Any written bid for a project which includes the construction, alteration, conversion, or abandonment of a water supply well must provide:

(1) A bid or estimate for the work associated with water supply well construction signed by a water supply well constructor, who is licensed and bonded in the State of Oregon; and

(2) A statement by the licensed and bonded water supply well constructor that the work will be completed in accordance with Oregon Ground Water Law (ORS Chapter 537) and the Rules and Regulations for the Construction, Maintenance, and Abandonment of Water Supply Wells in Oregon (OAR Chapter 690, Divisions 200 - 230).

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795
Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795
Hist.: WRD 13-1986, f. 10-7-86, ef. 11-1-86; WRD 7-1988, f. & cert. ef. 6-29-88; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 7-2001, f. & cert. ef. 11-15-01; Renumbered from 690-205-0030 by WRD 2-2003, cert. ef. 3-14-03

[690-205-0040] **690-205-0155**

Water Supply Well Constructor and Landowner Well Bonds or Letters of Credit

(1) The Water Resources Commission shall only accept bonds from corporations licensed by the Oregon Department of Insurance and Finance to issue fidelity and surety insurance. The Water Resources Department shall only accept irrevocable letters of credit from a bank as described in ORS 706.008.

(2) If the issuing corporation cancels a bond, the corporation shall provide notice of cancellation to the Water Resources Department by registered or certified mail. If the issuing bank cancels a letter of credit, the bank shall provide notice of cancellation to the Water Resources Department by registered or certified mail. The cancellation shall not take effect earlier than the 30th day after the date of mailing in accordance with ORS 742.366(2).

(3) When issuing a final enforcement order that may place a bond or irrevocable letter of credit in jeopardy, the Director may mail a copy of the order to the address of record of the surety company issuing the bond, or the bank issuing the irrevocable letter of credit.

(4) All water supply wells shall be constructed under a bond or irrevocable letter of credit. The bond or letter of credit shall cover construction, alteration, conversion, or abandonment for each well under that bond or letter of credit for a period of three years after the date the well report is filed with the commission, whether or not the bond or letter of credit has been subsequently canceled.

(5) Water supply wells and monitoring wells are covered under separate bonds.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795
Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795
Hist.: WRD 3-1983, f. & ef. 4-28-83; WRD 13-1986, f. 10-7-86, ef. 11-1-86, Renumbered from 690-010-0024; WRD 7-1988, f. & cert. ef. 6-29-88; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 7-2001, f. & cert. ef. 11-15-01; Renumbered from 690-205-0040 by WRD 2-2003, cert. ef. 3-14-03

[690-205-0050] **690-205-0175**

Landowner Well Construction Permit, Fee and Bond

(1) The Water Resources Commission requires a permit, permit fee, and bond or irrevocable letter of credit, for each water supply well constructed, altered, converted, or abandoned by a landowner, unless the landowner is a licensed and bonded water supply well constructor. The landowner permit and bond must be obtained prior to beginning work on a well.

(2) To receive a Landowner Well permit, a person must submit the following to the Director:

(a) A completed application form provided by the Commission, containing:

(A) The property owner's name, address and telephone number;
(B) The surety company's name, address and telephone number;
(C) The proposed location of the well by township, range, section, tax-lot number if assigned, and street address;

(D) The proposed use of the water supply well; and

(E) The type of proposed work; and

(F) Well design plan on form approved by the Department.

(b) A properly executed landowner's water supply well bond or irrevocable letter of credit for \$2000 to the State of Oregon; and

(c) A \$25 permit fee.

(3) Only the owner of record, a member of the immediate family of the owner of record, or a full time employee of the owner of record, (whose main duties are other than the construction of wells), may operate a well drilling machine under a landowner's permit.

(4) A landowner permit issued pursuant to these rules shall expire six months from the date of issuance.

(a) A water well report shall be submitted within 30 days of expiration of the landowner permit, or within 30 days of completion of the well, whichever occurs first.

(5) If the landowner permit expires, a landowner may reapply for a new landowner permit by complying with the requirements described in sections (1), (2) and (3) of this rule.

(6) The Department may deny a landowner permit if it is determined that the construction, alteration, abandonment, or conversion of the proposed well is a health threat, a health hazard, a source of contamination, or a source of waste of the ground water resource.

Stat. Auth.: ORS 183, ORS 536, ORS 537 & ORS 540

Stats. Implemented: ORS 183, ORS 536, ORS 537 & ORS 540

Hist.: WRD 3-1983, f. & ef. 4-28-83; WRD 13-1986, f. 10-7-86, ef. 11-1-86,
Renumbered from 690-010-0026; WRD 7-1988, f. & cert. ef. 6-29-88; WRD 7-2001, f. & cert.
ef. 11-15-01; Renumbered from 690-205-0050 by WRD 2-2003, cert. ef. 3-14-03

[690-205-0060] **690-205-0185**

Water Supply Well Drilling Machines

(1) All water supply well drilling machines being operated, other than under a landowner's permit, shall be plainly marked either with the bonded water supply well constructor's license number, the name of the bonded water supply well constructor, or the name of the well drilling business. The markings shall be permanently affixed on each side of the vehicle. Good quality paint or commercial decal numbers shall be used in placing the identification information on the drilling machine. In no case shall the constructor's license number, name, or business name, be inscribed with crayon, chalk, marking keel, pencil, or other temporary markings.

(2) In all cases, the license number, name, or business name, of the bonded water supply well constructor shall be removed from the drilling machine immediately upon change of ownership or change of control of the drilling machine.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 3, f. & ef. 2-18-77; WRD 3-1983, f. & ef. 4-28-83; WRD 13-1986, f. 10-7-86, ef. 11-1-86, Renumbered from 690-010-0030 & 690-060-0035; WRD 7-1988, f. & cert. ef. 6-29-88; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 7-2001, f. & cert. ef. 11-15-01; Renumbered from 690-205-0060 by WRD 2-2003, cert. ef. 3-14-03

[690-205-0070] **690-205-0200**

Water Supply Well Construction Notice Required (Start Card)

(1) Each bonded water supply well constructor licensed to operate in the State of Oregon and each landowner holding a landowner's permit shall provide notice as required in ORS 537.762 before commencing the construction, alteration, or abandonment of any water supply well or conversion of any monitoring well, geotechnical hole, or other hole to a water supply well. The start card shall contain the following information:

- (a) Name and mailing address of the landowner;
- (b) Street address of the well;
- (c) The approximate location of the water supply well; and
- (d) The proposed depth, diameter, and purpose or use if the well is new, altered, or converted.

(2) All start cards for new water supply wells or conversion of monitoring wells, geotechnical holes, or other holes by a licensed and bonded water supply well constructor shall be submitted with a \$75 start card fee. OAR 690-205-[0050]0175 shall apply to landowners who construct, alter, convert, or abandon a water supply well.

(3) Forms for making these reports and submitting fees shall be furnished by the Water Resources Department.

(4) Each start card shall be mailed, hand-delivered during regular business hours or transmitted by Department-approved electronic submittal to the Water Resources Department in Salem no later than the day construction, conversion, alteration, or abandonment is commenced.

(a) Start cards submitted electronically shall be submitted before commencing construction, alteration, conversion or abandonment of any water supply well.

(5) In addition to the start card required under (4) of this rule, the constructor shall provide a legible copy of the start card to the Oregon Water Resources Department (OWRD) region office within which the water supply well is being constructed, altered, converted, or abandoned before commencing the construction, alteration, conversion or abandonment of any water supply well, using one of the following options:

(a) By regular mail no later than three (3) calendar days (72 hours) prior to commencement of work; or

(b) By hand delivery, during regular office hours, before commencing the construction, alteration, conversion or abandonment of any water supply well or

(c) By facsimile transmission (FAX) before commencing the construction, alteration, conversion or abandonment of any water supply well. If this method is used, a legible copy of the start card shall also be mailed, or delivered to the appropriate OWRD region office no later than the day work is commenced.

(d) Start cards submitted electronically under Section (4)(a) of this rule have satisfied the notification requirement to the OWRD region office.

(6) If a start card has been filed under section (4) and (5) of this rule and additional wells are required on the same or contiguous tax lot and for the same landowner, then start cards for the additional wells shall be filed no later than the day work begins.

(7) The Director or region office may provide an alternative means of notification. If an alternative means of notification is used, the start card shall be mailed or delivered to the region office within one week of beginning work on the water supply well. A water supply well constructor whose license has been restricted by order shall provide notice as stipulated in the order.

(8) Once received by the Department, the start card shall be confidential for a period of one year after it is received or until the water supply well report required by OAR 690-205-[0080]0210 is received, whichever is shorter.

(9) The start card may be used in an administrative enforcement action at any time, including the period of confidentiality. Once the start card is used for enforcement reasons, it is no longer confidential.

NOTE: WRD region office fax numbers are listed in Table 205-1. Region boundaries are shown in Figure 205-1.

[ED. NOTE: Tables and Figures referenced are available from the agency.]

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 3, f. & ef. 2-18-77; WRD 3-1983, f. & ef. 4-28-83; WRD 13-1986, f. 10-7-86, ef. 11-1-86, Renumbered from 690-010-0035; WRD 7-1988, f. & cert. ef. 6-29-88; WRD 7-1989(Temp), f. & cert. ef. 9-29-89; WRD 10-1989, f. & cert. ef. 11-20-89; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 7-2001, f. & cert. ef. 11-15-01; Renumbered from 690-205-0070 by WRD 2-2003, cert. ef. 3-14-03

[690-205-0080] **690-205-0210**

Well Report Required (Water Supply Well Log)

(1) A water well report (water well log) shall be prepared for each water supply well constructed, altered, converted, or abandoned. This requirement includes unsuccessful wells and wells exempt from appropriation permit requirements under ORS 537.545. The log shall be certified as correct by signature of the water supply well constructor constructing the water supply well. The completed log shall also be certified by the bonded water supply well constructor responsible for construction of the well. A water well report must be submitted by each bonded constructor (if drilling responsibility is shifted to a different bonded constructor), showing the work performed by each bonded constructor.

(2) The log shall be prepared in triplicate on forms furnished or previously approved in writing by the Water Resources Department. The original shall be furnished to the Director, the first copy shall be retained by the water supply well constructor, and the second copy shall be given to the customer who contracted for the construction of the water supply well.

(3) The bonded water supply well constructor shall file the water well log with the Director within 30 days after the completion of the construction, alteration, conversion or abandonment of the water supply well.

(4) The trainee or water supply well constructor operating the water supply well drilling machine shall maintain a rough log of all geologic strata encountered and all materials used in the construction of the water supply well. This log shall be available for inspection by the Watermaster, or other authorized agent of the Water Resources Department at any time before the water well report is received by the Department. The rough drilling log shall be in handwritten or electronic form, or a voice recording.

(5) In the event a constructor leaves any drilling equipment or other tools in a water supply well, this fact shall be entered on the water well report.

(6) A copy of any special authorizations or special standards issued by the Director shall be attached to the water supply well report.

(7) The report of water well construction required in section (1) of this rule shall be recorded on a form provided or previously approved in writing by the Department. The form shall include, as a minimum, the following:

(a) Name and Address of Landowner;

(b) Started/Completed date;

(c) Location of the well by county, township, range, section, tax lot number if assigned, street address and either the 1/4, 1/4 section or Latitude and Longitude as established by a global positioning system (GPS).;

(d) Start card number;

(e) Well identification label number (well tag number);

(f) Use of well;

(g) Type of work;

(h) Temperature of water; and

(i) Such additional information as required by the Department.

Stat. Auth.: ORS 536.090 & ORS 537.505 - ORS 537.795

Stats. Implemented: ORS 536.090 & ORS 537.505 - ORS 537.795

Hist.: WRD 3, f. & ef. 2-18-77; WRD 3-1983, f. & ef. 4-28-83; WRD 13-1986, f. 10-7-86, ef. 11-1-86, Renumbered from 690-010-0040; WRD 8-1993, f. 12-14-93, cert. ef. 1-1-94; WRD 7-2001, f. & cert. ef. 11-15-01; Renumbered from 690-205-0080 by WRD 2-2003, cert. ef. 3-14-03