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REC. OF STATE

CERTIFICATE AND ORDER
FOR FILING
PERMANENT
ADMINISTRATIVE RULES WITH THE SECRETARY OF STATE

I HEREBY CERTIFY that the attached copy is a true, full and correct copy of PERMANENT rule(s) adopted on November 19, 1993
(Date)

by the Water Resources Commission
(Department) (Division)

to become effective January 1, 1994
(Date)

The within matter having come before the Water Resources Commission
(Department) (Division) after

all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises:

Notice of Intended Action published in Secretary of State's Bulletin: NO YES Date Published: September 1, 1993

NOW THEREFORE, IT IS HEREBY ORDERED THAT the following action be taken: (List Rule Number(s) or Rule Title(s) on Appropriate Lines Below)

Adopted:
New Total Rules) _____

Amended:
Existing Rules) OAR 690-200 through OAR 690-235, "Water Supply Well Construction and Maintenance Rules" and OAR 690-240, "Monitoring Well Construction and Maintenance Rules"

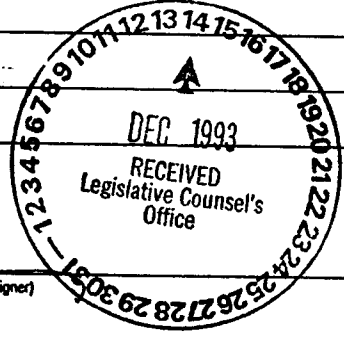
Repealed:
Total Rules Only) _____

s Administrative Rules of the Water Resources Department
(Department) (Division)

DATED this 14 day of December, 19 93

By: *Monte D. Paul*
(Authorized Signer)

Title: Director



Statutory Authority: ORS 536.090 and 537.505 through 537.795 or

Chapter(s) _____, Oregon Laws 19 _____ or

House Bill(s) _____, 19 _____ Legislature; or Senate Bill(s) _____, 19 _____ Legislature

Subject Matter: Water Supply and Monitoring Well Construction Rules. Ground Water Advisory Committee Rules. These rules pertain to proper construction, maintenance and abandonment techniques to be used related to water supply and monitoring wells. Division 235 provides guidance to the Ground Water Advisory Committee.

Information Contact: Rob Carter/Beth Patrino
(Rule Coordinator) Phone: 378-8455 (exts. 296/299)

DIVISION 205

LICENSING

License or Permit Required to Construct Water Supply Wells

690-205-005

- (1) Any person who constructs, alters or abandons **water supply** wells for another person shall have a **Water Well Constructor License**.
- (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 Well Constructor Bond** to the Water Resources Commission.
- (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 690-205-040 for each well on which work is done.

{adopted 11-1-86; amended: 6-24-88}

Water Well Constructor License Examination

690-205-010

(1) The Water Resources Department administers the written examination required under ORS 537.747. The Department schedules the examination on the second Monday **during the months of January, April, July and October**. **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.** [of every month]. The examination tests the applicant's knowledge of:

- (a) [(1)] Oregon laws and administrative rules on the use of groundwater, **water well constructor licensing requirements**, the construction of **water wells** and preparing and filing **Water Supply Well Reports**;
- (b) [(2)] Groundwater geology, the occurrence and movement of groundwater, and the design, construction and development of **water supply wells**; and
- (c) [(3)] 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.

{adopted 6-24-88}

Water Well Constructor License, Experience Requirements and Trainee Card

690-205-020

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

(a) Be at least 18 years old;

(b) Pass a written examination;

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

(A) Water supply well reports, or rough well logs with applicant's 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 workman'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 well constructor examination, but can not meet the experience requirement, the Commission will issue a trainee card. To qualify for a water 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 Well Constructor License**.

(3) Special conditions apply to any person who holds a **Water Well Constructor Trainee Card**:

(a) A trainee may operate a cable tool drilling machine without a **water well constructor** physically present at the well site only if:

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

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

(b) A 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** [Constructing] casing seals.

(c) A trainee may operate a non-cable tool drilling machine without a **water 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) And only if:

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

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

(e) The watermaster 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.

(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 Watermaster 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 drilling machine without a licensed **water well** constructor present, the trainee's card must be endorsed with the name of the bonded **water well** constructor responsible for the construction of the well.

(4) Persons who satisfy all requirements of ORS 537.747(3) shall be issued a **water well** constructor's license in the form of a constructor's card. The responsibilities for issuing and securing a **Water Well** Constructor license or trainee card belong to the following:

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

(A) Completing an application for new or renewed licenses or trainee card;

(B) Submitting the application to the Water Resources Department along with the required fees; and

(C) Carrying the license or trainee card whenever constructing, altering, or abandoning any **water supply** well.

(b) The Water Resources Department is responsible for:

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

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

(C) Processing, approving and endorsing applications for licenses and trainee cards; and

(D) Returning approved and endorsed application forms to applicants with partially completed license or trainee cards.

(5) Bonded **water** well constructor. For a person to possess a bonded **water** well constructor's card the person must provide to the Director a properly executed **water** well constructor's bond. The Water Resources Director will endorse the constructor's card with the number of the bond and the name of the bonding company. Such endorsements shall remain effective only while the appropriate bond remains in effect.

(6) Representatives of the Water Resources Commission may ask anyone constructing, altering, or abandoning a well to present their license or trainee card as proof of eligibility to construct, alter, or abandon **water supply** wells in the State of Oregon. Cardholders shall display their cards when requested.

{adopted 6-24-88}

Term of Water Well Constructor License and License Fees

690-205-025

(1) The Department issues all **water** well constructor licenses. License fees are established by ORS 537.747. The amount of the fee depends on the term of the license. A penalty applies to late renewals.

(2) The **water** well constructor must choose whether to license for one or five years. Fees for new licenses and renewal licenses are the same. The fee for a one year license is \$50. The fee for a five-year license is \$200. All licenses expire on June 30 of the first or fifth years respectively.

(3) A \$50 penalty applies when a licensee renews their license after the expiration date. [There is no charge for a Trainee Card.]

(4) **Water** 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 until after arrangements for payment have been agreed to by the Department.

(5) **There is no charge for a Trainee Card.**

{adopted 12-18-77; amended: 4-28-83; renumbered from 11-1-86; 6-24-88}

Contracting for Services

690-205-030 Only **licensed and bonded water well constructors** may advertise services or enter into a contract, either written or verbal, to construct, alter, or abandon a **water supply well**. Any written bid for a project which includes the construction, alteration or abandonment of a **water supply well** must provide:

- (1) A bid or estimate for the work associated with well construction signed by a bonded **water well constructor**, licensed and bonded in the State of Oregon; and
- (2) A statement by the general contractor that the work will be completed in accordance with Oregon Ground Water Law (ORS chapter 537) and the Rules and Regulations for the Construction and Maintenance of **Water Supply Wells in Oregon** (OAR chapter 690 divisions 200-235).

{adopted 11-1-86; amended: 6-24-88}

Water Well Constructor and Landowner Well Bonds or Letters of Credit

690-205-040

- (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 Commission shall only accept irrevocable letters of credit from a commercial bank as described in ORS 706.005.**
- (2) If the issuing corporation cancels a bond, the corporation shall provide notice of cancellation to the Water Resources Commission by registered or certified mail. **If the issuing commercial bank cancels a letter of credit, the commercial 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 743.755(2).
- (3) When issuing a final enforcement order that may place a bond or 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 commercial bank issuing the 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 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.**

{adopted 4-28-83; amended: renumbered from 690-10-024 11-1-86; 6-24-88}

Landowner Well Construction Permit, Fee and Bond

690-205-050

(1) The Water Resources Commission requires a permit, permit fee, and bond for each well constructed, altered, or abandoned by a landowner, unless the landowner is a bonded well constructor.

(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, and section; and
- (D) The proposed use of the water from the well.

(b) A properly executed landowner's water well bond 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.

{adopted 4-28-83; amended: renumbered from 690-10-026 11-1-86; 6-24-88}

Water Supply Well Drilling Machines

690-205-060

(1) All **water supply** well drilling machines being operated other than under a landowner's permit shall be plainly marked with the bonded **water** well constructor's license number or shall have permanently affixed on each side of the vehicle either the name of the bonded constructor or the name of the well drilling business.

(2) In all cases, the license number of the bonded **water** well constructor shall be removed from the drilling machine immediately upon change of ownership or change of control of the drilling machine. Good quality paint or commercial decal numbers shall be used in placing

each identification number on the drilling rig. In no case shall the constructor's license number be inscribed with crayon, chalk, marking keel, pencil, or other temporary markings.

{adopted 4-28-83; amended: renumbered from 690-10-030 and 690-60-035 11-1-86; 6-24-88}

Water Supply Well Construction Notice Required (Start Card)

690-205-070

(1) Each bonded water 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, conversion abandonment of any well. The notice card shall contain the name and mailing [post office] address of the customer for which work is to be performed, the street address of the well, and the approximate location of the well; and in the case of a new, altered or converted well, the proposed depth, diameter of the well, and the purpose or use of the water.

All notices of new or converted water supply wells constructed by a licensed and bonded water well constructor shall be submitted with a \$75 notice fee. Landowners are exempt from this \$75 start card fee. However, OAR 690-205-050 shall apply to landowners who construct, alter, convert or abandon a water supply well.

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

(2) Each notice of a newly constructed or converted well requiring a fee shall be mailed or delivered during regular business hours to the Water Resources Department in Salem [or delivered to the Water Resources Department in Salem] no later than the day construction or conversion is commenced.

(3) In addition to the notice required under (2) above, the constructor shall provide the "Watermaster" copy of the start card to the office of the district watermaster within which the water supply well is being constructed, altered, converted or abandoned no later than the day work begins, 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, no later than the day work is commenced; or,

(c) By facsimile transmission (FAX) no later than the day work is commenced. If this method is used, the original "Watermaster" copy of the start card shall

also be mailed or delivered to the office of the district watermaster no later than the day work is commenced.

[(3) A copy of each notice shall be mailed or delivered to the Watermaster within whose jurisdiction the well is being constructed, altered, converted, or abandoned no later than the day construction, alteration, conversion, or abandonment is commenced.]

Note: District Watermaster office fax numbers are listed in Table VI. Watermaster district boundaries are shown in Figure 23.

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

(5) Once received by the department, the notice card shall be confidential for a period of one year after it is received or until the **water supply well** report required by OAR 690-205-080 is received whichever is shorter.

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

{adopted 2-18-77; amended: 4-28-83; renumbered from 690-10-035 11-1-86; 6-24-88; Temp 9-29-89; 11-17-89}

Well Report Required (Water Supply Well Log)

690-205-080

(1) A **water well** report (**water well log**) shall be prepared for each **water supply well** constructed, altered or abandoned including 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 well** constructor constructing the well. The completed log shall also be certified by the bonded **water well** constructor responsible for construction of the well. A **water well** report must be submitted by each constructor (if more than one) or each bonded constructor (if drilling responsibility is shifted to a different bonded constructor), showing the work performed by each constructor or bonded constructor.

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

water supply well.

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

(4) The trainee or **water** 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 an 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 hand written or electronic form, or a voice recording.**

(5) In the event a constructor shall leave any equipment in a **water supply** well the bonded constructor shall enter this fact on the **water** well report.

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

{adopted 2-18-77; amended: 4-28-83; renumbered from 690-10-040 11-1-86}

TABLE VI
(690-205-007)

Watermaster Office Fax Numbers

<u>District</u>	<u>Watermaster Office</u>	<u>Fax Number</u>
01	St. Helens	397-2760
02	Eugene	687-3804
03	The Dalles	296-3769
04	Canyon City	575-2248
05	Pendleton	278-0287
06	La Grande	963-8980
08	Baker City	523-3913
09	Vale	473-5136
10	Burns	573-8387
11	Bend	385-1748
12	Lakeview	947-6015
14	Grants Pass	474-5389
15	Roseburg	440-4408
16	Salem	378-8130
17	Klamath Falls	885-3324
18	Hillsboro	681-7028
19	Coquille	396-2690

Notes:

1. Watermaster names and fax numbers are subject to change.
2. A current version of this table is available at the Water Resources Department's Salem office.
3. See Figure 23 for a map of Watermaster Districts.