

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 September 24, 2001 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 November 15, 2001 Rulemaking Notice was published in the March, 2001 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 attachment

**AMEND:**

See attachment

**REPEAL: N/A**

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

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

ORS 536.027, 536.090 & 537.505-537.795  
Stat. Auth.: ORS

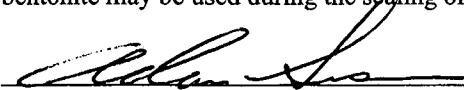
Other Authority

ORS 536.090 & 537.505 - 537.795  
Stats. Implemented: ORS

**RULE SUMMARY**

The rules in OAR Chapter 690, Division 200 through 240 pertain to well construction activities. The rule changes approved by the Water Resources Commission address new well drilling technology that has been developed. The rules will improve readability and increase the ease of use by the public. Minor modifications occur throughout the rules in order to correct grammatical mistakes, add clarity to the existing rules and delete outdated information.

In addition to the aforementioned items, the rules address the following: (1) Well identification labeling, to clarify the level of enforcement for non-compliance and acceptable label attachment methods; (2) Abandonment of old wells within setback distances, clarifying ORS 537.775(3); (3) Drilling while under suspension, clarifying that onsite supervision must be provided by a licensed well driller; (4) Clarifying that monitor well vaults must be designed to prevent surface water from entering the vault; and (5) Clarify how bentonite may be used during the sealing of wells..

  
Authorized Signer

11/15/01  
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 1<sup>st</sup> 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 15<sup>th</sup> 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.

**Oregon Administrative Rules Affected in Rule Revision  
Chapter 690**

**Adopted**

690-200-0048  
690-215-0016  
690-215-0045  
690-215-0055  
690-220-0035  
690-240-0011  
690-240-0014  
690-240-0016  
690-240-0024  
690-240-0026  
690-240-0082  
690-240-0139

**Amended**

690-200-0005  
690-200-0020  
690-200-0025  
690-200-0027  
690-200-0030  
690-200-0040  
690-200-0050  
690-205-0005  
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690-240-0170  
690-240-0180

**Repeal**

690-210-0020

**Renumbered**

690-210-0110 to 690-200-0047

**Amend and Renumber**

690-210-0015 to 690-200-0021  
690-210-0040 to 690-200-0041  
690-210-0050 to 690-200-0042  
690-210-0080 to 690-200-0043  
690-210-0090 to 690-200-0046  
690-210-0120 to 690-210-0155  
690-240-0140 to 690-240-0006

OREGON ADMINISTRATIVE RULES  
WATER RESOURCES DEPARTMENT  
CHAPTER 690  
DIVISION 215

WATER WELL CONSTRUCTION STANDARDS

**Maintenance, Repair And Deepening of Water Supply Wells**

**690-215-0005**

**Prevention of Ground Water Contamination, Health Hazard, and Waste**

The landowner of the property on which the water supply well is constructed is ultimately responsible for the maintenance and use of the water supply well. **All water supply wells should be disinfected following the installation of pumping equipment. Refer to OAR 690-210-0380, Appendix 2 for recommendations on well disinfection.** The landowner shall maintain all **water supply** wells in a condition where they are not a health threat, a health hazard, a source of contamination or a source of waste of the ground water resource **by allowing loss of artesian pressure or commingling of aquifers.** If, in the opinion of the Director, a **water supply** well is a health threat, a [or] health hazard, [or] a source of contamination, or a source of waste of the ground water resource, the Director may order discontinuance of, or impose conditions upon, the use of the **water supply** well. **In addition, the Director may order that the well be repaired or permanently abandoned in accordance with OAR Chapter 690, Divisions 215 and 220 of the Standards for Construction and Maintenance of Water Supply Wells in the State of Oregon.**

Stat. Auth.: ORS 536.090 & 537.505 - 537.795

**690-215-0010**

**Maintenance of an Existing Well Following Construction of Replacement Well**

Any time a new **water supply** well is constructed to replace an existing well which is a source of contamination, **or is wasting the ground water resource by allowing loss of artesian pressure or commingling of aquifers.** ~~loss of artesian pressure or waste,~~ the existing well shall be repaired in compliance with these rules or abandoned in accordance with OAR 690-220-0030 through 690-220-0140.

Stat. Auth.: ORS 536.090 & 537.505 - 537.795

**690-215-0015**

**Accessibility to Well for Reconditioning, Repair or Abandonment**

To enable drilling equipment future access to the **water supply** well for reconditioning, repair, or abandonment, the property owner should maintain a minimum five-foot separation distance between the well and any permanent structure.

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

**690-215-0016**

**Maintaining Well Setback Requirements**

**Within the boundaries of their own property, property owners are responsible for maintaining the applicable minimum setback distances for any well on their property. Refer to OAR 690-210-0030 for current minimum setback distances.**

Stat. Auth.: ORS 536.090 & 537.505 - 537.795

**690-215-0017**

**Down Well Continuous Water Treatment and Back-Siphon Prevention Devices**

(1) If a chemical is used to treat well water, it shall not be allowed to come into contact with the inside of the well casing. Down well treatment of well water will only be allowed if a commercial water treatment system is used. Delivery pipes or tubes designed for use with the treatment chemicals shall be used to place the chemicals into the water in the well. This rule does not apply when disinfecting the well and the pumping equipment.

(2) In no event shall agricultural pesticides and fertilizers be allowed to enter a well.

(3) [~~As of January 1, 1992,~~] Back-siphon prevention equipment shall be installed on any irrigation system connected to a ground water source when fertilizers or any other chemicals are applied through the system. The landowner or other responsible parties shall be responsible for assuring that the back-siphon prevention equipment is installed and functions properly. (See **Figure 215-1**[20].) The landowner or other responsible parties shall inspect the device at least once per year, prior to the first use of the year, to ensure that the device is installed and functions properly.

(a) The irrigation system shall contain:

(A) An automatic low-pressure drain which shall:

(i) Be installed between the irrigation pump and the irrigation line check valve at the lowest point of the horizontal water supply pipeline;

(ii) Be designed to drain all incidental leakage from the check valve out of the irrigation pipeline before that leakage enters the water supply;

(iii) Be at least 3/4 inch in diameter with a closing pressure of not less than 5 psi;

(iv) Use a corrosion-resistant tube, pipe, or similar conduit to discharge the solution at least 20 feet away and down-slope from the irrigation water source and any other water sources. At the discharge point there shall be an air gap between the discharge pipe and the discharged solution;

(v) Not have any valves located on the outlet side of the drain tube; and

(vi) Have a dam or collection reservoir to prevent the discharged solution from pooling and draining back toward the water source.

(B) An inspection port which shall:

(i) Be located on top of the pipeline between the irrigation pump and the irrigation pipeline check valve, directly overhead of the low-pressure drain;

(ii) Have a minimum diameter opening of four inches from which the check valves and low-pressure drain shall be visible.

(C) An irrigation line check valve which shall:

- (i) Consist of at least a single check valve;
  - (ii) Be located in the pipeline between the irrigation pump and the point of chemical injection into the irrigation pipeline, and downstream from a vacuum relief valve and automatic low-pressure drain;
  - (iii) Be of heavy-duty construction with all materials resistant to corrosion or protected to resist corrosion;
  - (iv) Be spring-loaded and provide a watertight seal against reverse flow;
  - (v) Be labeled with the following information: manufacturer's name and model, working pressure in pounds per square inch (psi), maximum flow rate, and direction of flow;
  - (vi) Not consist of metal-to-metal seal surfaces; and
  - (vii) Be designed and rated for pressures expected to be encountered, including those caused by pumping, water hammers, back-pressure, or other sources. Installation shall be according to design and manufacturer's specifications and recommendations.
- (D) An air/vacuum relief valve which shall:
- (i) Be located on top of the horizontal irrigation pipeline between the irrigation pump and the irrigation line check valve; and
  - (ii) Have a total (individually or combined) orifice size of at least 3/4-inch diameter for a 4-inch pipe, a 1-inch diameter for a 5- to 8-inch pipe, a 2-inch diameter for 9- to 18-inch pipe, and a 3-inch diameter for a 19-inch and greater pipe.
- (E) A chemical injection line check valve which shall:
- (i) Be located between the chemical injection pump and the point of chemical injection into the irrigation line;
  - (ii) Be made of chemical-resistant material;
  - (iii) Prevent irrigation water under operating pressure from entering the chemical injection line; and
  - (iv) Prevent leakage from the chemical supply tank on system shutdown.
- (F) A system interlock which shall: mechanically or electrically connect the water supply pump and the chemical injection unit for the purpose of automatically shutting down the chemical injection unit in the event of water supply pump shutdown or failure.
- (b) If modifications or changes in design, technology, irrigation practices, or other reasons warrant the use or placement of equipment in lieu of that specified herein, the Director may allow for such changes. Requests for modifications shall be in writing, detailing the existing system and uses, and shall include specifications on the proposed changes. The modification shall provide protection to the ground water resource that is equal to or greater than that provided by the equipment required in this regulation;
  - (c) These regulations are in addition to equipment requirements for pesticide application under the Federal Insecticide, Fungicide and Rodenticide Act, and are not intended to replace those regulations;
  - (d) Irrigation systems that are subject to OAR 690-215-0017(3) and are connected to a public water system, shall meet the cross-connection control requirements in OAR Chapter 333;
  - (e) Whenever the Director deems it appropriate, the Department may investigate alleged violation of statutes, standards or rules governing back-siphon prevention devices to determine whether a violation has occurred. Violations of OAR 690-215-0017 may be administered under



ORS 536.900(1)(c), 537.990(3), or OAR Chapter 690, Division 260, as appropriate to gain compliance.

[**ED. NOTE:** The Figure referenced in this rule is not printed in the OAR Compilation. Copies are available from the Water Resources Department.]

Stat. Auth.: ORS 536.090 & 537.505 - 537.795

#### **690-215-0020**

##### **Valves and Casing on Artesian Wells**

Valves and casing on all artesian wells shall be maintained in a condition so that the flow of water can be completely stopped when the water is not being put to beneficial use. All casing, liner pipe, and casing seals shall be maintained in a condition that will prevent surface or subsurface leakage of ground water. Valves shall be closed when water is not being put to beneficial use. During periods of subfreezing temperatures, a valve may be partially opened to prevent damage due to freezing.

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

#### **690-215-0030**

##### **Casing and Liner Pipe**

All casing **and/or** [or] liner pipe used in the repair or deepening of **water supply** wells shall meet the minimum standards in OAR 690-210-0190 through 690-210-0290.

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

#### **690-215-0040**

##### **Sealing of Casing after Disturbance**

If **during the** [in] repair or deepening of a [drilled] **water supply** well the **pre-existing** [old] casing is withdrawn or advanced, the well shall be [re] cased and [re] sealed in accordance with the rules set forth in OAR 690-210. [~~0020 through 690-210-0510.~~]

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

#### **690-215-0045**

##### **Deepening of Wells**

**(1) The static water level shall be recorded prior to and after deepening a well. Both readings shall be recorded on the well log.**

**(2) The deepening of a water supply well shall not result in the commingling of aquifers.**

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

#### 690-215-0050

##### Well Cover

All **water supply** wells shall be securely covered to prevent any foreign substance from entering the well, including any material which might contaminate the **ground water**. ~~[water-bearing zone.]~~ **The well cover shall meet the requirements of OAR 690-220-0005.**

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

#### 690-215-0055

##### Well Identification Label Maintenance

**The well label shall not be removed from the wellhead and shall be maintained by the landowner in an accessible location and in a readable condition. See OAR 690-200, Appendix 200-2 for well identification label placement instructions.**

Stat. Auth.: ORS 536.090 & 537.505 - 537.795

#### 690-215-0060

##### Access Ports or Airlines

**All water supply wells shall be equipped with a useable access port with a minimum diameter of ½ inch. In addition, an airline with a pressure gauge adequate to determine the water level in the well at any time may be installed. Unless it located inside the well casing, access ports or airlines shall be capped and a minimum of twelve inches above finished ground surface or pumphouse floor. If an airline is installed and cannot be used as an access port, it must enter the well in a location other than the access port.** The access port or airline on all **water supply** wells required by OAR 690-210-0280 shall be maintained in a condition that will prevent contamination of the **ground water**. ~~[water body.]~~ Access ports and airlines shall be maintained **by the landowner** so that the water level ~~[position of the water table]~~ can be determined at any time.

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

#### 690-215-0070

##### Pressure Gauge

The pressure gauge and petcock valve required by OAR 690-210-0155 ~~[120]~~ shall be maintained so that the artesian pressure can be accurately determined at any time. (See **Figure 210-7** ~~[10]~~.)

**ED. NOTE:** The Figure referenced in this rule is not printed in the OAR Compilation. Copies are available from the Water Resources Department.

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

**690-215-0080**

**Flowmeters**

The Director may require the landowner to install totalizing flowmeters on any **water supply** well, either as a condition of a water right permit or at a later date as circumstances may warrant. The landowner may be required to install **totalizing** flowmeters on existing permitted wells and on wells which are exempted by ORS 537.545.

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

**690-215-0090**

**Conversion to an Artesian Well**

If a **water supply** well becomes artesian upon deepening, the well shall be cased, sealed and completed in accordance with OAR 690-210-**0155** [†20].

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

**690-215-0100**

**Drilling in a Dug Well**

In no case shall a dug well be deepened by drilling methods.

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

**EASTERN REGION  
WATER RESOURCES DEPARTMENT**

DATE: January 3, 2005

**FROM:** Jerry Rodgers, Eastern Region Manager

**SUBJECT:** Donner und Blitzen Decree Interpretation - Stock Water Use

This memo addresses how the Department interprets the water rights established as part of the Donner und Blitzen Adjudication Decree. **Within certain parameters described in this memo, the water rights established in the decree allow year-round stock use. The priority date of the stock use is the same as the priority date listed on the associated water right certificate.**

There are ninety-two water right certificates issued that are associated with the Donner und Blitzen decree. Sixty-nine of those water right certificates list irrigation, domestic, and stock as authorized uses. Domestic and stock are traditional year round uses, therefore year round use for listed purposes under these certificates is clearly authorized when all the terms and conditions of the water right are met.

The remaining twenty-three certificates list irrigation as the only authorized use. The decree is not altogether clear about whether the general decree language authorizes non-irrigation season stock and domestic use under these twenty-three certificates. The irrigation season as established by the decree is from March 15 to October 1 of each year.

The decree reads:

STOCK and DOMESTIC USE

*(13) All parties herein allowed the right to the use of water for irrigation shall be entitled to use such water for stock and domestic purposes during the irrigation season; provided, that such appropriators shall not be entitled to any water for stock or domestic purposes in addition to the quantity which they are entitled to divert for irrigation purposes, provided, that at no time shall more water be diverted for such purposes than is reasonably necessary for such purposes, and to prevent the ditches and channels used for such purposes from being completely frozen; provided, that the use of water for stock purposes shall be restricted to the ditches or channels which have customarily been used for such purposes, and that all water users shall so far as practical provide stock watering holes or ponds into which water may be diverted periodically.*

The opening statement allows an irrigator with a decreed water right, the right to use stock water during the irrigation season, provided that five conditions are met.

- 1-Use is limited to a portion of the irrigation right. (no additional water)
- 2-Use must be reasonable. (beneficial use)
- 3-User may prevent the ditches from being completely frozen over.
- 4-Use can only occur from customary ditches and channels. (maintains appurtenancy)
- 5-Water holes or ponds shall be used where practical.

Current law does not require a water right when stock drink directly from a stream or other water source. Diversion of surface water for stock use is also exempt from water right requirements in pastures where streams are fenced to protect riparian habitat when water is piped without waste into contained watering facilities that have an automatic shut-off mechanism or a means for returning water to the surface water source. ORS 537.141(2)

Although the Donner und Blitzen decree language does not clearly identify non-irrigation season use, condition three (3) indicates that stock use outside the irrigation season was a commonly accepted historic use.

After reviewing the decree language, and language in similar decrees, the Department interprets the decree to allow water rights established by the decree for irrigation to include year-round stock use where the use is beneficial, reasonable, and remains appurtenant to lands listed on the water right certificate. The priority date of such use would be the priority date on the associated water right certificate. These stock uses would not be subject to "a call" by other junior water rights.